

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  
– 2025/2026 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 2019-051 is amended to add 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 party wall that separates *semi-detached dwelling units* or *street townhouse dwelling units* where the existing or future dividing *lot line* is located.”

2. Section 3 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 in the following definitions:

**“Unobstructed Walkway** - means a hard surface path of travel, such as asphalt, concrete, or other material designed to permit accessibility and maintenance under all climate conditions, providing access to the principal entrance of a *dwelling unit* 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; and amenity *structures* such as playgrounds, garden trellises, pergolas. An *unobstructed walkway* may be shared between more than one dwelling unit on a lot. ~~Utility meters and associated hardware and existing downspouts may project a maximum of 0.2 metres into an unobstructed walkway.~~”

3. Section 4.1 d) 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:

“d) Despite subsection a), ~~for accessory buildings and structures to single detached dwellings, semi-detached dwellings, and street townhouse dwellings, with or without additional dwelling unit(s) (attached) or additional dwelling unit(s) (detached), and to multiple dwellings, the maximum height of the underside of any fascia shall be 3 metres, the maximum building height shall be 5.5 metres, and the maximum lot coverage shall be 15 percent.~~ shall be a maximum of one storey with a maximum building height of:

i) 5.5 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; and

ii) 3 metres for a flat roof.”

4. Section 4.5 a) of By-law 2019-051 is amended by adding “, traffic signs shown on a site plan approved pursuant to Section 41 of the Planning Act” after the word “Code” and before “,or”.

5. Section 4.5 a) of By-law 2019-051 is further amended by adding “legal” after “parking space on a” and before the word “driveway”.

6. Section 4.5 of By-law 2019-051 is amended by adding a new subsection f) as follows:

“f) Despite Subsections a) through e), 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 occupation*.”

7. Section 4.7.1 b) of By-law 2019-051 is amended by adding “unit” following the word “dwelling”.

8. Section 4.7, Table 4-2 of By-law 2019-051 is amended by adding the portions of the below text and symbols that are highlighted in grey as follows:

**“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)**

Home Occupation Use	First Home Occupation Use	Second Home Occupation Use
<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 not within a single detached dwelling or semi-detached dwelling with any additional dwelling units (attached or detached) (9)(10).**

<b>Home Occupation Use</b>	<b>First Home Occupation Use</b>	<b>Second Home Occupation Use</b>
<i>Artisan's Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Office</i>	✓	
<i>Indirect Sales</i>	✓	
<i>Private Home Day Care (11)</i>	✓	✓

9. Section 4.7, Table 4-2, Additional Regulation (11) of By-law 2019-051 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:

“(11) A maximum of 1 *private home day care* is also permitted in a *dwelling unit on a lot containing a street townhouse dwelling (without an and the additional dwelling unit (attached) or additional dwelling unit (detached))* and Additional Regulations (1), (2), (9) and (10) of Table 4-2 shall not apply.”

10. Section 4.12.1 c) of By-law 2019-051 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:

“c) An *unobstructed walkway* is a minimum 1.1 metres in width shall be provided from a *street or sidewalk to the principal entrance of to* each new *additional dwelling unit (attached)*, where the principal entrance is not located on a *street line façade*, in accordance with Section 4.12.5.”

11. Section 4.12.2 e) of By-law 2019-051 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* to the principal entrance of to each new *additional dwelling unit (attached)*, where the principal entrance is not located on a *street line façade*, in accordance with Section 4.12.5.”~~

12. Section 4.12.3 n) of By-law 2019-051 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:

~~“n) An *unobstructed walkway* that is a minimum 1.1 metres in width, shall be provided from a *street* to the principal entrance of to each *additional dwelling unit (detached)*, in accordance with Section 4.12.5;”~~

13. Section 4.12.4 e) of By-law 2019-051 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* to the principal entrance of to each *dwelling unit*, or to a common entrance providing access to each *dwelling unit*, in accordance with Section 4.12.5.”~~

14. Section 4.12 of By-law 2019-051 is amended by adding new subsection 4.12.5 after subsection 4.12.4 and before section 4.13 as follows:

**“4.12.5 Unobstructed Walkways**

a) where an *unobstructed walkway* is required, it shall have:

- i) A direct connection from a sidewalk or travelled road, except from 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 sidewalk, travelled road, or designated emergency access route to the principal entrance, or 60 metres from the travelled roadway or designated emergency access route to the most remote room within the *dwelling unit*.

b) 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*.”

15. Section 4.14.4 a) i. of By-law 2019-051 is amended by adding “, mechanical room, or storage room without windows” after “cold room” and before “may be”.

16. Section 4.14.4 c) of By-law 2019-051 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:

“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~~ shall be located a minimum of 0.5 metres from the closest lot line. Despite this regulation an unenclosed and uncovered porch or deck that does not exceed 0.6 metres above ground level and which permit drainage beneath the structure, may be setback 0 metres from the interior lot line.”

17. Section 4.14.4 d); 4.14.10 d); Section 5.4 Table 5-2 column 3, row 3; Section 5.4 Table 5-2 column 3, row 4; and Section 5.4 Table 5-3 column 3, row 3 of By-law 2019-051 are amended to add italics to the phrase “*common wall*”.

18. Section 4.14.10 of By-law 2019-051 is amended by adding italics to all instances of the phrase “access ramp”.

19. Section 4.14.10 b) of By-law 2019-051 is amended by deleting the portions of the below text with a strikethrough and adding new subsection ii) as follows:

“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.

ii) Despite subsection b), steps and *access ramps* located above ground level and that do not exceed 0.6 metres above ground level and permit drainage beneath the *structure* may be setback 0 metres from the *interior side lot line*.”

20. Section 4 of By-law 2019-051 is amended by adding new subsection 22 as follows:

#### **“4.22 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.”

21. Section 4 of By-law 2019-051 is amended by adding new subsection 23 as follows:

#### **“4.23 Reduction to Setbacks (Ontario Regulations 257/25)**

Despite any regulation in this Zoning By-law, where a minimum *setback* is required, and where:

- a) A *lot* is not affected by the Reduction to Prescribed Setbacks Overlay, applying to *lots* 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 'Natural Conservation Zone (NHC-1)' or an 'Existing Use Floodplain Zone (EUF-1)'.
- b) A *lot* or *use* is not subject to site plan control pursuant to Section 41 of the Planning Act, or
- c) The *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.”

22. Section 5.3.3 a) of By-law 2019-051 is amended by adding “where the vehicle entrance to the *building* faces a *street line*” after “6 metres from a *street line*”.

23. Section 5.3.3 a) of By-law 2019-051 is is further amended by adding a new subsection vii) as follows:

“vii) Where three (3) or more dwelling units are located on a lot, 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* and shall comply with the following:

- a. Despite 5.4 j) parking spaces shall be accessed via a *drive aisle* having:
  - i. A minimum width of 3.4 metres where parking spaces are oriented at an angle of 45 degrees or less from the *drive aisle*,

- ii. A minimum width of 5.5 metres where *parking spaces* are oriented at an angle between 46 and 60 degrees from the *drive aisle*,
    - iii. A minimum width of 6.0 metres where *parking spaces* are oriented at an angle greater than 60 degrees from the *drive aisle*;
  - b. *Parking spaces* and *drive aisles* shall be subject to the *parking lot* regulations of Sections 5.3. a) and e). Despite 5.3 e) ii the minimum *drive aisle* width shall be in accordance with 5.3.3 a) vii) a.; and
  - c. The maximum 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 spaces* and *drive aisle* exceed 11.5 metres.
24. Section 5.4 a) of By-law 2019-051 is amended by deleting “other than large residential care facilities, multiple dwellings and mixed use buildings”, after “residential uses” and before “,a required”.
25. Section 5.4 a) of By-law 2019-051 is further amended by deleting the word “required”, after “,a” and before “*parking space*”.
26. Subsection 5.4 a) of By-law 2019-051 is further amended by adding “or *drive aisle*, if permitted by 5.3.3 a) after “via a driveway”.
27. Section 5.4 e) of By-law 2019-051 is amended by adding “and 5-3” after “Table 5-2” and before “apply to”.
28. Section 5.4 of By-law 2019-051 is amended by adding subsections l) and m) after subsection k) as follows:
- “l) Where a *building* or *structure*, or part thereof, designed as *private garage*, faces a *street line*, and has direct access via a *driveway*, the internal dimensions shall be sufficient for a *parking space* in accordance with Table 5-1.
  - m) The minimum depth of the portion of a *driveway* facilitating access to *parking space* within a *private garage* which faces an *interior lot line* shall be 6 metres.”
29. Section 5.4, Table 5-2 of By-law 2019-051 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:

**“Table 5-2: Private Garage Width and Driveway Width Regulations by Use**

Residential Use	Maximum <i>private garage width</i>	Maximum <i>driveway width with an attached private garage (3)</i>	Maximum <i>driveway width without an attached private garage</i>
<p><i>Single Detached Dwelling</i></p> <p>See Table 5-3 if <i>lot</i> is within Appendix C – Central Neighbourhoods.</p>	<p>65% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1)</p>	<p>50% of the <i>lot</i> width or a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i>.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>50% of the <i>lot</i> width.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>
<p><i>Semi-Detached Dwelling</i></p> <p>See Table 5-3 if <i>lot</i> is within Appendix C – Central Neighbourhoods.</p>	<p>60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1)</p>	<p>50% of the <i>lot</i> width or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the <i>common wall</i> of the same <i>dwelling</i>.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>The lesser of, 50% of the <i>lot</i> width or 5.2 metres, whichever is less.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>

<p><i>Street Townhouse Dwelling</i></p> <p>See Table 5-3 if <i>lot</i> is within Appendix C – Central Neighbourhoods.</p>	<p>60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1) (2)</p>	<p>60% of the <i>lot</i> width or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i>; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the <i>common wall</i> of the same <i>dwelling</i>.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>60% of the <i>lot</i> width or 5.2 metres, whichever is less.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>
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30. Section 5.4, Table 5-2 of By-law 2019-051 is amended by adding new Additional Regulations (2) and (3) as follows:

“(2) Despite the maximum *private garage width*, a *street townhouse dwelling unit* with a *lot width* equal to or greater than 5.5 metres may have the necessary *private garage width* to accommodate an interior garage width of no more than 3.0 metres.

(3) Despite the regulations in this table, a *setback* is not required for a *driveway* leading to an attached *private garage* which does not face a *street line*.”

31. Section 5.4, Table 5-3 of By-law 2019-051 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:

**Table 5-3: Private Garage Width and Driveway Width Regulations by Use for lands identified on Appendix C – Central Neighbourhoods**

<b>Residential Use</b>	<b>Maximum <i>private garage width</i></b>	<b>Maximum <i>driveway width</i> with an attached <i>private garage</i> (4)</b>	<b>Maximum <i>driveway width</i> without an attached <i>private garage</i></b>
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<p><i>Single Detached Dwelling</i></p> <p>On a <i>lot</i> within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2</p>	<p>50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1)</p>	<p>40% of the <i>lot</i> width or a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the <del>common wall of the same <i>dwelling</i>.</del></p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>40% of the <i>lot</i> width.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>
<p><i>Semi-Detached Dwelling</i></p> <p>On a <i>lot</i> within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2</p>	<p>50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1) (2)</p>	<p>40% of the <i>lot</i> width or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the <i>common wall</i> of the same <i>dwelling</i>.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>The lesser of, 40% of the <i>lot</i> width or 5.2 metres, whichever is less.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>

<p><i>Street Townhouse Dwelling</i></p> <p>On a <i>lot</i> within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2</p>	<p>60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i> (1) (3)</p>	<p>60% of the <i>lot</i> width or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i>; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the <i>common wall</i> of the same <i>dwelling</i>.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>	<p>60% of the <i>lot</i> width or 5.2 metres, whichever is less.</p> <p><del>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</del></p>
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32. Section 5.4, Table 5-3, of By-law 2019-051 is amended by adding new Additional Regulations (3) and (4) as follows:

“(3) despite the maximum *private garage width*, a *street townhouse dwelling unit* with a *lot width* equal to or greater than 5.5 metres may have the necessary *private garage width* to accommodate an interior garage width of no more than 3.0 metres.

(4) Despite the regulations in this table, a *setback* is not required for a *driveway* leading to an attached garage which does not face a *street line*.”

33. Section 5.5 d) of By-law 2019-051 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:

“d) Despite Subsections a) and c), where a *Class A bicycle parking stall* is located within a *bicycle locker*, a minimum overhead clearance of 1.2 metres shall ~~not~~ be required.”

34. Section 5.5 f) of By-law 2019-051 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) Notwithstanding subsection c) and e), *Class C bicycle parking stalls* shall ~~are not required~~ to provide a minimum overhead clearance of 1.2 metres and are not required to abut an access aisle.”

35. Section 5.5 of By-law 2019-051 is amended by adding a new subsection i) after subsection h) as follows:

“i) Despite Subsection c), a *bicycle locker* provided for a required *Class A bicycle parking stall* or *Class C bicycle parking stall* may be wedge shaped subject to the following requirements:

- i) A minimum height of 1.2 metres;
- ii) A minimum length of 1.9 metres;
- iii) A minimum width of 0.95 metres at the start of the 1.9 metre length and near the locker entrance;
- iv) A minimum width of 0.1 metres at the end of the 1.9 metre length and near the locker end;
- v) No vertical bike storage; and
- vi) For a *Class C bicycle parking stall*, a 1.5 metre *access aisle* is required.”

36. Section 6.6 a) ii. of By-law 2019-051 is amended by deleting “*parking spaces*” after “structured” and before “shall” and replacing it with “parking facilities”.

37. Section 6.6 a) iii. of By-law 2019-051 is amended by deleting “*parking spaces*” after “structured” and before “shall” and replacing it with the phrase “parking facilities”.

38. Section 6.6 a) iv. of By-law 2019-051 is amended by deleting “*parking spaces*” after “surface” and before “shall” and replacing it with “parking facilities”.

39. Section 6.6 a) iv. of By-law 2019-051 is amended by adding “except for access and *parking spaces* located on a *driveway*” after “*street line*.”

40. Section 7.3, Table 7-2, Additional Regulation (7) of By-law 2019-051 is amended by adding “which faces a *street line*” after “*private garage*” and before “shall”.

41. Section 7.3, Table 7-3, Additional Regulation (5) of By-law 2019-051 is amended to add the phrase “which faces a *street line*” after “*private garage*” and before “shall”.

42. Section 7.3, Table 7-3 of By-law 2019-051 is amended by adding “(6)” after the phrase “Minimum Interior Side yard Setback” in the Regulation column.

43. Section 7.3, Table 7-3 of By-law 2019-051 is amended by adding Additional Regulation (6) after Additional Regulation (5) as follows:

“(6) Despite the minimum *interior side yard setback*, for any portion of a wall located on an *interior side lot line* having a *common wall*, but not forming part of a *common wall*, the minimum *interior side yard setback* shall be 0 metres when there is a 1.5 metre maintenance easement over the abutting property for the maintenance of walls, eaves, and real property.”

44. Section 7.3, Table 7-4, Additional Regulation (6) of By-law 2019-051 is amended by deleting the word “*building*” after “any” and before “used” and replacing it with “*private garage* which faces a *street line*”.

45. Section 7.3, Table 7-4, Additional Regulation (8) of By-law 2019-051 is amended by adding the portions of the below text that are highlighted in grey, deleting the portions of the below text with a strikethrough” as follows:

”(8) Despite the minimum *interior side yard setback*, for any portion of a wall located on an *interior side lot line*~~yard~~ having a *common wall*, but not forming part of a *common wall*, the minimum *interior side yard setback* shall be 4.2 0 metres when there is a 1.5 metre maintenance easement over the abutting property for the maintenance of walls, eaves, and real property.”

46. Section 7.3, Table 7-4 of By-law 2019-051 is amended by adding “(9)” in the RES-4 and RES-5 columns, Minimum Lot Width (Internal Unit) row, after the phrases “6.0m (7)” and “5.5m”.

47. Section 7.3, Table 7-4 of By-law 2019-051 is amended by adding Additional Regulation “(9)” after ‘(8) as follows:

“(9) Despite the required minimum *lot width* (Internal Unit), a 5.0 metre minimum *lot width* (Internal Unit) may be permitted provided there is no attached *private garage*.”

48. Section 7.3, Table 7-6 of By-law 2019-051 is amended by adding “(10)” in the RES-5 column, Minimum Lot Width row, after the phrase “19.0m”.

49. Section 7.3, Table 7-6 of By-law 2019-051 is further amended by adding Additional Regulation (10) after Additional Regulation “(9)” as follows:

“(10) Despite the required minimum *lot width* of 19.0 m, *multiple dwellings* having 10 *dwelling units* or fewer are permitted to have a minimum *lot width* of 14.0 m.”

50. Section 9.2, Table 9-1 of By-law 2019-051 Convenience Retail row is amended by deleting “(2)” in the COM-1 column and adding “(2)” in the Use column after the phrase “Convenience Retail”.

51. Section 17.1 of By-law Number 2019-051 is amended by adding the following after “Ecological Restoration Areas”:

“Reduction to Setbacks (Ontario Regulation 257/25) - the purpose of this overlay is to identify lots which are not subject to a prescribed percentage of a setback requirement as identified in Ontario Regulation 257/25) due to proximity to a railway right-of-way; or wetland, inland lake, or river or stream valley, and which may be regulated by the Grand River Conservation Authority for this purpose.”

52. Section 17.2 of By-law Number 2019-051 is amended by adding subsection 17.2.5 after subsection 17.2.4 as follows:

**“17.2.5 Reduction to Setbacks (Ontario Regulations 257/25)**

The ‘prescribed percentage of setback distance’, as contemplated by Ontario Regulation 257/25, does not apply to lands affected by the Reduction to Setbacks Overlay as the affected lands are located wholly or in part within:

- a) 300 metres of a railway right-of-way, excluding a railway right-of-way or section thereof solely used for *light rail transit*,
- b) 120 metres of lands regulated by the Grand River Conservation Authority;
- c) 120 metres of a 'Natural Conservation Zone (NHC-1)' or an 'Existing Use Floodplain Zone (EUF-1)'.”

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

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Mayor

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Clerk