

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051		
Existing Section/Regulation	Proposed Amendment	Rationale
Section 3 – Definitions		
NEW Access Ramp	NEW Access Ramp – means an inclined surface supported by a <i>structure</i> or retaining wall which provides access above or below part of or all of the surrounding ground. The words “access ramp” in Section 4.14.10 shall be italicized to reference this new definition	Clarify what is meant by access ramp for determining when a setback is required.
NEW Common Wall	NEW Common Wall – means the party wall that separates <i>semi-detached dwelling units</i> or <i>street townhouse dwelling units</i> where the existing or future dividing <i>lot line</i> is located. The words “common wall” in Section 4 regulations 4.14.4.d), 4.14.10 d), Section 5 Table 5-2, 5-3 shall be italicized to reference this new definition	Clarify what is meant by a common wall for the purposes of determining setbacks.
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 <i>dwelling unit</i> 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); <i>parking spaces</i> ; <i>driveways</i> ; chimney breasts; window wells; balconies or other building projections which are less than 2.1 metres above the <i>unobstructed walkway</i> ; secure outdoor areas associated with pools; mechanical, heating, ventilation, air-conditioning equipment and utility meters; and amenity <i>structures</i> such as playgrounds, garden trellises, pergolas. An <i>unobstructed walkway</i> 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.	AMEND 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 <i>dwelling unit</i> 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); <i>parking spaces</i> ; <i>driveways</i> ; 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 <i>structures</i> such as playgrounds, garden trellises, pergolas. An <i>unobstructed walkway</i> 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.	Simplify definition and move requirements to a centralized location in the proposed new section 4.12.5 to help ensure consistent interpretation and application.
Section 4 – General Regulations		
4.1 Accessory Structures 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.	AMEND 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 <i>street line</i> ; and ii) 3 metres for a flat roof.	Amend regulation to be more consistent with regulations for an additional dwelling unit detached. Add a new regulation to limit accessory structures to a maximum of one storey to ensure the updated regulations maintain the intent of the existing by-law. Delete reference to maximum lot coverage, this is included in the regulations for the principal zone.
4.5 CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES a) No buildings, structures, motor vehicles, food cart, signs, landscaping, or other impediments shall obstruct visibility within a corner visibility triangle, corner visibility area or driveway visibility triangle. An obstruction to visibility shall not include objects 0.9 metres or less in	AMEND and NEW 4.5 CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES a) No buildings, structures, motor vehicles, food cart, signs, landscaping, or other impediments shall obstruct visibility within a corner visibility triangle, corner visibility area	Clarify that traffic signs, such as a stop sign which has been approved as part of the Site Plan may be located in the corner visibility triangle or driveway visibility triangle in accordance with requirements from Transportation Services.

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height from the ground, or objects higher than 5 metres in height from the ground. This provision 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, or motor vehicles parked in a parking space on a driveway	<p>or driveway visibility triangle. An obstruction to visibility shall not include objects 0.9 metres or less in height from the ground, or objects higher than 5 metres in height from the ground. This provision 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.</p> <p>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.</p>	Clarify that rear laneways do not require a driveway visibility triangle provided there are no non-residential uses and no parking lot.
4.7 HOME OCCUPATION		
4.7.1 Regulations for Home Occupations b) A home occupation shall only locate in a dwelling.	AMEND 4.7.1 Regulations for Home Occupations b) A home occupation shall only locate in a dwelling unit.	Clarify that a home occupation shall be located in a dwelling unit.

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<p>Table 4-2: Permitted Home Occupation Uses</p> <p style="text-align: center;">Table 4-2: Permitted Home Occupation Uses</p> <p>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)</p> <table border="1"> <thead> <tr> <th>Home Occupation Use</th> <th>First Home Occupation Use</th> <th>Second Home Occupation Use</th> </tr> </thead> <tbody> <tr><td>Artisan's Establishment</td><td>✓</td><td></td></tr> <tr><td>Bed and Breakfast (5)(6)</td><td>✓</td><td></td></tr> <tr><td>Canine and Feline Grooming Establishment (5)(7)</td><td>✓</td><td></td></tr> <tr><td>Catering Service Establishment</td><td>✓</td><td></td></tr> <tr><td>Commercial School</td><td>✓</td><td></td></tr> <tr><td>Health Office</td><td>✓</td><td></td></tr> <tr><td>Indirect Sales</td><td>✓</td><td>✓</td></tr> <tr><td>Light Repair Operation</td><td>✓</td><td></td></tr> <tr><td>Office</td><td>✓</td><td>✓</td></tr> <tr><td>Personal Services (8)</td><td>✓</td><td></td></tr> <tr><td>Private Home Day Care</td><td>✓</td><td></td></tr> </tbody> </table> <p>Permitted home occupation use in any dwelling unit (9)(10). (Amended: By-law 2025-013, S.2 – January 20, 2025)</p> <table border="1"> <thead> <tr> <th>Home Occupation Use</th> <th>First Home Occupation Use</th> <th>Second Home Occupation Use</th> </tr> </thead> <tbody> <tr><td>Artisan's Establishment</td><td>✓</td><td></td></tr> <tr><td>Commercial School</td><td>✓</td><td></td></tr> <tr><td>Office</td><td>✓</td><td></td></tr> <tr><td>Indirect Sales</td><td>✓</td><td></td></tr> </tbody> </table>	Home Occupation Use	First Home Occupation Use	Second Home Occupation Use	Artisan's Establishment	✓		Bed and Breakfast (5)(6)	✓		Canine and Feline Grooming Establishment (5)(7)	✓		Catering Service Establishment	✓		Commercial School	✓		Health Office	✓		Indirect Sales	✓	✓	Light Repair Operation	✓		Office	✓	✓	Personal Services (8)	✓		Private Home Day Care	✓		Home Occupation Use	First Home Occupation Use	Second Home Occupation Use	Artisan's Establishment	✓		Commercial School	✓		Office	✓		Indirect Sales	✓		<p>AMEND</p> <p>Table 4-2: Permitted Home Occupation Uses and Additional Regulation (11)</p> <p style="text-align: center;">Table 4-2: Permitted Home Occupation Uses</p> <p>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)</p> <table border="1"> <thead> <tr> <th>Home Occupation Use</th> <th>First Home Occupation Use</th> <th>Second Home Occupation Use</th> </tr> </thead> <tbody> <tr><td>Artisan's Establishment</td><td>✓</td><td></td></tr> <tr><td>Bed and Breakfast (5)(6)</td><td>✓</td><td></td></tr> <tr><td>Canine and Feline Grooming Establishment (5)(7)</td><td>✓</td><td></td></tr> <tr><td>Catering Service Establishment</td><td>✓</td><td></td></tr> <tr><td>Commercial School</td><td>✓</td><td></td></tr> <tr><td>Health Office</td><td>✓</td><td></td></tr> <tr><td>Indirect Sales</td><td>✓</td><td>✓</td></tr> <tr><td>Light Repair Operation</td><td>✓</td><td></td></tr> <tr><td>Office</td><td>✓</td><td>✓</td></tr> <tr><td>Personal Services (8)</td><td>✓</td><td></td></tr> <tr><td>Private Home Day Care (11)</td><td>✓</td><td>✓</td></tr> </tbody> </table> <p>Permitted home occupation use in any dwelling unit not within a single detached dwelling or semi-detached dwelling with any additional dwelling unit (attached or detached) (9) (10) 013, S.2 – January 20, 2025)</p> <table border="1"> <thead> <tr> <th>Home Occupation Use</th> <th>First Home Occupation Use</th> <th>Second Home Occupation Use</th> </tr> </thead> <tbody> <tr><td>Artisan's Establishment</td><td>✓</td><td></td></tr> <tr><td>Commercial School</td><td>✓</td><td></td></tr> <tr><td>Office</td><td>✓</td><td></td></tr> <tr><td>Indirect Sales</td><td>✓</td><td></td></tr> <tr><td>Private Home Day Care (11)</td><td>✓</td><td>✓</td></tr> </tbody> </table>	Home Occupation Use	First Home Occupation Use	Second Home Occupation Use	Artisan's Establishment	✓		Bed and Breakfast (5)(6)	✓		Canine and Feline Grooming Establishment (5)(7)	✓		Catering Service Establishment	✓		Commercial School	✓		Health Office	✓		Indirect Sales	✓	✓	Light Repair Operation	✓		Office	✓	✓	Personal Services (8)	✓		Private Home Day Care (11)	✓	✓	Home Occupation Use	First Home Occupation Use	Second Home Occupation Use	Artisan's Establishment	✓		Commercial School	✓		Office	✓		Indirect Sales	✓		Private Home Day Care (11)	✓	✓	<p>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, but they are currently limited to 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.</p>
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<p>4.7 Table 4-2: Permitted Home Occupation Uses – Footnote (11)</p> <p>(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))</p>	<p>AMEND</p> <p>Table 4-2: Permitted Home Occupation Uses – Footnote (11)</p> <p>(11) A maximum of 1 private home day care is also permitted in each dwelling unit on a lot containing a street townhouse dwelling (without an additional dwelling unit (attached) or additional dwelling unit (detached)), and additional regulations (1), (2), (9) and (10) of Table 4-2 shall not apply.</p>	<p>Clarify that a private home day care may be located within a dwelling unit and remove regulations related to maximum size and number of customers/clients that are redundant with Provincial requirements or incompatible with standards home day care operations..</p>																																																																																																									
<p>4.12.1 One Additional Dwelling Unit (Attached)</p> <p>c) An <i>unobstructed walkway</i> that is a minimum 1.1 metres in width shall be provided from a <i>street</i> or sidewalk to the principal entrance of each <i>new additional dwelling unit (attached)</i>, where the principal entrance is not located on a <i>street line facade</i>.</p>	<p>AMEND</p> <p>4.12.1 One Additional Dwelling Unit (Attached)</p> <p>c) An <i>unobstructed walkway</i> is a minimum 1.1 metres in width shall be provided from a <i>street or sidewalk</i> to the principal entrance of to each <i>new additional dwelling unit (attached)</i>, where the principal entrance is not located on a <i>street line façade</i>, in accordance with Section 4.12.5.</p>	<p>Move requirements for an Unobstructed Walkway to a centralized location in the proposed new section 4.12.5 to enhance consistent interpretation and application.</p>																																																																																																									

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<p>4.12.2 Two or Three Additional Dwelling Units (Attached) e) An unobstructed walkway that is a minimum 1.1 metres in width, shall be provided from a street to the principal entrance of each new additional dwelling unit (attached), where the principal entrance is not located on a street line façade.</p>	<p>AMEND 4.12.2 Two or Three Additional Dwelling Units (Attached) e) An <i>unobstructed walkway</i> that is a minimum 1.1 metres in width, shall be provided from a street to the principal entrance of to each new <i>additional dwelling unit (attached)</i>, where the principal entrance is not located on a <i>street line façade</i>, in accordance with Section 4.12.5.</p>	<p>Move requirements for an Unobstructed Walkway to a centralized location in the proposed new section 4.12.5 to enhance consistent interpretation and application.</p>
<p>4.12.3 Additional Dwelling (Detached) n) 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 additional dwelling unit (detached);</p>	<p>AMEND 4.12.3 Additional Dwelling (Detached) n) An <i>unobstructed walkway</i> that is a minimum 1.1 metres in width, shall be provided from a street to the principal entrance of to each <i>additional dwelling unit (detached)</i>, in accordance with Section 4.12.5;</p>	<p>Move requirements for an Unobstructed Walkway to a centralized location in the proposed new section 4.12.5 to enhance consistent interpretation and application.</p>
<p>4.12.4 Five to Ten Dwelling Units on a Lot 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.</p>	<p>AMEND 4.12.4 Five to Ten Dwelling Units on a Lot e) An <i>unobstructed walkway</i> that is a minimum 1.1 metres in width, shall be provided from a street to the principal entrance of to each <i>dwelling unit</i> or to a common entrance providing access to each <i>dwelling unit</i>, in accordance with Section 4.12.5.</p>	<p>Move requirements for an Unobstructed Walkway to a centralized location in the proposed new section 4.12.5 to enhance consistent interpretation and application.</p>
<p>ADD 4.12.5 Unobstructed Walkways</p>	<p>NEW 4.12.5 Unobstructed Walkways a) where an <i>unobstructed walkway</i> is required, it shall have: i) A direct connection from a sidewalk or travelled road, except from a <i>rear lot line</i>, 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 <i>unobstructed walkway</i>; 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 <i>dwelling unit</i>. b) Despite the definition of <i>unobstructed walkway</i>, 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 <i>unobstructed walkway</i> provided the metal grate is flush with the surrounding part of the <i>unobstructed walkway</i>.</p>	<p>Relocate the regulations associated with unobstructed walkways from the definition and individual regulations throughout Sections 4.12.1 to 4.12.4 into a centralized regulation. This will provide greater clarity, enhance consistency, and allow consideration of variances for things like minimum overhead clearance.</p> <p>Add new requirement for maximum slope, cross slope, and length to align with requirements from emergency services..</p> <p>Add a new regulation that allows window wells with metal grates to form part of the unobstructed walkway where they comply with Ontario Building Code requirements, which means egress and escape window wells could not benefit from this exception.</p>
<p>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:</p>	<p>AMEND 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:</p>	<p>Clarify that mechanical rooms and storage spaces may be located beneath a porch in addition to a cold room. These rooms function similarly to a cold room and can provide a function to an otherwise unusable space.</p>

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<p>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:</p> <p>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.</p> <p>...</p> <p>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</p>	<p>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:</p> <p>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, mechanical room, or storage room without windows may be located beneath the porch or deck.</p> <p>...</p> <p>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.</p>	<p>Clarify that decks and porches that permit drainage beneath the structure are permitted to be setback 0 metres from the side lot line. Those with a solid foundation such as poured concrete must be setback 0.5 m to allow drainage. This will align with stair regulations and the intent of the existing regulation.</p>
<p>4.14.10 Steps and Access Ramps</p> <p>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.</p> <p>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.</p>	<p>AMEND</p> <p>4.14.10 Steps and Access Ramps</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Permit steps and ramps that follow ground level to be located up to the property line. This is consistent with regulations for walkways and provides alternatives for unobstructed walkways that cannot meet the new requirement for maximum slope.</p> <p>Permit steps and access ramps that are no more than 0.6 metres above grade to be located up to the lot line, provided water may continue to drain beneath the stair or ramp structure. This helps facilitate side entrances while still maintaining the intent of the existing regulation.</p>
<p>NEW REGULATION</p> <p>4.23 Minimum Distance Separation</p>	<p>NEW REGULATION</p> <p>4.22 Minimum Distance Separation</p> <p>All buildings, structures, and uses must comply with the minimum distance separation formulae of the Province of Ontario Ministry of Agriculture, Food and Agribusiness.</p>	<p>Add a new regulation to enforce minimum distance separation in accordance with Provincial requirements.</p>
<p>NEW REGULATION</p> <p>4.24 Reduction to Prescribed Setbacks (Ontario Regulations 257/25)</p>	<p>NEW REGULATION</p> <p>4.23 Reduction to Setbacks (Ontario Regulations 257/25)</p> <p>Despite any regulation in this Zoning By-law, where a minimum setback is required, and where:</p> <p>a) The lot is not affected by the Reduction to Prescribed Setbacks Overlay, applying to lots located wholly or in part within:</p> <p>i) 300 metres of a railway right-of-way, excluding a railway right-of-way or section thereof solely used for light rail transit,</p>	<p>Add a new regulation to clarify the reductions to minimum setbacks permitted by recent Provincial legislation. These permissions are already in effect through Ontario Regulations and the Planning Act. The proposed amendment ensures consistency between the Zoning By-law and Provincial legislation and provides ease of reference.</p>

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	<p>ii) 120 metres of lands regulated by the Grand River Conservation Authority; i) 120 metres of a 'Natural Conservation Zone (NHC-1)' or an 'Existing Use Floodplain Zone (EUF-1)'. b) The lot or use is not subject to site plan control pursuant to Section 41 of the Planning Act, and 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.</p>	
Section 5 – Parking, Loading, and Stacking		
<p>5.3.3 Location of Parking Spaces for Residential Uses a) On a lot containing a <i>single detached dwelling, semi-detached dwelling, street townhouse dwelling, additional dwelling unit(s) (attached), additional dwelling unit(s) (detached), small residential care facility, or home occupation</i>: i) <i>Parking spaces</i> located within a <i>building</i> shall be <i>setback</i> a minimum distance of 6 metres from a <i>street line</i>;</p>	<p>AMEND and NEW 5.3.3 Location of Parking Spaces for Residential Uses a) On a lot containing a <i>single detached dwelling, semi-detached dwelling, street townhouse dwelling, additional dwelling unit(s) (attached), additional dwelling unit(s) (detached), small residential care facility, or home occupation</i>: <i>Parking spaces</i> located within a <i>building</i> shall be <i>setback</i> a minimum distance of 6 metres from a <i>street line</i> where the vehicle entrance to the <i>building</i> faces a <i>street line</i>; ... a. vii) Where three (3) or more dwelling units are located on a lot, an outdoor <i>parking space</i> situated on an angle from the main <i>driveway</i> approach and which does not form part of a <i>parking lot</i> shall only be permitted in the <i>rear yard</i> and shall comply with the following: Despite 5.4 j) <i>parking spaces</i> shall be accessed via a <i>drive aisle</i> having: i. A minimum width of 3.4 metres where <i>parking spaces</i> are oriented at an angle of 45 degrees or less from the <i>drive aisle</i>, ii. A minimum width of 5.5 metres where <i>parking spaces</i> are oriented at an angle between 46 and 60 degrees from the <i>drive aisle</i>; iii. A minimum width of 6.0 metres where <i>parking spaces</i> are oriented at an angle greater than 60 degrees from the <i>drive aisle</i>; b. <i>Parking spaces</i> and <i>drive aisles</i> shall be subject to the <i>parking lot</i> regulations of Sections 5.3. a) and e). Despite 5.3 e) ii the minimum <i>drive aisle</i> width shall be in accordance with 5.3.3 a) vii) a.. c. The maximum width and length of a <i>parking space</i> or <i>drive aisle</i> shall not exceed 110% of the minimum requirements, and in no case shall the combined width of the <i>driveway, parking spaces</i> and <i>drive aisle</i> exceed 11.5 metres.</p>	<p>Updated regulation to align with the intent of the setback, which is to ensure a street facing garage is setback a sufficient distance to accommodate a parking spot on the driveway.</p> <p>Add a new regulation that requires a drive aisle for parking spaces situated on an angle from the main driveway approach and which are not part of a parking lot. This helps ensure appropriate functionality for rear yard parking spaces while mitigating potential impacts on abutting properties. Clarify that there is a maximum size for this new parking configuration since the drive aisle would not be subject to the 8 metre maximum driveway width in the rear yard.</p>

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051		
Existing Section/Regulation	Proposed Amendment	Rationale
<p>5.4 DRIVEWAY AND GARAGE PROVISIONS FOR RESIDENTIAL USES</p> <p>a) For all residential uses other than large residential care facilities, multiple dwellings and mixed use buildings, a required parking space shall have direct access from a street or lane via a driveway.</p> <p>...</p> <p>e) The provisions in Table 5-2 apply to single detached dwellings, semi-detached dwellings, and street townhouse dwellings with or without additional dwelling unit(s).</p> <p>...</p>	<p>AMEND and NEW</p> <p>5.4 DRIVEWAY AND GARAGE PROVISIONS FOR RESIDENTIAL USES</p> <p>a) For all residential uses other than large residential care facilities, multiple dwellings and mixed use buildings not having a <i>parking lot</i>, a required parking space shall have direct access from a <i>street or lane</i> via a <i>driveway</i> or drive aisle if permitted by 5.3.3 vii.</p> <p>...</p> <p>e) The provisions in Table 5-2 and 5-3 apply to single detached dwellings, semi-detached dwellings, and street townhouse dwellings with or without additional dwelling unit(s).</p> <p>...</p> <p>l) Where a building or structure, or part thereof, designed as <i>private garage</i>, faces a <i>street line</i> and has direct access via a <i>driveway</i>, the internal dimensions shall be sufficient for a <i>parking space</i> in accordance with Table 5-1.</p> <p>m) The minimum depth of the portion of a <i>driveway</i> facilitating access to <i>parking space</i> within a <i>private garage</i> which faces an <i>interior lot line</i> shall be 6 metres.</p>	<p>Providing clarity that parking space shall only be accessed via a driveway or drive aisle, and not other areas of a lot such as landscaped area or private amenity spaces. This helps ensure any provided parking spaces functions in accordance with the general intent of the Zoning By-law.</p> <p>Provide additional clarity that a private garage facing a street line must be designed to accommodate at least 1 parking space.</p> <p>Add a new regulation that requires a 6m drive aisle for garages facing the side lot line to facilitate creative building and garage designs while also helping ensure suitable functionality.</p>
<p>Table 5-2: Private Garage Width and Driveway Width Regulations by Use</p>	<p>AMEND, NEW, and REMOVE</p> <p>Table 5-2: Private Garage Width and Driveway Width</p>	<p>Add a new additional regulation to clarify that the maximum private garage width for a street townhouse dwelling unit with a lot width of 5.5 metres or greater may be increased to accommodate the minimum 3.0 metre interior width required for a parking space.</p> <p>Add a new addition regulation that allows a 0 metre driveway setback from the interior lot line for side facing garages to help facilitate more types of garage and driveway designs.</p> <p>Clarify that a driveway for street townhouse dwelling may be as wide as an attached garage as intended by the Zoning By-law.</p> <p>Remove all references to section 5.4.f) for redundancy purposes, with the understanding that Section 5.4.f) still applies.</p>

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051

Existing Section/Regulation Proposed Amendment Rationale

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

Residential Use	Maximum private garage width	Maximum driveway width with an attached private garage	Maximum driveway width without an attached private garage
<p><i>Single Detached Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	65% of the width of the front <i>façade</i> closest to the street at grade (1)	<p>50% of the lot width or a driveway may be as wide as the attached garage.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 50% of the lot; and shall be located no closer than the required side yard setback of the dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>50% of the lot width.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>
<p><i>Semi-Detached Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the street at grade (1)	<p>50% of the lot width or 5.2 metres, whichever is less, and a driveway may be as wide as the attached garage.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 50% of the lot; and shall be located no closer than the required side yard setback of the dwelling which is not located along the common wall of the same dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>The lesser of, 50% of the lot width or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>
<p><i>Street Townhouse Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the street at grade (1)	<p>60% of the lot width or 5.2 metres, whichever is less.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 60% of the lot; Exterior end unit driveways shall be located no closer than the required side yard setback of the dwelling which is not located along the common wall of the same dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>60% of the lot width or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>

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

Residential Use	Maximum private garage width	Maximum driveway width with an attached private garage (3)	Maximum driveway width without an attached private garage
<p><i>Single Detached Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	65% of the width of the front <i>façade</i> closest to the street at grade (1)	<p>50% of the lot width or a driveway may be as wide as the attached garage.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 50% of the lot; and shall be located no closer than the required side yard setback of the dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>50% of the lot width.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>
<p><i>Semi-Detached Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the street at grade (1)	<p>50% of the lot width or 5.2 metres, whichever is less, and a driveway may be as wide as the attached garage.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 50% of the lot; and shall be located no closer than the required side yard setback of the dwelling which is not located along the common wall of the same dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>The lesser of, 50% of the lot width or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>
<p><i>Street Townhouse Dwelling</i></p> <p>See Table 5.3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the street at grade (1)(2)	<p>60% of the lot width or 5.2 metres, whichever is less, and a driveway may be as wide as the attached garage.</p> <p>The driveway may extend beyond the width of the attached garage to a maximum total width of 60% of the lot; Exterior end unit driveways shall be located no closer than the required side yard setback of the dwelling which is not located along the common wall of the same dwelling.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>	<p>60% of the lot width or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no driveway shall exceed 8 metres in width.</p>

(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 garage which does not face a street line.

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051																																					
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<p>5.5 BICYCLE PARKING STALL PROVISIONS</p> <p>d) Despite Subsections a) and c), where a <i>Class A bicycle parking stall</i> is located within a <i>bicycle locker</i>, overhead clearance shall not be required.</p> <p>f) Notwithstanding subsection c) and e), <i>Class C Bicycle Parking Stalls</i> are not required to provide overhead clearance and are not required to abut an access aisle.</p>				<p>AMEND</p> <p>5.5 BICYCLE PARKING STALL PROVISIONS</p> <p>d) Despite Subsections a) and c), where a <i>Class A bicycle parking stall</i> is located within a <i>bicycle locker</i>, a minimum overhead clearance of 1.2 metres shall not be required.</p> <p>f) Notwithstanding subsection c) and e), <i>Class C Bicycle Parking Stalls</i> shall are not required to provide a minimum overhead clearance of 1.2 metres and are not required to abut an access aisle.</p> <p>NEW</p> <p>i) Despite Subsection c), a <i>bicycle locker</i> provided for a required <i>Class A bicycle parking stall</i> or <i>Class C bicycle parking stall</i> may be wedge shaped subject to the following requirements:</p>	<p>Clarify that a minimum height clearance is required for bike lockers and Class C bicycle stalls to ensure functionality.</p> <p>Add a new regulation to permit wedge or pie shaped bicycle lockers which are more space efficient and allow for greater flexibility in design. These minimum dimensions align with current industry standards and are considered the bare</p>																																

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051		
Existing Section/Regulation	Proposed Amendment	Rationale
	<ul style="list-style-type: none"> 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 <i>Class C bicycle parking stall</i>, a 1.5 metre access aisle is required. 	<p>minimum required to accommodate most types of bikes.</p>
Section 6 – Strategic Growth Area (SGA) Zones		
<p>6.6 PRIORITY STREETS</p> <p>a) For lot lines abutting street line segments identified on Appendix G – Priority Streets, the following shall apply:</p> <ul style="list-style-type: none"> ii. above grade structured parking spaces shall not be permitted along the street line ground floor or street line second floor, except for access; iii. above grade structured parking spaces shall not occupy more than 50% of the area of the street line façade within the base of a building; iv. surface parking spaces shall not be permitted within 6 metres of the street line; 	<p>AMEND</p> <p>6.6 PRIORITY STREETS</p> <p>a) For <i>lot lines</i> abutting <i>street line</i> segments identified on Appendix G – Priority Streets, the following shall apply:</p> <ul style="list-style-type: none"> ii. above <i>grade</i> structured parking spaces facilities shall not be permitted along the <i>street line ground floor</i> or <i>street line</i> second floor, except for access; iii. above <i>grade</i> structured parking spaces facilities shall not occupy more than 50% of the area of the <i>street line façade</i> within the base of a <i>building</i>; iv. surface parking spaces facilities shall not be permitted within 6 metres of the <i>street line</i>, except for access and parking spaces located on a driveway; 	<p>Clarify that the regulation applies to all parking facilities including driveways, drive aisles, parking spaces, and parking lots, except where otherwise stated.</p> <p>Remove italics for “parking” since parking facilities is not a defined term but instead is meant to capture all aspects related to parking.</p>
<p>Table 7-2 Additional regulation (7)</p> <p>(7) Despite the minimum <i>front yard</i> or <i>exterior side yard setback</i>, the vehicular entrance to any <i>private garage</i> shall be located a minimum of 6 metres from the <i>street line</i>.</p>	<p>AMEND</p> <p>Table 7-2 Additional regulation (7)</p> <p>(7) Despite the minimum <i>front yard</i> or <i>exterior side yard setback</i>, the vehicular entrance to any <i>private garage</i> which faces a street line shall be located a minimum of 6 metres from the <i>street line</i>.</p>	<p>The intent of the 6m setback is to ensure the driveway can accommodate at least 1 parking space. The proposed amendment maintains this intent while providing flexibility for side facing garages.</p>
<p>Table 7-3</p>	<p>AMEND and NEW</p> <p>Table 7-3</p>	<p>The intent of the 6m setback is to ensure the driveway can accommodate at least 1 parking space. The proposed amendment maintains this intent while providing flexibility for side facing garages.</p> <p>Add new Additional Regulation (6) which allows new semi-detached dwellings to be constructed with off-set walls where there is an easement for the maintenance walls, eaves, and real property.</p>

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051								
Existing Section/Regulation		Proposed Amendment						Rationale
Table 7-3: For Semi-Detached Dwelling Unit								
Regulation	RES-1	RES-2	RES-3 (3)	RES-4 (3)	RES-5 (3)	RES-6	RES-7	
Minimum Lot Area			260m ²	210m ²	210m ²			
Minimum Lot Width			9.3 m	7.5m	7.5m			
Minimum Corner Lot Width			12.0m	12.0m	12.0m			
Minimum Front Yard or Exterior Yard Setback			4.5m (1)(5)	4.5m(1)(5)	4.5m(1)(5)			
Maximum Front Yard Setback			(1)	(1)	(1)			
Minimum Interior Side Yard Setback			1.2m	1.2m	1.2m			
Minimum Rear Yard Setback			7.5m	7.5m	7.5m			
Maximum Lot Coverage			55%(2)	55%(2)	55%(2)			
Maximum Building Height			11.0m(4)	11.0m(4)	11.0m(4)			
Maximum number of storeys			3	3	3			
<p>(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.</p>								
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Maximum Front Yard Setback			(1)	(1)	(1)			
Minimum Interior Side Yard Setback ⁽⁶⁾			1.2m	1.2m	1.2m			
Minimum Rear Yard Setback			7.5m	7.5m	7.5m			
Maximum Lot Coverage			55%(2)	55%(2)	55%(2)			
Maximum Building Height			11.0m(4)	11.0m(4)	11.0m(4)			
Maximum number of storeys			3	3	3			
<p>(5) Despite the minimum front yard or exterior side yard setback, the vehicular entrance to any private garage which faces a street line shall be located a minimum of 6 metres from the street line.</p> <p>(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</p>								

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²			Minimum Lot Width (Internal Unit)				6.0m(7)(9)	5.5m(9)			Minimum Lot Width (External Unit)				10.0m	9.5m			Minimum Corner Lot Width				12.0m	11.5m			Minimum Front Yard or Exterior Yard Setback				4.5m(1)(6)	4.5m(1)(6)			Maximum Front Yard Setback				(1)	(1)			Minimum Interior Side Yard Setback				2.5m(8)	2.5m(8)			Minimum Rear Yard Setback				7.5m	7.5m			Rear Yard Access				(2)	(2)			Maximum Lot Coverage				55%(3)	55%(3)			Maximum Building Height				11.0m(5)	11.0m(5)			Maximum number of storeys				3	3			<p>Add new additional regulation (9) to permit a minimum lot width of 5.0 metres for internal street townhouses which do not have an attached private garage. This will help facilitate new townhouse designs, such as new CMHC designs, while still maintaining the general intent for consistent streetscapes and appropriate driveway widths in proportion to the street line façade.</p> <p>The intent of the 6m setback is to ensure the driveway can accommodate at least 1 parking space. The proposed amendment maintains this intent while providing flexibility for side facing garages.</p> <p>Amend Additional Regulation (8) to allow townhouse blocks to be constructed with off-set walls with a 0 metre side yard setback where there is an easement for the maintenance walls, eaves, and real property.</p>
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units						5	5	Maximum number of dwelling units								Private Patio Area					(3)	(3)	(3)	Maximum Gross Floor Area of Individual Non-Residential Use						600m ² (4)	600m ² (4)	<p>NEW Additional Regulation (10) in RES-5 column, minimum lot width row.</p> <p style="text-align: center;"><u>Table 7-6: For Multiple Dwellings and Non-Residential Uses</u></p> <table border="1"> <thead> <tr> <th>Regulation</th> <th>RES-1</th> <th>RES-2</th> <th>RES-3</th> <th>RES-4 (6)</th> <th>RES-5 (6)</th> <th>RES-6 (6)</th> <th>RES-7 (6)</th> </tr> </thead> <tbody> <tr> <td>Minimum Lot Area</td> <td></td> <td></td> <td></td> <td></td> <td>495m²</td> <td></td> <td></td> </tr> <tr> <td>Minimum Lot Width</td> <td></td> <td></td> <td></td> <td></td> <td>19.0m(10)</td> <td>30.0m</td> <td>30.0m</td> </tr> <tr> <td>Minimum Front Yard or Exterior Yard Setback</td> <td></td> <td></td> <td></td> <td></td> <td>4.5m (8)</td> <td>3.0m</td> <td>3.0m</td> </tr> <tr> <td>Minimum Interior Side Yard Setback</td> <td></td> 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(8)	3.0m	3.0m	Minimum Interior Side Yard Setback					3.0m	4.5m	4.5m (5)	Minimum Rear Yard Setback					7.5m	7.5m	7.5m (5)	Minimum Landscaped Area					20%	20%	20%	Minimum Floor Space Ratio						0.6 (2)(7)	2.0 (2)(7)	Maximum Floor Space Ratio					0.6	2.0 (2)	4.0 (2)	Minimum building height						11.0 m	14.0 m	Maximum Building Height					11.0m (9)	25.0m	(5)	Maximum number of storeys					3	8		Minimum number of dwelling units						5	5	Maximum number of dwelling units								Private Patio Area					(3)	(3)	(3)	Maximum Gross Floor Area of Individual Non-Residential Use						600m ² (4)	600m ² (4)	<p>Add new subsection (10) to permit a minimum lot width of 14 metres for multiple dwellings with 10 dwelling units or less in RES-5 zone to permit six-plexes and other small multiples on more lots. The proposed 14 metre lot width facilitates CHMC multiple dwelling designs while still ensuring sufficient space for required side yard setbacks and a driveway leading to a small rear yard parking area.</p>
Regulation	RES-1	RES-2	RES-3	RES-4 (6)	RES-5 (6)	RES-6 (6)	RES-7 (6)																																																																																																																																																																																																																																																											
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<p>Section 9 – Commercial (COM) Zones</p> <p>Table 9-1: Permitted Uses within the Commercial Zones</p>	<p>AMEND</p> <p>Table 9-1: Permitted Uses within the Commercial Zones</p>	<p>Clarify that the maximum 300 sq.m. per unit size of convenience retail applies to all COM zones. This helps distinguish convenience retail from other uses and is consistent with the Commercial Campus designation in the Official Plan.</p>																																																																																																																																																																																																																																																																

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051										
Existing Section/Regulation					Proposed Amendment					Rationale
Use	COM-1	COM-2	COM-3	COM-4	Use	COM-1	COM-2	COM-3	COM-4	
Amusement Park		✓(1)	✓(1)	✓(1)	Amusement Park		✓(1)	✓(1)	✓(1)	
Artisan's Establishment	✓(2)	✓	✓	✓	Artisan's Establishment	✓(2)	✓	✓	✓	
Automotive Detailing and Repair Operation		✓	✓	✓	Automotive Detailing and Repair Operation		✓	✓	✓	
Brewpub	✓(2)	✓	✓	✓	Brewpub	✓(2)	✓	✓	✓	
Car Wash		✓	✓	✓	Car Wash		✓	✓	✓	
Catering Service Establishment	✓(2)	✓	✓	✓	Catering Service Establishment	✓(2)	✓	✓	✓	
Commercial Entertainment		✓	✓	✓	Commercial Entertainment		✓	✓	✓	
Commercial Parking Facility			✓	✓	Commercial Parking Facility			✓	✓	
Commercial School		✓	✓	✓	Commercial School		✓	✓	✓	
Computer, Electronic, Data Processing, or Server Establishment	✓(2)	✓	✓	✓	Computer, Electronic, Data Processing, or Server Establishment	✓(2)	✓	✓	✓	
Use	COM-1	COM-2	COM-3	COM-4	Use	COM-1	COM-2	COM-3	COM-4	
Conference, Convention, or Exhibition Facility		✓	✓	✓	Conference, Convention, or Exhibition Facility		✓	✓	✓	
Convenience Retail	✓(2)	✓	✓	✓	Convenience Retail (2)	✓(2)	✓	✓	✓	
Craftsperson Shop	✓(2)	✓	✓	✓	Craftsperson Shop	✓(2)	✓	✓	✓	
Day Care Facility	✓(2)	✓	✓	✓	Day Care Facility	✓(2)	✓	✓	✓	
Drive-Through Facility		✓	✓	✓	Drive-Through Facility		✓	✓	✓	
Dwelling Unit	✓(3)	✓(3)(4)			Dwelling Unit	✓(3)	✓(3)(4)			
Section 17 – Overlays										
17.1 APPLICABLE OVERLAYS Flooding Hazard - the purpose of this overlay is to identify lands that are susceptible to flooding hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones. Slope Erosion Hazard - the purpose of this overlay is to identify lands that are susceptible to slope erosion hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones. Significant Wildlife Habitat and Significant Landforms - the purpose of this overlay is to identify lands within Significant Wildlife Habitat and Significant Landforms that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration.					AMEND 17.1 APPLICABLE OVERLAYS Flooding Hazard - the purpose of this overlay is to identify lands that are susceptible to flooding hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones. Slope Erosion Hazard - the purpose of this overlay is to identify lands that are susceptible to slope erosion hazards and prevent injury or the loss of life, minimize property damage and social disruption, and the aggravation of existing hazards and the creation of new ones. Significant Wildlife Habitat and Significant Landforms - the purpose of this overlay is to identify lands within Significant Wildlife Habitat and Significant Landforms that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration.					Add new overlay to clarify where prescribed percentage of a setback distance as per O.Reg 257/25 does not apply.

Appendix C – Rationale Chart

Proposed amendment to Zoning By-law 2019-051		
Existing Section/Regulation	Proposed Amendment	Rationale
Ecological Restoration Areas - the purpose of this overlay is to identify lands within Ecological Restoration Areas that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration	<p>Ecological Restoration Areas - the purpose of this overlay is to identify lands within Ecological Restoration Areas that are subject to an Environmental Impact Study or other appropriate study prior to development, redevelopment, or site alteration.</p> <p>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 distance 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.</p>	
NEW 17.2.5	<p>NEW 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:</p> <ul style="list-style-type: none"> i) 300 metres of a railway right-of-way, excluding a railway right-of-way or section thereof solely used for <i>light rail transit</i>, ii) 120 metres of lands regulated by the Grand River Conservation Authority; ii) 120 metres of a 'Natural Conservation Zone (NHC-1)' or an 'Existing Use Floodplain Zone (EUF-1)'. 	Add new overlay to clarify where prescribed percentage of a setback distance as per O.Reg 257/25 does not apply.

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1		
Existing Section/Regulation	Proposed Amendment	Rationale
Section 4		
NEW DEFINITION “Access Ramp”	NEW DEFINITION “Access Ramp” means an inclined surface supported by a <i>structure</i> or retaining wall which provides access above or below part of or all of the surrounding ground.	This definition will assist with consistency in determining required setbacks.
NEW DEFINITION “Common Wall”	NEW DEFINITION “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.”	This definition will assist with consistency in determining required setbacks.
“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.	“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.	Simplify definition and move requirements to a centralized location in Section 5 – General Regulations to help ensure consistent interpretation and application.
Section 5 General Regulations		
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, or motor vehicles parked in a parking space on a driveway. The purpose being to allow complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection or street.	Amend 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.	Clarification that traffic signs, such as a stop sign which has been approved as part of the Site Plan may be located in the Corner Visibility Triangle or Driveway Visibility Triangle in accordance with requirements from Transportation Services. Clarify that rear laneways do not require a driveway visibility triangle provided there is no non-residential uses and no parking lot.
5.5.2 Regulations for Buildings Accessory to Dwellings in a Residential, Institutional, Commercial-Residential, Mixed Use Corridor, Industrial-Residential (M-1) and Existing Use (E-1) Zone 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 and the maximum lot coverage shall be 15 percent.	Amend 5.5.2 Regulations for Buildings Accessory to Dwellings in a Residential, Institutional, Commercial-Residential, Mixed Use Corridor, Industrial-Residential (M-1) and Existing Use (E-1) Zone 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	Amend regulation to be more consistent with regulations for an additional dwelling unit detached. Clarify that accessory structures are limited to a maximum of one storey to maintain the intent of the zoning regulation.

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1	Proposed Amendment	Rationale
Existing Section/Regulation	Proposed Amendment	Rationale
	and the maximum lot coverage shall be 15 percent 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 3 metres for a flat roof.	
<p>5.6.1 Steps and Access Ramps b) steps and access ramps that do not exceed 0.6 metres above grade, at grade, or below grade, may be located within a side yard provided they are setback 0.5 metres from the closest property line.</p>	<p>5.6.1 Steps and Access Ramps b) steps and access ramps that do not exceed 0.6 metres above grade, at grade, or are located below grade, may be located within a side yard provided they are setback 0.5 metres from the closest property line. Despite the foregoing, steps and access ramps located above ground which do not exceed 0.6 metres in height and permit drainage beneath the structure, may be setback 0 metres from the closest property line.</p>	<p>Permit steps and ramps that follow ground level to have a 0 metre setback from the closest lot line..</p> <p>Permit steps and access ramps that do not exceed 0.6 metres in height to have a 0 metre setback provided water may continue to drain beneath the stair or ramp structure.</p>
<p>5.6A. PERMITTED YARD PROJECTIONS FOR DWELLINGS <u>.4 Terraces, Porches and Decks</u> Terraces, porches and decks, attached or unattached to the main building, may be located within a required yard, only in accordance with the following regulations:</p> <p>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 may be located beneath the porch;</p> <p>b) subject to no minimum 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;</p>	<p>AMEND 5.6A. PERMITTED YARD PROJECTIONS FOR DWELLINGS <u>.4 Terraces, Porches and Decks</u> Terraces, porches and decks, attached or unattached to the main building, may be located within a required yard, only in accordance with the following regulations:</p> <p>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;</p> <p>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;</p>	<p>To permit mechanical rooms and storage spaces to be located beneath a porch. These function similarly to a cold room and can provide a function to an otherwise unusable space.</p> <p>Permit terraces, porches, and decks that are no more than 0.6 metres above grade to be located up to the lot line, provided water may continue to drain beneath the stair or ramp structure.</p>
<p>5.22 ADDITIONAL DWELLING UNIT(S) (ATTACHED) AND ADDITIONAL DWELLING UNIT(S) (DETACHED) 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.</p>	<p>AMEND 5.22 ADDITIONAL DWELLING UNIT(S) (ATTACHED) AND ADDITIONAL DWELLING UNIT(S) (DETACHED) 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:</p>	<p>Simplify definition and move requirements to this centralized location in Section 5 – General Regulations to help with consistent interpretation and application.</p> <p>Add new regulation for maximum slope, cross slope, and length to align with emergency services. For maximum length, there are two options in accordance with the emergency services policy.</p>

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1		
Existing Section/Regulation	Proposed Amendment	Rationale
	<p>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;</p> <p>ii) A minimum width of 1.1 metres. Utility meters and downspouts may project a maximum of 0.2 metres into the unobstructed walkway;</p> <p>iii) A minimum overhead clearance of 2.1 metres;</p> <p>iv) A maximum slope of 8%;</p> <p>v) A maximum cross slope of 4%; and</p> <p>vi) A maximum length of 30 metres from the street line or designated emergency access route to the principal entrance; or</p> <p>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.</p> <p>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.</p>	
<p>5.33 FIVE TO TEN DWELLING UNITS ON A LOT</p> <p>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.</p>	<p>AMEND</p> <p>5.33 FIVE TO TEN DWELLING UNITS ON A LOT</p> <p>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:</p> <p>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;</p> <p>ii) A minimum width of 1.1 metres. Utility meters and downspouts may project a maximum of 0.2 metres into the unobstructed walkway;</p> <p>iii) A minimum overhead clearance of 2.1 metres;</p> <p>iv) A maximum slope of 8%;</p> <p>v) A maximum cross slope of 4%; and</p> <p>vi) A maximum length of 30 metres from the street line or designated emergency access route to the principal entrance; or</p> <p>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.</p> <p>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.</p>	<p>Simplify definition and move requirements to this centralized location in Section 5 – General Regulations to help with consistent interpretation and application.</p> <p>Add new regulation for maximum slope, cross slope, and length to align with emergency services. For maximum length, there are two options in accordance with the emergency services policy.</p>

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1		
Existing Section/Regulation	Proposed Amendment	Rationale
<p>NEW REGULATION 5.36 MINIMUM DISTANCE SEPARATION</p>	<p>NEW REGULATION 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.</p>	<p>Add a new regulation to ensure consistency with minimum distance separation in accordance with Provincial requirements.</p>
<p>NEW REGULATION 5.38 SETBACK VARIANCE</p>	<p>NEW REGULATION 5.37 REDUCTION TO SETBACKS (Ontario Regulations 257/25)</p> <p>Despite any regulation in this Zoning By-law which requires a minimum setback, where:</p> <ul style="list-style-type: none"> a) A lot is not located wholly or in part within: <ul style="list-style-type: none"> 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) <p>the minimum setback requirements for these lots shall be 90% of the applicable setback regulation."</p>	<p>Add new regulation to clarify where prescribed percentage of a setback distance as per O.Reg 257/25 does not apply.</p>
SECTION 6 – Off-Street Parking and Loading		
<p>6.1.1.2 Design Standards</p> <p>e) Where a required parking space is to be provided within a building, with direct access from a driveway, it shall have a minimum width of 3.04 metres and a minimum length of 5.49 metres.</p> <p>...</p> <p>g) No person shall use or permit to use an area other than a driveway to access an offstreet parking space.</p>	<p>AMEND 6.1.1.2 Design Standards</p> <p>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.</p> <p>...</p> <p>g) No person shall use or permit to use an area other than a driveway or drive aisle to access an off-street parking space.</p> <p>...</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i) parking shall be accessed via a drive aisle having; 	<p>Provide additional clarity that a private garage facing a street line must be designed to accommodate at least 1 parking space.</p> <p>Clarify that parking spaces may also be accessed via a drive aisle.</p> <p>Add a new regulation that requires a drive aisle for parking spaces situated on an angle from the main driveway approach and which are not part of a parking lot. This helps ensure appropriate functionality for rear yard parking spaces while mitigating potential impacts on abutting properties. Clarify that there is a maximum size for this new parking configuration.</p> <p>Add a new regulation that requires a 6m drive aisle for garages facing the side lot line to facilitate creative building and garage designs while also helping ensure suitable functionality.</p>

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1		
Existing Section/Regulation	Proposed Amendment	Rationale
	<ul style="list-style-type: none"> 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 parking space within a private garage which faces an interior lot line shall be 6 metres. 	
Section 19 – Industrial Residential Zone (M-1)		
19.1 Permitted Uses	ADD 19.1 Permitted Uses Private Home Day Care	Private home day cares are permitted anywhere dwelling units are permitted and should have been included in this Section.
Section 40 – Residential Six Zone (R-6)		
40.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit.	AMEND 40.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit, except for an internal unit which does not have an attached garage in which case the minimum lot width shall be 5.0 metres.	Amend regulation to permit a minimum lot width of 5.0 metres for internal street townhouses which do not have an attached private garage. This will help facilitate new townhouse designs, such as new CMHC designs, while still maintaining the general intent for consistent streetscapes and appropriate driveway widths in proportion to the street line façade.
Section 41 – Residential Seven Zone (R-7)		
41.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit,	AMEND 41.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit, except for an internal unit which does not have an attached garage in which case the minimum lot width shall be 5.0 metres.	Amend regulation to permit a minimum lot width of 5.0 metres for internal street townhouses which do not have an attached private garage. This will help facilitate new townhouse designs, such as new CMHC designs, while still maintaining the general intent for consistent streetscapes and appropriate driveway widths in proportion to the street line façade.
Section 42 – Residential Eight Zone (R-8)		

Appendix C – Rationale Chart

Proposed amendments to Zoning By-law 85-1		
Existing Section/Regulation	Proposed Amendment	Rationale
42.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit.	AMEND 42.2.5 For Street Townhouse Dwelling Minimum Lot Width - 5.5 metres for each dwelling unit, except for an internal unit which does not have an attached garage in which case the minimum lot width shall be 5.0 metres.	Amend regulation to permit a minimum lot width of 5.0 metres for internal street townhouses which do not have an attached private garage. This will help facilitate new townhouse designs, such as new CMHC designs, while still maintaining the general intent for consistent streetscapes and appropriate driveway widths in proportion to the street line façade.
Section 53 – Low Intensity Mixed Use Corridor Zone (MU-1)		
53.1 Permitted Uses	ADD USE 53.1 Permitted Uses Private Home Day Care	Private home day cares are permitted anywhere dwelling units are permitted and should have been included in this Section.
Section 54		
54.1 Permitted Uses	ADD USE 54.1 Permitted Uses Private Home Day Care	Private home day cares are permitted anywhere dwelling units are permitted and should have been included in this Section.
Section 55		
55.1 Permitted Uses	ADD USE 55.1 Permitted Uses Private Home Day Care	Private home day cares are permitted anywhere dwelling units are permitted and should have been included in this Section.