

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** February 9, 2026

**SUBMITTED BY:** Rosa Bustamante, Director Planning and Housing Policy / City Planner 519-783-8929

**PREPARED BY:** Sean Harrigan, Planner (Policy), 519-783-8934

**WARD(S) INVOLVED:** ALL

**DATE OF REPORT:** January 12, 2026

**REPORT NO.:** DSD-2026-039

**SUBJECT:** Annual Zoning By-law Update 2026

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## RECOMMENDATION:

That City initiated amendment ZBA25/029/COK/SH (Annual Zoning By-law Update) to Zoning By-law 85-1, be approved in the form shown in the 'Proposed By-law' attached to Report DSD-2026-039 as Appendix "A"; and

That City initiated amendment ZBA25/029/COK/SH (Annual Zoning By-law Update) to Zoning By-law 2019-051, be approved in the form shown in the 'Proposed By-law' attached to Report DSD-2026-039 as Appendix "B".

## REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation on minor, technical, and administrative changes to Zoning By-laws 85-1 and 2019-051 as part of an annual review and update. These include changes to: definitions; accessory structures; home occupations; unobstructed walkways; setbacks for steps; parking and garage orientation; minimum distance separation for agriculture; bicycle parking; lot width to facilitate CMHC building designs; and size of convenience retail.
- The key finding of this report is that the proposed amendments to Zoning By-laws 85-1 and 2019-051 are technical, minor, or administrative in nature and maintain the intent of the Zoning By-laws.
- There are no financial implications for this report.
- Community engagement included posting notice and draft regulations on the City's website, email notice and presentation to the Kitchener Development Liaison Committee, email notice to builders and developers many of which participated in the Missing Middle Housing Community Improvement Plan engagement and notice of the statutory public meeting was published in the Record newspaper on January 16, 2026.
- This report supports the delivery of core services.

## **BACKGROUND:**

Amendments to Zoning By-laws 85-1 and 2019-051 are proposed to improve administration and provide clarification in certain areas of the By-laws. Several minor changes have been identified through the daily use of the By-laws by various City staff which form the basis for the update. These changes are minor, administrative, or technical in nature and do not impact the overall intent of the Zoning By-laws.

## **REPORT:**

The City's Zoning By-laws are regulatory tools that implement the objectives and policies of the Official Plan. The Zoning By-laws contain provisions that regulate the use, size, height, density, and location of buildings on lands within the city along with other matters such as parking. The proposed amendments will enable staff, the community, and development industry to use and interpret regulations in the Zoning By-laws with more consistency.

### **Planning Act, R.S.O. 1990, c. P.13 25**

Section 34 of the Planning Act provides authority for City of Kitchener Council to pass and amend a Zoning By-law. Further, O. Reg 462/24 came into effect on November 20, 2024, and provided further regulation for lots with additional dwelling units. The proposed amendments incorporate the updated regulations.

### **Provincial Planning Statement (2024)**

Section 6.1.6 of the PPS states that planning authorities shall keep their zoning and development permit by-laws up to date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights, and other development standards necessary to accommodate growth and development. The proposed amendments are composed of minor, administrative, and technical changes to the By-law, and staff is of the opinion that the regulations are consistent with the Provincial Planning Statement.

### **Region of Waterloo Official Plan**

As of January 1, 2025, the planning responsibilities of the Regional Municipality of Waterloo have transitioned to area municipalities. Policies of the Regional Official Plan will continue to be implemented by the City of Kitchener, as applicable, until such time as they are incorporated into the City's Official Plan. Regional Official Plan policy 10.E.7 requires Area Municipalities, including the City of Kitchener, to bring zoning bylaws into conformity with the policies of the Regional Official Plan. The amendments proposed to Zoning By-laws 85-1 and 2019-051 are minor, technical, and administrative in nature and maintain the intent of the Regional Official Plan.

### **City of Kitchener Official Plan**

In accordance with Policy 17.E.12.1, the City's Zoning By-laws will be used to regulate the use of land and the location and use of buildings and structures in accordance with the provisions of the Planning Act in order to ensure the orderly development of the city and contribute to and maintain community character. The proposed amendments are minor, administrative, and technical in nature, provide additional clarity and understanding to the

user, help ensure consistent application of zoning regulations, and help ensure orderly development.

### **City of Kitchener Zoning By-laws**

The proposed amendments represent an annual review and update of the City's Zoning By-laws. The proposed amendments implement Provincial legislation and clarify and correct wording of regulations and definitions to ensure that they are clear and are consistently implemented. The proposed amendments also ensure that the Zoning By-laws align with minimum built form and safety requirements contained within applicable by-laws and policies across the corporation for consistency in implementation and enforcement. This includes, for example, Emergency Services' requirements for maximum slopes and lengths of unobstructed walkways leading to additional dwelling units, and Engineering Services' requirements for suitable drainage within side yards.

The proposed amendments to Zoning By-laws 2019-051 and 85-1 are fully described in the Rationale Chart attached as Appendix C. A summary of key changes are highlighted below.

### **Unobstructed Walkways**

The Zoning By-laws currently require a 1.1-metre-wide unobstructed walkway from a sidewalk or travelled road to the principal entrance of a dwelling unit for residential properties with 10 units or fewer. The proposed amendments consolidate all unobstructed walkway regulations and add requirements for maximum slope, cross slope, and length to ensure that an unobstructed walkway functions as intended and allows safe and suitable access for emergency services. These proposed regulations have been refined through consultation with Emergency Services, Transportation Services, and Engineering Services to ensure consistency in implementation.

### **Private Home Day Care**

Day cares are an essential and valuable part of our communities and are currently in short supply. Private home day cares provide opportunities for increased and affordable supply. Private home day cares are currently only permitted within a single detached dwelling or semi-detached dwelling without any additional dwelling units. As the city continues to grow and more additional dwelling units are added to single and semi-detached dwellings, it is becoming increasingly difficult to find opportunities for more private home day cares. To help address this problem, the proposed amendments will allow private home day cares in any dwelling unit and remove regulations that are incompatible or redundant with Provincial requirements, such as limiting the day care to a small subsection of the dwelling unit when children are generally free to play and nap throughout the dwelling unit.

### **Steps and Access Ramps**

Steps and access ramps currently require a minimum 0.5 metre setback or greater from a side lot line, primarily to ensure suitable drainage between properties. This setback is often difficult to meet for single detached and semi-detached dwellings which normally have a 1.2 metre side yard setback. To provide flexibility while maintaining the intent of the regulations, the proposed amendments will allow steps that do not exceed 0.6 metres in height to be located within the side yard provided they are design to accommodate suitable drainage underneath.

### **Parking Orientation**

Parking continues to be an important consideration as properties are developed and intensified, with developers and builders increasingly looking for creative and unique solutions to provide parking while meeting zoning requirements for minimum landscaping and unobstructed walkways. The proposed amendments introduce and clarify a number of regulations to enable flexibility in parking space locations and orientation while ensuring appropriate functionality and limiting potential conflicts with other areas of the property or surrounding properties.

### **Bicycle Lockers**

Bicycle transportation is becoming increasingly popular as the city grows and adds new active transportation infrastructure. The Zoning By-laws currently have minimum requirements for different types of bicycle parking, but technology and industry designs have evolved since these regulations came into effect. As such, the proposed amendments introduce regulations for a new style of wedge or pie shaped bicycle lockers that are space efficient and meet the intent of the current bicycle regulations.

### **Minimum Lot Width for Townhouse Dwelling Units and Multiple Dwellings**

CMHC recently released standard building designs for single detached dwellings, semi-detached dwellings, townhouse dwellings, and multiple dwellings to help address the housing crisis. These building designs are considered near permit ready and ideally would help reduce design costs. One of the CMHC townhouse designs includes a design without a garage that assumes a 5.0 metre lot width and one six-plex design that assumes an approximate 14 metre lot width. These lot widths are below the existing minimum 5.5 metre and 19 metre minimum lot width requirements in Kitchener's Zoning By-laws. To help facilitate the CMHC designs, the proposed amendments will allow a minimum 5.0 metre lot width for townhouses without a private garage and 14 metre lot width for multiple dwellings with 10 dwelling units or fewer. The proposed reduced lot width for townhouses maintains the intent of the Zoning By-laws which seeks to create a consistent streetscape and prevent scenarios where a private garage with an internal width of 3.0m would overshadow the front façade. The reduced lot width for a multiple dwelling with 10 units or fewer also maintains the intent of the Zoning By-law by ensuring reasonable space for outdoor amenity areas and driveways leading to rear yard parking while still limiting the number of dwelling units to prevent over development.

### **Setback Variances**

The Province amended the Planning Act to state that "as of right variances" shall be permitted to a prescribed amount. A new regulation was recently passed by the Province which specifies that the prescribed amount is 90% of the listed minimum setback, which means certain development only needs to meet 90% of any minimum setback. The Province further clarified that this "as of right variance" does not apply to lots within 300 metres of a railway or 120 metres of some natural features. This exception is already in place through Provincial legislation. The proposed amendment ensures consistency between the Zoning By-laws and Provincial legislation and provides ease of reference.

Based on the above, planning staff are of the opinion that the proposed Zoning By-law Amendments are consistent with Provincial policies, the Regional Official Plan, as amended, Kitchener's Official Plan, as amended, and represents good planning.

## **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

## **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

## **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting. Notice of the Statutory Public Meeting, held by the Planning and Strategic Initiatives Committee on February 9, 2026, was advertised in The Record on January 16, 2026.

CONSULT – Email notice and a presentation were given to the Kitchener Development Liaison Committee. An email notice was also given to the builders and developers, many of which participated in the consultation process for the Missing Middle and Affordable Housing Community Improvement Plan.

## **PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Provincial Planning Statement, 2024
- Regional Official Plan
- City of Kitchener Official Plan
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051

**REVIEWED BY:** Natalie Goss, Manager Policy & Research

**APPROVED BY:** Justin Readman, General Manager Development Services

## **ATTACHMENTS:**

- Attachment A – Proposed Zoning By-law Amendment (85-1)
- Attachment B – Proposed Zoning By-law Amendment (2019-051)
- Attachment C – Zoning Rationale Chart
- Attachment D – Statutory Public Meeting Notice Newspaper Ad, January 16, 2026