

PROPOSED BY – LAW

\_\_\_\_\_, 2026

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 –  
Annual Zoning By-law Update 2026)

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 85-1 is amended by adding the following new definitions in proper alphabetical order:

“**Access Ramp**” means an inclined surface supported by a structure or retaining wall which provides access above or below part of or all of the surrounding ground.

“**Common Wall**” means the shared party wall that separates a Semi-Detached Dwelling or a Street Townhouse Dwelling into Semi-Detached Houses or Townhouses, along an existing or future lot line.”

2. Section 4.2 of By-law 85-1 is amended is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough in the following definitions:

““**Unobstructed Walkway**” means a hard surface path of travel providing access to the principal entrance of an additional dwelling unit (attached) or additional dwelling unit (detached), and shall be unencumbered by obstructions including but not limited to: stairs, decks and porches (except those which form part of the path of travel to the principal entrance); parking spaces; driveways; chimney breasts; window wells; balconies or other building projections ~~which are less than 2.1 metres above the unobstructed walkway~~; secure outdoor areas associated with pools; mechanical, heating, ventilation, air-conditioning equipment and utility meters; or amenity structures such as playgrounds, garden trellises, and pergolas. An unobstructed walkway may be shared between more than one dwelling unit on a lot.”

3. Section 5.3 of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey as follows:

**5.3 PROHIBITED OBSTRUCTIONS IN VISIBILITY TRIANGLES**

Except in D-1 and D-2 Zones, no obstruction to visibility, whether from buildings, motor vehicles, landscaping or other impediments shall be permitted within a corner visibility triangle or any driveway visibility triangle; provided however, this

shall not include objects 0.9 metres or less in height from grade. This regulation does not apply to the location of fences constructed in accordance with and regulated by Chapter 630 (Fences) of The City of Kitchener Municipal Code, traffic signs shown on a site plan approved pursuant to Section 41 of the Planning Act, or motor vehicles parked in a parking space on a legal driveway. The purpose being to allow complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection or street. A driveway visibility triangle shall not be required for a driveway accessed only via a rear laneway for a lot without a parking lot or any non-residential uses except for a home business.”

4. Section 5.5.2.b) of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough as follows:

“b) For buildings accessory to single detached dwellings, semi-detached dwellings, duplex dwellings and street townhouse dwellings the maximum building height shall be 5.5 metres, ~~the maximum height of the underside of any fascia shall be 3.0 metres~~ for a hip, gable, mansard, gambrel, or shed roof, measured to the peak of the roof, provided that the underside of at least one fascia does not exceed 3 metres directly above the ground, and that for a shed roof the lower exterior wall shall face the nearest lot line, except where the lot line is a street line; the maximum building height shall be 3 metres for a flat roof; and the maximum lot coverage shall be 15 percent.”

5. Section 5.6.1 b) of By-law 85-1 is amended by adding the sentence “Despite the foregoing, steps and access ramps located above ground which do not exceed 0.6 metres in height and permit drainage beneath, may be setback 0 metres from the closest property line.” after the first sentence.

6. Section 5.6A.4 a) and b) of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough as follows:

“a) set back a minimum of 3.0 metres from the front lot line or lot line abutting a street, whether or not covered, provided they are not enclosed and do not exceed 0.6 metres in height above finished grade level and in addition, a cold room, mechanical room, or storage room without windows may be located beneath the porch;”

b) ~~set back a subject to no~~ minimum of 0.5 metres ~~setback~~ from a side or rear lot line provided they are not covered or enclosed and do not exceed 0.6 metres in height above finished grade level at that point on the side or rear lot line closest to the terrace, porch or deck. Despite this regulation, a 0 metre setback may be permitted provided terrace, porch, or deck permits drainage beneath the structure and does not exceed 0.6 metres in height above finished grade level at that point on the side or rear lot line closest to the terrace, porch or deck;”

7. Section 5.22 f) of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough as follows:

“f) 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(s) (Attached) where the principal entrance is not located on a Street Line Façade, and each Additional Dwelling Unit (Detached). The Unobstructed Walkway shall ~~not be located within a required Parking Space~~ have:

- i) A direct connection from a sidewalk or travelled road, except for a sidewalk or travelled road adjacent to a rear lot line, to the principal entrance;
- ii) A minimum width of 1.1 metres. Utility meters and downspouts may project a maximum of 0.2 metres into the unobstructed walkway;
- iii) A minimum overhead clearance of 2.1 metres;
- iv) A maximum slope of 8%;
- v) A maximum cross slope of 4%; and
- vi) A maximum length of 30 metres from the street line or designated emergency access route to the principal entrance; or
- vii) A maximum length of 60 metres from the travelled roadway or designated emergency access route to the most remote room within the dwelling unit.

Despite the definition of unobstructed walkway, a window well with a metal grate which adheres to the Ontario Building Code and is designed to be walked upon may form part of the unobstructed walkway provided the metal grate is flush with the surrounding part of the unobstructed walkway.”

8. Section 5.33 e) of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough 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. The unobstructed walkway shall have:

- i) A direct connection from a sidewalk or travelled road, except for a sidewalk or travelled road adjacent to a rear lot line, to the principal entrance;
- ii) A minimum width of 1.1 metres. Utility meters and downspouts may project a maximum of 0.2 metres into the unobstructed walkway;

- iii) A minimum overhead clearance of 2.1 metres;
- iv) A maximum slope of 8%;
- v) A maximum cross slope of 4%; and
- vi) A maximum length of 30 metres from the street line or designated emergency access route to the principal entrance; or
- vii) A maximum length of 60 metres from the travelled roadway or designated emergency access route to the most remote room within the dwelling unit.

Despite the definition of unobstructed walkway, a window well with a metal grate which adheres to the Ontario Building Code and is designed to be walked upon may form part of the unobstructed walkway provided the metal grate is flush with the surrounding part of the unobstructed walkway.”

9. Section 5 of By-law 85-1 is amended by adding new subsection 36 after subsection 35 as follows:

**“5.36 MINIMUM DISTANCE SEPARATION**

All buildings, structures, and uses must comply with the minimum distance separation formulae of the Province of Ontario Ministry of Agriculture, Food, and Agribusiness.”

10. Section 5 of By-law 85-1 is amended by adding new subsection 37 after subsection 36 as follows:

**“5.37 REDUCTION TO SETBACKS (Ontario Regulations 257/25)**

Despite any regulation in this Zoning By-law which requires a minimum setback, where:

- a) A lot is not located wholly or in part within:
  - i) 300 metres of a railway right-of-way, excluding a railway right-of-way or section thereof solely used for light rail transit;
  - ii) 120 metres of lands regulated by the Grand River Conservation Authority;
  - iii) 120 metres of a 'Hazard Land Zone (P-3)', and 'Existing Use Zone (E-1)', or from any lands affected by Special Regulation Provision 1R; or
- b) A lot or use is not subject to site plan control under Section 41 of the Planning Act, or
- c) A lot is a 'parcel of urban residential land' (as defined by the Planning Act)

the minimum *setback* requirements for these *lots* shall be 90% of the applicable *setback* regulation.”

11. Section 6.1.1.2 e) of By-law 85-1 is amended by adding the portions of the below text that are highlighted in grey and deleting the portions of the below text with a strikethrough as follows:

“e) ~~Where a required parking space is to be provided within a building or part thereof, is designed as a private garage and with direct access from a driveway, # the parking space shall have a minimum width of 3.04 metres and a minimum length of 5.49 metres.~~”

12. Section 6.1.1.2 g) of By-law 85-1 is amended by adding the phrase “or drive aisle” following the word “driveway” and before the words “to access”.

13. Section 6.1.1.2 of By-law 85-1 is amended by adding subsections i) and j) after subsection h) as follows:

“i) An outdoor parking space situated on an angle from the main driveway approach and which does not form part of a parking lot, shall only be permitted in the rear yard of a lot with 3 or more dwelling units, and shall comply with the following:

- i) parking shall be accessed via a drive aisle having;
  - a. a minimum width of 3.4 metres where parking spaces are oriented at an angle of 45 degrees or less from the drive aisle;
  - b. a minimum width of 5.5 metres where parking spaces are oriented at an angle between 46 and 60 degrees or less from the drive aisle;
  - c. a minimum width of 6.0 metres where parking spaces are oriented at an angle greater than 60 degrees from the drive aisle;

ii) the parking spaces and drive aisles shall be subject to the parking lot regulations of Section 6.1.1.2. Despite 6.1.1.2.h) ii), the minimum drive aisle width shall be in accordance with 6.1.1.2 i) i).

iii) the width and length of a parking space or drive aisle shall not exceed 110% of the minimum requirements, and in no case shall the combined width of the driveway, parking space(s) and drive aisle exceed 11.5 m.

j) The minimum depth of the portion of a driveway facilitating access to a parking space within a private garage which faces a side lot line shall be 6 metres.”

14. Section 19.1, 53.1, 54.1 and 55.1 of By-law 85-1 are amended by inserting “Private Home Day Care” into the existing lists of permitted uses in proper alphabetical order.

15. Sections 40.2.5, 41.2.5, 42.2.5 of By-law 85-1 are amended by adding the phrase “, except for an internal unit which does not have an attached garage in which case the minimum lot width shall be 5.0 metres.” to the regulation for Minimum Lot Width, following the phrase “5.5 metres for each dwelling unit”.

PASSED at the Council Chambers in the City of Kitchener this  
day of \_\_\_\_\_, 2026.

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Mayor

\_\_\_\_\_  
Clerk