ZONING BY-LAW 2019

THE CORPORATION OF THE CITY OF KITCHENER

By-law Number 2019-051
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Appendix A – Zoning Grid Schedules
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WHEREAS it is desired to enact a new zoning by-law to comprehensively deal with zoning throughout the City;

AND WHEREAS this By-law is Stage One;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:
SECTION 1 – General Scope and Administration

1.1 **TITLE**

This By-law shall be known as the “Zoning By-law 2019” of the City.

1.2 **CONFORMITY AND COMPLIANCE WITH THE BY-LAW**

No person shall erect, alter, enlarge, or use any land, building, or structure within the city in whole or in part, except as expressly permitted in this By-law. For greater certainty, all uses of land shall be considered to be prohibited uses unless specifically permitted herein.

1.3 **COMPLIANCE WITH OTHER LEGISLATION**

Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other by-law of the City or any other government statute and/or regulation that may otherwise affect the use of land, buildings, or structures.

1.4 **APPLICATION**

The provisions of this By-law shall apply to all lands in the city shown on Appendix A. For greater certainty, land shown on Appendix A with diagonal hatching and labelled with By-law Number 85-1, By-law Number 4830, or By-law Number 878A is included for convenience of reference only and does not form part of this By-law.

1.5 **VALIDITY**

If any portion of this By-law is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions of said By-law shall remain in full force and effect until repealed, despite that one or more provisions thereof shall have been declared to have been invalid.

1.6 **EFFECTIVE DATE**

a) This By-law shall come into effect on the date of passage.

b) The provisions of this By-law enabled by Official Plan Amendment 103 and Official Plan Amendment 6 (2019), shall come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

1.7 **REPEAL OF EXISTING BY-LAWS**

All the provisions in By-law Number 85-1, By-law Number 4830, and By-law Number 878A, insofar as they affect the lands shown on Appendix A, are repealed.

1.8 **ZONING OCCUPANCY CERTIFICATE**

a) No change may be made in the type of use of any premises covered by this By-law without the issuance of a Zoning Occupancy Certificate. A Zoning Occupancy

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Certificate shall be required for each use on a lot or within a building containing multiple uses.

b) Despite Subsection a), no Zoning Occupancy Certificate shall be required for a single detached dwelling, semi-detached dwelling, street townhouse dwelling, second dwelling unit (attached), second dwelling unit (detached), or private home day care.

c) Nothing in this By-law applies to prevent the issuance of a Zoning Occupancy Certificate for a permitted use within lands, building, or structures established in accordance with the Transition Provisions of Section 18.

1.9 TECHNICAL REVISIONS TO THE ZONING BY-LAW

Technical revisions may be made to this By-law without the need for a Zoning By-law Amendment. Technical revisions means the correction of numbering, cross-referencing, grammar, punctuation or typographical errors, mapping errors, or revisions to format in a manner that does not change the intent of this By-law.

1.10 CONTENTS OF THIS BY-LAW

a) Figures form part of this By-law. Tables form part of this By-law and specify permitted uses and/or regulations.

b) Appendix A forms part of this By-law. Appendix B is included for convenience of reference only and does not form part of this By-law.

c) Reference aids such as tables of contents, marginal notes, headers, footers, headings, and illustrations are included for convenience of reference only and do not form part of this By-law. For greater certainty, illustrations are to be used as examples to show the application of a regulation, and shall not be construed to have general application beyond their context.
SECTION 2 – Interpretation, Classification, and Limits of Zones

2.1 INTERPRETATION

2.1.1 Word Usage

a) Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular.

b) The word "shall" is to be construed as being always mandatory and requires full compliance. The word “may” is to be construed as being permissive.

c) The word “herein” shall mean “in this By-law” and shall not be limited to any particular section of this By-law.

d) Where a section or provision of this By-law is noted as “reserved”, the purpose is to leave space for possible future amendments to this By-law. For greater certainty, the word “reserved” is inserted for convenience of reference only, and does not form part of this By-law.

2.1.2 Defined Terms

Italicized terms herein are defined in Section 3. Defined terms are intended to capture both the singular and plural forms of these terms. For non-italicized terms, the grammatical and ordinary meaning of the word applies. Terms may be italicized only in specific regulations; for these terms, the defined meaning applies where they are italicized and the grammatical and ordinary meaning applies where they are not italicized. Where a defined term in Section 3 is listed in a different order than it appears elsewhere in this By-law, it is done for the ease and convenience of locating and identifying the term with other like terms.

2.1.3 References to Acts

Where any legislation or portion thereof is referenced herein, it is intended that such references should be interpreted to include any subsequent legislation and related regulations that may amend or replace the specific statute.

2.1.4 Use of Tables

The uses permitted in a zone are noted in a permitted use table by the symbol ‘✓’. Within a permitted use table, a blank cell means the use is not permitted in that zone. Within a regulations table, a blank cell means no regulation applies. A number in brackets in a table indicates that one or more additional regulations apply. Within a table, the notation ‘GFA’ shall mean gross floor area, the notation ‘%’ shall mean percent, the notation ‘n/a’ shall mean not applicable, the notation ‘m’ shall mean metres, and the notation “m²” shall mean square metres.

City of Kitchener Zoning By-law 2019
2.2  ZONES, ZONING GRID SCHEDULES, AND APPENDICES

2.2.1  Reference to Zone Categories

Sections 6 through 16 comprise different zone categories that include one or more zones. A reference made to a zone category includes all zones within that zone category. A zone or zone category may be referred to by the following symbols:

<table>
<thead>
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<th>Urban Growth Centre (UGC) Zones</th>
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<td>General Commercial</td>
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<td>Arterial Commercial</td>
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<td>Commercial Campus</td>
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<td>General Industrial Employment</td>
<td>EMP-2</td>
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<tr>
<td>Heavy Industrial Employment</td>
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2.2.2 Zoning Grid Schedules

- a) The location, extent, and boundaries of all zones are shown on Appendix A.
- b) The location, extent, and boundaries of overlays are shown on Appendix A with a hatching over top of the underlying zones.
- c) The location, extent, and boundaries of site specific provisions are shown on Appendix A where a zone symbol is followed by a number in parentheses.
- d) The location, extent, and boundaries of holding provisions are shown on Appendix A where a zone symbol is followed by a number and the letter “H” in parentheses.
- e) The location, extent, and boundaries of temporary use provisions are shown on Appendix A where a zone symbol is followed by a number and the letter “T” in parentheses.

2.2.3 Grand River Conservation Authority Regulated Area

The Grand River Conservation Authority Regulated Area is delineated on Appendix B and illustrates areas that may be regulated in accordance with the Conservation Authorities Act. The actual regulated area may differ from the area shown on Appendix B.

2.3 LIMITS OF ZONES

When determining the boundary of any zone as shown on Appendix A, the following shall apply:

- a) a boundary indicated as following a street, lane, railway right-of-way, utility corridor, or watercourse shall be the centre-line of the applicable feature and the applicable feature shall be included within the zone of the adjoining lot(s) on the sides thereof;
- b) a boundary indicated as following lot lines on the date of passage of this By-law or the municipal boundaries of the city shall follow such lot lines or boundary; and,
c) where a boundary is left uncertain after reference to Subsections i) and ii), the boundary shall be determined either figures contained in site specific provisions or holding provisions or scaled from Appendix A.
SECTION 3 – Definitions

A

Access Aisle – means the space abutting parking spaces or bicycle parking stalls for pedestrian access to vehicles.

Accessory – means a use or building that is commonly incidental, subordinate, and exclusively devoted to the principal use(s) or primary building(s) situated on the same lot.

Adult Sex Film Theatre – means the use of a building for the making or showing of films classified as adult sex film by the Ontario Film Review Board.

Agriculture – means the use of a premises for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; vertical farming; and associated on-farm buildings and structures, including livestock facilities, manure storages, and value-retaining facilities. Agriculture can include equestrian establishment.

Agriculture-Related – means the use of a premises for commercial and industrial purposes that are directly related to and support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Agriculture-related can include storage or processing of food grown in the area, and farm input supplies such as feed, seeds, and fertilizer.

Amusement Park – means the use of a premises where rides, slides, play facilities, and games of chance or skill are provided for public amusement, and can include a water park, go-kart track, paintball facility, and miniature golf facility.

Angled Parking Space – see Parking Space, Angled

Animal Shelter – means the use of a premises where lost, abandoned, or rescued animals are boarded for the purposes of care, claiming, or adoption.

Architectural Features – means decorative features of a building such as window sills, chimney breasts, belt courses, cornices, parapets, and/or eaves.

Artisan’s Establishment – means the use of a premises for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, or tailor. Artisan’s establishment shall not include an adult sex film theatre.

Attic – means the uninhabitable portion of a building or structure that is immediately below the roof and wholly or partially within the roof framing, having an interior height of 1.8 metres or less. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is considered to be a storey.

Automotive Detailing and Repair Operation – see Repair Operation, Automotive Detailing and
B

Back-to-Back Townhouse Dwelling – see Dwelling, Back-to-Back Townhouse

Base – means the ground floor and immediate floors above the ground floor of a building that form the bottom section or podium of a mid-rise building or tall building.

Bed and Breakfast – means a home occupation that provides overnight accommodation of the traveling public, or temporary living accommodations, and shall not include a hotel, lodging house, or group home.

Below Grade – means any portion of a building where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest lot line is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the building shall in no way be considered to be below grade.

Bicycle Locker – means an individual bicycle storage unit that is weather protected, enclosed, and has a controlled access system.

Bicycle Parking Stall – means a Class A bicycle parking stall and a Class B bicycle parking stall.

Bicycle Parking Stall, Class A – means a bicycle locker or an enclosed, secure area with controlled access in which a bicycle may be parked and secured for the long term in a stable position with at least one point of contact with the frame of the bicycle.

Bicycle Parking Stall, Class B – means an area in which a bicycle may be parked and secured for the short term in a stable position with two points of contact with the frame of the bicycle.

Biotechnological Establishment – means the use of a premises for the research, development, application, and production of bio-organisms, which may or may not be used in a manufacturing process, but shall not include the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, fish, or by-products thereof; animal husbandry; or the raising of animals.

Bonus Value – means additional floor space ratio or building floor area that may be provided on a lot in exchange for facilities, services, or matters that benefit the community. ‘Additional’ means floor space ratio or building floor area beyond what is permitted by the maximum base floor space ratio in a zone.

Brewpub – means the use of a building for the small-scale production of beer, wine, cider, and/or spirits in conjunction with a restaurant.

Building – means a structure occupying an area equal to or greater than 10 square metres and consisting of any combination of walls, roof, and floor, but shall not include a shipping container.

Building, Low-Rise – means a building between 1 and 3 storeys.

Building, Mid-Rise – means a building between 4 and 8 storeys.

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Building, Tall – means a building of 9 or more storeys.

Building Floor Area – means the aggregate horizontal floor area measured from the exterior walls of all storeys of a building excluding any floor area located below grade. The midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a lot line.

Building Height – means the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. For all uses except a single detached dwelling with or without a second dwelling unit (attached), at no point shall the vertical distance between the lowest finished grade and the uppermost point of the building exceed 110% of the maximum building height in the applicable zone.

Building Material and Decorating Supply Establishment – means the use of a premises for third party wholesale distribution of lumber and/or building supplies including roofing, masonry, plumbing, heating, electrical, paint, and similar items. Building material and decorating supply establishment shall not include a home improvement store.

Bulk Fuel and Oil Storage Establishment – means the use of a premises for the bulk storage or third party wholesale distribution of gasoline, oil, petroleum products, or other flammable liquids, but shall not include a gas station.

C

Campground – means the use of a premises for the temporary accommodation of the travelling public in major recreational equipment, or tents for recreational use.

Canine and Feline Grooming Establishment – means a home occupation for the grooming of dogs and/or cats, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming, but shall not include pet boarding, pet services establishment, or veterinary services.

Car Wash – means the use of a premises for the cleaning of motor vehicles, but shall not include the cleaning of commercial vehicles. An automatic car wash shall be considered a drive-through facility, and can include stacking lanes.

Catering Service Establishment – means the use of a premises for the preparation of food or beverages on-site, strictly for the consumption of these products off-site.

Cemetery – means the use of a premises for the interment of human remains and includes a mausoleum, columbarium, or other structure intended for the interment of human remains. A cemetery shall not include a crematorium.

City – means the Corporation of the City of Kitchener.

city – means the geographic area comprising Kitchener.

Class A Bicycle Parking Stall – see Bicycle Parking Stall, Class A

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Class B Bicycle Parking Stall – see Bicycle Parking Stall, Class B

Cluster Townhouse Dwelling – see Dwelling, Cluster Townhouse

Commercial Driver and Training Establishment – means the use of a premises where teaching or instruction of the operation of commercial vehicles and/or heavy equipment is offered.

Commercial Entertainment – means the use of a building for the entertainment of the public and can include a cinema; performing arts venue; amusement arcade; billiard room; bowling alley; bingo hall; electronic, laser, or virtual reality game; hall; sport simulators; miniature golf facility; paintball facility; go-kart track; climbing facility; and play facility as well as accessory retail thereto. Commercial entertainment shall not include an adult sex film theatre or amusement park.

Commercial Parking Facility – means the use of a premises for the temporary parking of motor vehicles in parking spaces and/or tandem parking spaces. A commercial parking facility shall not include the storage of motor vehicles or any required parking spaces associated with a use.

Commercial School – see School, Commercial

Commercial Vehicle – see Vehicle, Commercial

Commercial Vehicle Wash Facility – means the use of a premises for the cleaning of commercial vehicles.

Commercial Water Taking – means a use of a lot where water is extracted from surface or ground water, and where some or all of such extracted water is transported from the site for sale.

Community Facility – means the use of a premises for a multi-purpose facility that offers a combination of recreational, cultural, community service and information or instructional programs, and can include a community centre, community space, arena, library, and/or swimming facility.

Computer, Electronic, Data Processing, or Server Establishment – means the use of a building for software development and testing, or for the collection, analysis, processing, storage, or distribution of electronic data.

Conference, Convention, or Exhibition Facility – means the use of a premises as the place of assembly or venue for intermittent events such as conferences, conventions, exhibitions, seminars, banquets, or product and trade fairs.

Continuing Care Community – means the use of a premises that is planned, developed, managed, and operated as a continuum of accommodations and care, and is comprised of a large residential care facility and may contain an independent living facility.

Convenience Retail – see Retail, Convenience

Corner Lot – see Lot, Corner
Corner Visibility Area - means the area formed within a corner lot by two triangles, where the intersecting street lines form the legs of each triangle and the triangles extend from the street line point of intersection.

Corner Visibility Triangle – means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof, and a straight line connecting them from their point of intersection.

Correctional Group Home – see Group Home, Correctional

Craftsperson Shop – means the use of a premises for the creation, finishing, refinishing, or similar production of custom or hand-made commodities.

Crematorium – means the use of a building for the purpose of cremating human remains that is approved under the Funeral, Burial and Cremation Services Act.

Cultural Facility – means the use of a premises for the creation, production, and viewing of arts and culture, and can include a museum, art gallery, performing arts venue, auditorium, exhibition facility, and managed historical sites, but shall not include an adult sex film theatre.

Cultural Heritage Resources – means buildings, structures and properties designated under the Ontario Heritage Act or listed on the Municipal Heritage Register; protected by a heritage easement or covenant; properties identified on the Heritage Kitchener Inventory of Historic Buildings; built heritage resources; and cultural heritage landscapes as defined in the Provincial Policy Statement.

D

Day Care Facility – means the use of a premises licensed under Provincial legislation to operate a facility for the purpose of providing temporary care for children for a continuous period of time not exceeding twenty-four hours.

Day Care, Private Home – means a home occupation that accommodates:

a) five children or less where unlicensed under Provincial legislation; or,

b) six children or less where licensed under Provincial legislation,

at any one time for the purpose of providing temporary care for a continuous period of time not exceeding twenty-four hours.

Discarded Motor Vehicle – see Vehicle, Discarded Motor

Drive Aisle – means an internal vehicle route immediately adjacent to parking spaces and/or loading spaces, which provides direct vehicular access to and from parking spaces and/or loading spaces, but shall not include a driveway.
Drive-Through Facility – means the use of a premises including stacking lanes and an order station with or without voice communication, where products or services are provided through a service window or an automated machine to patrons remaining in their motor vehicle.

Driveway – means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.

Driveway Visibility Triangle – means a triangular area formed within a lot by the intersection of an edge of a driveway and a lot line, or the projections thereof, and a straight line connecting them from their point of intersection.

Dwelling – means a building containing one or more dwelling units and can include a single detached dwelling, semi-detached dwelling, street townhouse dwelling, second dwelling unit (attached), second dwelling unit (detached), cluster townhouse dwelling, multiple dwelling, small residential care facility, or large residential care facility.

Dwelling, Back-to-Back Townhouse – means the use of a building divided vertically into three or more dwelling units by common walls, including a common rear wall, which prevents internal access between dwelling units.

Dwelling, Cluster Townhouse – means the use of a building divided vertically into three or more dwelling units by common walls which prevent internal access between dwelling units and extends from the base of the foundation to the roof line. A cluster townhouse dwelling is not a street townhouse dwelling or multiple dwelling.

Dwelling, Multiple – means the use of a building containing three or more dwelling units, and can include a stacked townhouse dwelling and back-to-back townhouse dwelling. A multiple dwelling is not a street townhouse dwelling, mixed use building, or cluster townhouse dwelling.

Dwelling, Semi-Detached – means the use of a building divided vertically into two semi-detached dwelling units (as the principal use of the building) by a common wall which prevents internal access between dwelling units and extends from the base of the foundation to the roofline. Each semi-detached dwelling unit shall be designed to be located on a separate lot.

Dwelling, Single Detached – means the use of a building containing one dwelling unit as the principal use of the building.

Dwelling, Street Townhouse – means the use of a building divided vertically into three or more dwelling units (as the principal use of the building) by common walls which prevent internal access between dwelling units and extends from the base of the foundation to the roofline. Each street townhouse dwelling unit shall be designed to be on a separate lot. Street townhouse dwelling shall not include a cluster townhouse dwelling or multiple dwelling.

Dwelling Unit – means the use of a building that contains a room or suite of habitable rooms which:

a) is located in a dwelling or mixed use building;
b) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;

c) contains both a kitchen and bathroom used or designed to be used for the exclusive common use of the occupants thereof; and,

d) has a private entrance leading directly to the outside of the building or to a common hallway or stairway inside the building.

**Dwelling Unit, Farm-Related** – means the use of a dwelling unit that is accessory to agriculture.

**Dwelling Unit (Attached), Second** – means the use of a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit where a separate self-contained dwelling unit is located within the principal building.

**Dwelling Unit (Detached), Second** – means the use of a building where a separate self-contained dwelling unit located in a detached building on the same lot as an associated single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit. A second dwelling unit (detached) is not an accessory building.

**E**

**Electrical Transformer Station** – means the use of a premises to manage the transmission and distribution of electrical power that is provided to the public.

**Electric Vehicle Supply Equipment** – means electric vehicle supply equipment as defined in the Ontario Building Code.

**Elementary School** – see School, Elementary

**Equestrian Establishment** – means the use of a premises where horses are boarded, groomed, and/or available for riding and training.

**Existing** – means a currently existing thing that was:

a) lawfully existing immediately prior to the date of passage of this By-law; or,

b) established in accordance with the Transition Provisions of Section 18.

**Exterior Side Lot Line** – see Lot Line, Exterior Side

**Exterior Side Yard** – see Yard, Exterior Side

**F**

**Façade** – means an exterior building wall or series of exterior building walls excluding architectural features.

City of Kitchener Zoning By-law 2019
Façade, Street Line – means the façade oriented toward the street line.

Façade Opening – means any window or entrance on a façade which provides clear visibility or access from the outside to goods, exhibits, or the interior spaces of a building. Façade openings may include materials such as mullions but shall exclude materials such as spandrel.

Farm-Related Dwelling Unit – see Dwelling Unit, Farm-Related

Fineblanking – means a metal manufacturing process employing a high precision blanking or stamping technique, the finished product of which has smooth or unfractured edges and requires no further machining, and, without limiting the generality of the foregoing, no further grinding, shaving, reaming, or milling.

Financial Establishment – means the use of a building which provides financial services in which money is deposited, kept, lent, or exchanged, and can include a bank, trust company, credit union, or other similar banking service, but shall not include a payday loan establishment.

Fitness Centre – means the use of a premises in which facilities and activities are provided for physical exercise.

Floor Space Ratio – means the figure obtained when the building floor area on a lot is divided by the lot area. In the case of a building or part thereof located above a street or lane, the calculation of the floor space ratio shall include that portion of the building floor area and that portion of the area of the street or lane between the lot line and the centre line of the street or lane.

Food Cart – means a vehicle from which food or drink is offered for sale.

Food Store – means the use of a premises devoted primarily to the retail of food and food products and can include ancillary non-food products such as toiletries, personal care products, and hardware.

Freestanding Retail Outlet – see Retail Outlet, Freestanding

Front Lot Line – see Lot Line, Front

Front Yard – see Yard, Front

Funeral Home – means the use of a building for the preparation of human remains for interment or cremation, for the viewing of the body, and for funeral services. A funeral home shall not include a crematorium.

G

Garage, Private – means an accessory building, a portion of a dwelling, or a carport which is designed and used for the parking of one or more motor vehicles.

City of Kitchener Zoning By-law 2019
Garage Width, Private – means the horizontal distance of a private garage along the street line façade, measured between the exterior walls, or in the case of an attached private garage that does not project beyond the façade of a dwelling unit, measured from the exterior wall abutting a side yard to the midpoint of the opposite interior wall.

Garden Centre, Nursery, and/or Landscaping Supply – means the use of a premises for the retail and display of only plants, trees and shrubs, and gardening and landscaping supplies and equipment.

Gas Station – means the use of a premises for the retail of automotive fuel and other auto-related products, but shall not include automotive detailing and repair operation.

Golf Course – means the use of a premises for playing golf and can include an indoor or outdoor driving range, a putting green, and similar uses, but does not include a miniature golf facility.

Grade – means the elevation of the finished ground or land immediately surrounding such building or structure, and is determined by averaging 6 grade elevations equally spaced apart along the exterior walls of the building.

Gross Floor Area – means the aggregate horizontal area measured from the exterior faces of the exterior walls of all storeys of a building (excluding any portion of a storey devoted exclusively to parking) within all buildings on a lot.

Ground Floor – means the storey with its floor closest to grade and having its ceiling more than 1.8m above grade.

Group Home – means a residential care facility licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides a group living arrangement for their well-being. A group home shall not include a correctional group home.

Group Home, Correctional – means a residential care facility licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 persons, exclusive of staff, that provides housing and rehabilitation for persons on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A correctional group home shall not include a group home.

H

Health Clinic – means the use of a premises by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons. A health clinic can include medical laboratories, dispensaries, or other similar facilities, but shall not include accommodation for in-patient care, or facilities for major surgical practice.

Health Office – means a home occupation that is used by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons.

Health Professional – means a person who practices any of the health disciplines regulated under a Provincial Act.

City of Kitchener Zoning By-law 2019
**Heavy Repair Operation** – see *Repair Operation, Heavy*

**Home Improvement Store** – means the *use* of a *premises* for the *retailing* of housewares and a wide range of materials, merchandise, and equipment for construction, home improvement, and home gardening.

**Home Occupation** – means the *use* of a *building* for a business that is secondary to the *principal use* of the *building* as a *dwelling*.

**Hospice** – means the *use* of a *building* where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of 10 patients at any given time.

**Hospital** – means the *use* of a *premises* for the medical care, observation, supervision, and skilled nursing care of *persons* afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill *persons*, that is approved under the Public Hospitals Act or under the Private Hospitals Act.

**Hotel** – means the *use* of a *building* for overnight accommodation of the travelling public and includes a motel or motor hotel but does not include a *lodging house, small residential care facility, large residential care facility*, or *bed and breakfast*.

**Hydro Corridor** – a *utility corridor* used for the transmission and distribution of electricity.

**Industrial Administrative Office** – means the *use* of a *building* for the management or administration of an employment *use*.

**Independent Living Facility** – means a *multiple dwelling* that is part of a *continuing care community*, and where personal support services may be provided.

**Indirect Sales** – means a *home occupation* which conducts the sale of goods via mail order, telephone, fax, or internet, but shall not include direct sales or the storage of inventory on site.

**Indoor Recycling Operation** – see Recycling Operation, Indoor

**Institutional Use** – see *Use, Institutional*

**Interior Side Lot Line** – see *Lot Line, Interior Side*

**Interior Side Yard** – see *Yard, Interior Side*

**J**

**K**

**L**

City of Kitchener Zoning By-law 2019
Landscaped Area – means any portion of a lot which has no building, that is accessible from a building or street on which the lot is located, and is used for the purpose of landscaping and/or an outdoor swimming pool area.

Landscaping – means the landscaped area occupied by natural vegetation, surface walkways, rooftop gardens, patios, decks, playgrounds, pathways, and other similar materials, but shall not include areas for the parking of or access to motor vehicles.

Light Rail Transit – means rail system where electrically powered light rail vehicles operate on a track in a segregated, right of way.

Lane – means a public highway or road allowance having a width of less than 12.19 metres.

Large Merchandise Retail – see Retail, Large Merchandise

Light Repair Operation – see Repair Operation, Light

Loading Space – means a designated area located on a lot that is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the main use of the lot, and which has unobstructed access to a street or lane.

Lodging House – means a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences and convents but shall not include a group home; hospital; any small residential care facility or large residential care facility licensed, approved, or supervised under any general or specific Act; or a hotel.

Lodging Unit – means a room or set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodation which:

a) is designed for the exclusive use of the resident or residents of the unit;

b) is not normally accessible to persons other than the residents or residents of the unit; and,

c) does not have both a bathroom and kitchen for the exclusive use of the resident or residents of the unit.

Lot – means a parcel of land that can be legally conveyed pursuant to Planning Act.

Lot, Corner – means a lot at the intersection of and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees. Corner lots shall also include a through corner lot.

Lot, Through – means a lot bounded by streets on two opposite sides.

City of Kitchener Zoning By-law 2019
Lot, Through Corner – means a lot with lot lines abutting three or more separate streets, or a lot that is a corner lot and a through lot.

Lot Area – means the total horizontal area of a lot.

Lot Coverage – means that percentage of the lot area covered by all buildings.

Lot Line – means a line formed by the boundary of a lot.

Lot Line, Exterior Side – means the lot line abutting a street that is not the front lot line or the rear lot line.

Lot Line, Front – means the lot line abutting a street with the following exceptions:

a) in the case of a corner lot, the shorter lot line abutting a street, not including the lot line forming part of a corner visibility triangle, shall be the front lot line. Where such lot lines are of equal length, the City may deem any of the lot lines abutting a street as the front lot line;

b) in the case of a through lot, the City may deem one of the lot lines abutting a street to be the front lot line and the other lot line abutting a street to be the rear lot line; or,

c) in the case of a through corner lot, the City may deem any of the lot lines abutting a street as the front lot line.

Lot Line, Interior Side – means a lot line other than the front lot line, rear lot line, or exterior side lot line.

Lot Line, Rear – means the lot line farthest from and opposite to the front lot line, or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines.

Lot Line, Side – means an exterior side lot line and an interior side lot line.

Lot Width – means the horizontal distance between the side lot lines of a lot measured at the required minimum front yard setback.

Low Density Residential Use – see Use, Low Density Residential

Low-Rise Building – see Building, Low-Rise

Low-Rise Residential Zone – see Zone, Low-Rise Residential
**M**

**Major Equipment Supply and Service** – means the use of a premises for the service, repair, and sale of farm, construction, and large business machines; and commercial vehicles.

**Major Recreational Equipment** – means either a portable structure designed and built to be carried or pulled by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and can include motor homes, travel trailers, tent trailers, boats, boat trailers, personal watercraft, or other similar equipment.

**Manufacturing** – means the use of a premises for the production, compounding, processing, packaging, crating, bottling, packing, finishing, treating, ornamenting, altering, fabricating, or assembly of raw, semi-processed, or fully-processed goods or materials. Manufacturing can also include the use of a premises for research, investigation, testing, or experimentation including laboratories; pilot plants; and prototype production facilities. Manufacturing shall not include commercial water taking.

**Mid-Rise Building** – see Building, Mid-Rise

**Mixed Use Building** – means a building with at least one dwelling unit and a non-residential use.

**Mixed Use Development** – means a lot with two or more buildings where at least one building contains a dwelling unit and at least one building contains a non-residential use.

**Model Home** – means an uninhabited single detached dwelling, semi-detached dwelling, or street townhouse dwelling unit for the purpose of display and sale of the dwelling units.

**Motor Vehicle** – see Vehicle, Motor

**Multiple Dwelling** – see Dwelling, Multiple

**Multi-Unit Building** – means a building containing two or more non-residential uses within two or more separated spaces for lease or occupancy. A multi-unit building shall be managed and operated as one unit with shared on-site parking. A multi-unit building shall not include a mixed use building.

**Multi-Unit Development** – means two or more buildings containing one or more non-residential use(s) which are planned, developed, managed and operated as one unit with shared on-site parking. A multi-unit development shall not include a mixed use development.

**Multi-Unit Parking Rate** – means an aggregated parking space and bicycle parking stall requirement for uses within a multi-unit building and/or multi-unit development, or for non-residential uses within a mixed-use building and/or mixed-use development.
Natural Heritage Conservation – means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Natural heritage conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management.

New – means a thing which is not existing.

Nightclub – means the use of a building with a dance floor and pre-recorded or live music for entertainment, and can include a restaurant.

Noxious Use – see Use, Noxious

Office – means the use of a building in which clerical, administrative, consulting, advisory, or training services are performed, but shall not include a health clinic, commercial school, or industrial administrative office.

On-Farm Diversified – means the use of a premises that includes home occupation, agri-tourism uses, uses that produce value-added agricultural products, and retail of goods produced or manufactured primarily on the premises. On-farm diversified can include the processing or packaging of agricultural products, food store, pet boarding, pet services establishment, restaurant, and veterinary services.

Outdoor Active Recreation – see Recreation, Outdoor Active

Outdoor Passive Recreation – see Recreation, Outdoor Passive

Outdoor Recycling Operation – see Recycling Operation, Outdoor

Outdoor Storage – means the placement of goods, equipment, or materials on a lot not within a building.

Parallel Parking Space – see Parking Space, Parallel

Parcels of Tied Land – means any parcel of land legally bound and tied to a common element condominium.

Parking Lot – means an area located on a lot which contains four or more parking spaces.
Parking Space – means an area on which a *motor vehicle* may be parked in accordance with this By-law and which has access directly or by way of a *drive aisle* or *driveway*, to a *street* or *lane*.

Parking Space, Angled – means the orientation of a *parking space* in such a manner that the side of a *motor vehicle*, when parked, is at an angle other than parallel to the *drive aisle, driveway, lane*, or *street* which gives direct access to such *parking space*.

Parking Space, Barrier-Free Accessible – means a *parking space* provided for the use of persons with disabilities pursuant to the Accessibility for Ontarians with Disabilities Act.

Parking Space, Electric Vehicle – means a *parking space* with *electric vehicle supply equipment*.

Parking Space, Parallel – means the orientation of a *parking space* in such a manner that the side of a *motor vehicle*, when parked, is parallel to the *drive aisle, driveway, lane*, or *street* which gives direct access to such *parking space*.

Parking Space, Tandem – means the arrangement of two *parking spaces* such that it is necessary to traverse one *parking space* to gain access to the other from a *lane, drive aisle, driveway*, or *street*.

Parking Space, Visitor – means a *parking space* for the exclusive use of visitors to a *premises*.

Pawn Establishment – means the *use of a building* where a loan may be obtained on personal property held on-site as collateral, which may be reclaimed upon receipt of payment for the loan or sold to the general public and which is regulated under the Pawn Brokers Act.

Payday Loan Establishment – means the *use of a building* in which personal loans are provided to consumers and which is regulated under the Payday Loans Act, and shall not include a *financial establishment*.

Pet Boarding – means the use of a *premises* for the overnight accommodation of domestic animals. *Pet boarding* can include *pet services establishment* but shall not include *veterinary services* or *animal shelter*.

Pet Services Establishment – means the *use of a building* for the grooming, training, care and supervision of domestic animals during the day. *Pet services establishment* shall not include *pet boarding, veterinary services*, or *animal shelter*.

Person – means any human being, association, firm partnership, incorporated company, corporation, agent, or trustee; and heirs, executors or other legal representatives of a *person* to whom the context can apply according to law.

Personal Services – means the *use of a building* in which services involving the health, beauty, or grooming of a *person*; or the maintenance or cleaning of apparel, but shall not include a pharmacy.
**Place of Worship** – means the use of a *premises* by any religious organization for faith based spiritual purposes, and faith based teaching. *Place of worship* can include *dwelling unit(s)* as an accessory use.

**Pool** – means a *structure* that is designed and capable of holding a minimum depth of 0.91 metres or more of water, permanently or temporarily located outdoors either above or below the ground, or partly thereabove or therebelow, that is, or is designed to be, used or maintained for the purpose of swimming, wading, diving or bathing.

**Post-Secondary School** – see *School, Post-Secondary*

**Premises** – means the whole or part of *lots, buildings, or structures*, or any combination of these.

**Principal** – means, when *used* to describe a *use*, the primary *use* carried out on the *lot* or within a *building or structure*, and, when *used* to describe a *building or structure*, means the *building or structure* in which the primary *use* is conducted, or intended to be conducted.

**Printing or Publishing Establishment** – means the *use* of a *premises* in which books, newspapers, periodicals, flyers, or other printed materials are produced.

**Print Shop** – means the *use of a building* for photocopying, blueprinting, or binding.

**Private Garage** – see *Garage, Private*

**Private Garage Width** – see *Garage Width, Private*

**Private Home Day Care** – see *Day Care, Private Home*

**Propane Facility** – means the *use* of a *premises* for the handling of propane and shall include a filling plant, cardlock/keylock, private outlet, vehicle conversion centre, or *propane retail outlet*.

**Propane Retail Outlet** – means the *use* of a *premises* where propane is sold in refillable cylinders, and/or is put into the fuel tanks of *motor vehicles*, or into portable containers with a capacity exceeding 0.5 kg but not greater than 20 kg.

**Province** – means the Province of Ontario or one or more of its ministries or other agencies that exercise delegated authority on behalf of one or more ministries.

**Public Use** – see *Use, Public*

**Public Works Yard** – means the *use* of a *premises* operated by or on behalf of the Federal or *Provincial* governments, the *Region*, the Grand River Conservation Authority, or the *City*, for the storage and maintenance of materials and equipment related to public infrastructure.

Q

R

**Rear Lot Line** – see *Lot Line, Rear*

City of Kitchener Zoning By-law 2019
Rear Yard – see Yard, Rear

Recreation, Outdoor Active – means the use of land, water, buildings and/or structures for outdoor leisure and athletic activities and can include sport fields, tracks, parks and playgrounds, climbing facilities, outdoor racquet facilities and outdoor swimming facilities but shall not include golf courses, stadiums, amusement parks, or campgrounds.

Recreation, Outdoor Passive – means the use of land and/or water for non-intensive leisure activities such as trails, boardwalks, and footbridges, but shall not include campgrounds, active outdoor recreation, or golf courses.

Recycling Operation, Indoor – means the use of a building for the processing of non-hazardous, non-toxic, or un-contaminated waste into re-usable materials.

Recycling Operation, Outdoor – means the use of a premises for the processing of non-hazardous, non-toxic, or un-contaminated waste into re-usable materials.

Region – means the Corporation of the Regional Municipality of Waterloo.

Repair Operation, Light – means the use of a building for the servicing or repairing of household articles and appliances, but shall not include heavy repair operation, major equipment supply and service, or automotive detailing and repair operation.

Repair Operation, Heavy – means the use of a premises for the servicing or repairing of mechanical equipment including furnace or oil burners; water and air coolers; domestic water heaters; fixtures and equipment and any other like articles; heavy and light construction equipment; industrial and agricultural equipment; and lawn care equipment. Heavy repair operation shall not include a light repair operation, major equipment supply and service, or automotive detailing and repair operation.

Repair Operation, Automotive Detailing and – means the use of a premises for the servicing, repair, or detailing of motor vehicles, but shall not include the retail of motor vehicles.

Research and Development Establishment – means the use of a premises for research, investigation, testing, or experimentation including laboratories; pilot plants; prototype production facilities; software development and/or engineering services; and scientific, technological, or communications establishments.

Residential Use – see Use, Residential

Residential Care Facility, Large – means the use of a building that is occupied by 9 or more persons, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A large residential care facility can include a correctional group home, group home, and retirement home.
Residential Care Facility, Small – means the use of a building that is occupied by 3 to 8 persons, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A small residential care facility can include a correctional group home, group home, and retirement home.

Residential Zone – see Zone, Residential

Restoration, Janitorial, or Security Services – means the use of a premises where maintenance, restoration, cleaning, security, or similar services are housed and/or where such services are primarily conducted and/or provided off-site.

Restaurant – means the use of a premises where food and/or drink is prepared and sold for immediate consumption on or off-site.

Retail – means the use of a premises where goods and/or materials are displayed, rented, or sold. Retail can include a pharmacy, food store, home improvement store, and convenience retail, but does not include large merchandise retail; building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; or retail of motor vehicles and major recreation equipment.

Retail, Convenience – means the use of a premises where a variety of grocery, household items and other convenience goods are sold for consumer’s daily or occasional needs.

Retail, Large Merchandise – means the use of a premises where primarily large or bulky goods are displayed, rented, or sold. Large merchandise retail can include building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; home improvement store; and major equipment supply and service, but does not include convenience retail, retail, or retail of motor vehicles and major recreation equipment.

Retail of Motor Vehicles and Major Recreational Equipment – means the use of a premises where motor vehicles and major recreation equipment, and parts and accessories thereto, are displayed, stored, sold, rented, and/or leased and can include an associated automotive detailing and repair operation, and associated repair of major recreational equipment.

Retail Outlet, Freestanding – means a building containing one retail store.

S

Salvage or Scrap Yard – means the use of a premises for the handling, storage, baling, packing, disassembly, buying, or sale of scrap material such as discarded motor vehicles, machinery, or building materials.

City of Kitchener Zoning By-law 2019
School, Adult Education – means the use of a premises for a publicly funded institution for academic instruction which offers courses such as language, literacy and basic skills programming, credit courses for adults, continuing education programs, general interest courses, or Canadian citizenship preparation programs, but does not include post-secondary school or commercial school.

School, Commercial – means the use of a premises where teaching or instruction is offered for academics, arts, crafts, motor vehicle driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, or other similar subjects, but shall not include an adult education school, elementary school, secondary school or post-secondary school.

School, Elementary – means the use of a premises for a provincially approved institution for academic instruction typically offered from kindergarten to grade eight including a public, private, or separate school, but does not include a commercial school.

School, Post-Secondary – means the use of a premises for educational purposes by a degree, diploma, or certificate granting college or university under Provincial legislation, but does not include a Commercial School.

School, Secondary – means the use of premises for a provincially approved institution for academic instruction typically offered from grade nine to grade twelve including a public, private, or separate school, but does not include a commercial school.

Second Dwelling Unit (Attached) – see Dwelling Unit (Attached), Second

Second Dwelling Unit (Detached) – see Dwelling Unit (Detached), Second

Semi-Detached Dwelling – see Dwelling, Semi-Detached

Setback – means the minimum regulated distance measured at right angles between a lot line and the nearest part of any above grade building or structure.

Shipping Container – means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include cargo containers and truck trailers.

Shower and Change Facility – means a portion of a building containing shower rooms and change rooms or locker rooms, or other similar facilities.

Side Lot Line – see Lot Line, Side

Side Yard – see Yard, Side

Single Detached Dwelling – see Dwelling, Single Detached

Snow Disposal Site – means only those lands on which snow is placed after being brought to the lot from another lot, street, or lane, and shall not include areas to which snow is moved to one portion of a lot after being cleared from the rest of the lot.

City of Kitchener Zoning By-law 2019
Social Service Establishment – means the use of a premises by a non-profit organization or a registered charity to provide goods or services on-site for the betterment of the community. A social service establishment shall not include facilities for overnight accommodation.

Stacking Lane – means a continuous on-site queuing lane that includes stacking spaces for motor vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.

Stacking Space – means a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of a motor vehicle in a stacking lane.

Stepback – means the horizontal distance the portion of the building above the base is recessed from the façade of the base.

Stepback, Street line – means the horizontal distance the portion of the building above the base is recessed from the street line façade of the base.

Stormwater Management Facility – means the use of a premises where structures control and manage the quantity and quality of stormwater runoff.

Storey – means the portion of a building or structure that is situated between the top of any floor and the top of the floor next above it; or if there is no floor above it, that portion between the top of the floor and the ceiling above it. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is a storey.

Street – means a public highway greater than 12.19 metres in width, as defined under the Highway Traffic Act or the Municipal Act, which provides access to an abutting lot; and which is dedicated, assumed, and/or maintained by and under the jurisdiction of the City, Region or Province. For the purposes of this By-law, a street does not include a lane or any private street.

Street Line – means the lot line abutting a street.

Street Line Façade – see Façade, Street Line

Street Line Stepback – see Stepback, Street Line

Street Townhouse Dwelling – see Dwelling, Street Townhouse

Structure – means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility.

T

Tall Building – see Building, Tall

Tandem Parking Space – see Parking Space, Tandem

City of Kitchener Zoning By-law 2019
Temporary Sales Centre – means a building or structure that is used for the temporary sale of dwelling units in a proposed development.

Through Corner Lot – see Lot, Through Corner

Through Lot – see Lot, Through

Towing Compound – means the use of a lot for the temporary storage of motor vehicles and can include the temporary storage of discarded motor vehicles.

Tradesperson or Contractor’s Establishment – means the use of a premises where manual or mechanical skills are housed to design, build, install, maintain, or repair goods, equipment, or real property and where such services are conducted on or off-site.

Transportation Depot – means the use of a premises for the dispatching of commercial vehicles and motor vehicles transporting goods or passengers, and the parking and servicing of such commercial vehicles and motor vehicles when not in service.

Transportation Facility – means the use of a premises for the maintenance and storage of commercial vehicles for public transportation, and related equipment, and can include a transportation depot.

Truck Transport Terminal – means the use of a premises for the storage of commercial vehicles for the purpose of dispatching as common carriers, or where goods and materials are temporarily stored in bulk quantities at a transfer point for further shipment, and shall include the rental or leasing of trucks, and a courier distribution facility.

U

Use – means:

a) as a noun, the purpose for which any premises is arranged, designed, or intended to be used, occupied, or maintained.

b) as a verb, anything done or permitted by the owner or occupant, of any land, building, or structure directly or indirectly or by or through any trustee, tenant, servant, or agent of such owner or occupant, for the purpose of making use of the said land, building, or structure.

Use, Institutional – for the purposes of Section 18.2, means uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

City of Kitchener Zoning By-law 2019
Use, Low Density Residential – means a lot zoned to permit any of the following: single detached dwelling, semi-detached dwelling, street townhouse dwelling, second dwelling unit (attached), second dwelling unit (detached), cluster townhouse dwelling, multiple dwelling that is a low-rise building, small residential care facility, large residential care facility, and/or lodging house.

Use, Noxious – means the use of a premises which from its nature, or from the manner of carrying on same, causes or is liable to cause a condition which may become hazardous or injurious with regard to the health or safety of any person, including but not limited to the escape of any destructive gas or fumes, dust, objectionable odour or noise, or a contaminant (as defined by the Environmental Protection Act). A noxious use shall include, but not be limited to beverage distillation; phosphate and/or sulphur products; primary production of chemicals, synthetic rubber, plastic, asphalt, cement, and/or concrete; processing or refining of petroleum and/or coal; slaughtering, eviscerating, rendering, and/or cleaning of meat, poultry fish, and/or by-products thereof; smelting, refining, rolling, forging, and/or extruding of ore, and/or metal; stamping, blanking (excluding fineblanking), and/or punch-pressing of metal; tanning and/or chemical processing of pelts and/or leather; vulcanizing of rubber and rubber products; soil remediation facility; warehousing of hazardous, toxic and/or contaminated materials; and a truck transport terminal containing hazardous, toxic, and/or contaminated materials.

Use, Public – means the use of any land, building, or structure by or on behalf of the Federal or Provincial governments, the Region, the Grand River Conservation Authority, or the City.

Use, Residential – means a premises with at least one dwelling unit.

Utilities – means an essential commodity or service such as water, sewer, electricity, gas, oil, television, or communications/telecommunications that is provided to the public by a regulated company or government agency.

Utility Corridor – means linear strips of land that secure access between two points for the purpose of transmitting and distributing utilities and includes a hydro corridor.

V

Vehicle, Commercial – means any motor vehicle having permanently or temporarily attached thereto a truck box, or any other form of delivery body, and shall include tow trucks; tilt/n/load trucks; buses exceeding 7 metres in length and/or 4,000 kilograms in gross vehicle weight; tractor trailers or semi-trailers and any component thereof; or other like or similar vehicle, but shall not include major recreational equipment, or industrial equipment.

Vehicle, Discarded Motor – means a motor vehicle which is unlicensed, is in disrepair, and/or has missing parts including tires, damaged or missing glass, or deteriorated or removed metal adjunctions, which make its normal use impossible.
Vehicle, Electric – means a motor vehicle that is powered partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purposes. An electric vehicle shall include a battery electric vehicle or plug-in hybrid electric vehicle.

Vehicle, Motor – means any equipment self-propelled by an engine or motor mounted on the vehicle, but shall not include major recreational equipment.

Veterinary Services – means the use of a premises for consultation, diagnosis, and treatment of animals, and related boarding and grooming.

W

Warehouse – means the use of a building for the storage and/or distribution of goods and can include self-storage warehouses, and facilities for wholesaling of goods otherwise stored or manufactured within the building, but shall not include a truck transport terminal.

Waste Management Facility – means the use of a premises for the collection, sorting, and processing of waste material for long term disposal on-site or for transfer to another site and shall include a landfill, recycling facility, incinerator, composting facility, waste transfer station, or other similar uses, but shall not include a salvage or scrap yard.

Water and Wastewater Treatment Facility – means the use of a premises for the collection, treatment, storage, and distribution of water or wastewater.

Y

Yard – means any open area of a lot abutting a building.

Yard, Front – means a yard that extends across the full width of a lot between the front lot line and the nearest point of the principal building.

Yard, Rear – means a yard that extends across the full width of a lot between the rear lot line and the nearest point of the principal building.

Yard, Interior Side – means a yard that extends from the front yard to the rear yard between the interior side lot line and the nearest point of the principal building.

Yard, Exterior Side – means a yard abutting a street that extends from the front yard to the rear yard from the exterior side lot line to the nearest point of the principal building.

Yard, Side – means an exterior side yard and an interior side yard.

Z

City of Kitchener Zoning By-law 2019
Zone – means a designated area of land shown on the Zoning Grid Schedules contained in Appendix A of this By-law.

Zone, Low-Rise Residential – means a RES-1 through RES-5 zone, or any R-1 through R-6 residential zone in Zoning By-law 85-1.

Zone, Residential – means a RES zone herein, or any residential zone in Zoning By-law 85-1.
SECTION 4 – General Regulations

4.1 ACCESSORY BUILDINGS AND STRUCTURES

a) Unless otherwise provided for in this By-law, no accessory building or structure shall be used for human habitation.

b) Accessory buildings or structures to dwelling units having a maximum gross floor area of 10 square metres or less and a maximum height of 3 metres are permitted within a required rear yard or a required interior side yard.

c) Accessory buildings and structures to dwelling units with a building height greater than 3 metres shall be located a minimum of 0.6 metres from an interior side lot line and rear lot line.

d) For accessory buildings to single detached dwellings, semi-detached dwellings, and street townhouse dwellings, with or without a second dwelling unit (attached), or second dwelling unit (detached), and to multiple dwellings, the maximum height of the shortest exterior wall shall be 3 metres, the maximum building height shall be 5.5 metres, and the maximum lot coverage shall be 15 percent.

e) Accessory buildings or structures to dwelling units shall not be located in a front yard or exterior side yard.

4.2 ACCESSORY USES

Where this By-law provides that land may be used or a building or structure may be erected and used for a permitted use, that use shall include any accessory use provided that the accessory use is located within the same premises.

4.3 BONUSING

Reserved.

4.4 CONDOMINUMS

4.4.1 Standard Condominiums

a) Internal lot lines created by:

i) A registration of a plan of condominium; or

ii) A plan or plans of condominium registered on all or a portion of a lot which is part of a comprehensively planned development subject to a development agreement pursuant to Section 41 of the Planning Act;
shall not be construed to be lot lines for the purposes of zoning regulations provided that all applicable regulations of this By-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are strictly observed.

b) Where a unit boundary extends beyond a building to a private amenity area not abutting a common element, each private amenity area shall have an unobstructed access at grade or ground floor level, having a minimum width of 0.9 metres from a common element, either by:

i) Direct access within the unit boundary without passing through any portion of the dwelling unit;

ii) Direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,

iii) Access over adjacent lands that, if the lands are not owned by the City or the Region, are secured through the declaration or common element of the condominium.

4.4.2 Vacant Land Condominiums

Despite Section 4.13, more than one single detached dwelling, semi-detached dwelling, or street townhouse dwelling shall be permitted on a lot provided that each has direct access to a street or an internal private drive aisle or road that is a common element in a registered Condominium connecting to a street and is located on a unit in a Vacant Land Condominium. For purposes of this regulation, the front lot line for each unit in a Vacant Land Condominium shall be deemed to be that lot line abutting the internal private drive aisle or road portion of the common element, or the lot line abutting a street wherever the driveway access is, and the single detached dwelling, semi-detached dwelling, or street townhouse dwelling shall comply with all applicable zoning regulations.

4.4.3 Common Element Condominiums

Despite Section 4.6, single detached dwelling, semi-detached dwelling, or street townhouse dwellings shall be permitted on lots without frontage on a street provided that they are located on parcels of tied lands to a Common Element Condominium consisting of at least a private driveway connecting to a street.

Where lands have been comprehensively planned and are subject to an approved site plan and a development agreement pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the creation of the parcels of tied lands, shall be deemed to comply with the regulations of the By-law, provided that:

a) All applicable regulations of the By-law relative to the whole lot and its external lot lines existing prior to any condominium plan registration are complied with; and,
b) Each dwelling unit shall have an unobstructed access at grade or ground level, having a minimum width of 0.9 metres, from the front yard to the rear yard of the lot either by:

i) Direct access on the lot without passing through any portion of the dwelling unit;

ii) Direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,

iii) Access over adjacent lands that, if the lands are not owned by the City or the Region, are secured by an easement or are a common element of the condominium.

Any additions or alterations to the dwelling unit, accessory buildings, yard projections, and driveways added subsequent to the registration of the condominium, which are not shown on the approved site plan, must comply with the applicable zoning regulations for the single detached dwellings, semi-detached dwellings, or street townhouse dwellings contained within the parcels of tied land. For the purposes of this regulation, the front lot line shall be deemed to be the shortest lot line abutting a street, internal driveway, or internal walkway which provides primary access to the dwelling unit.

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 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.

b) A corner visibility area shall be required in MIX zones. One leg of both triangles shall measure 6 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to existing buildings or new construction which replaces an existing building with the same building footprint within the corner visibility area.

c) A corner visibility area shall be required in UGC zones. One leg of both triangles shall measure 5 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to existing buildings or new construction which replaces an existing building with the same building footprint within the corner visibility area.
d) A corner visibility triangle shall be required in all zones except UGC zones and MIX zones and shall be measured at 7 metres from the point of intersection of the street lines.

e) A driveway visibility triangle shall be required in all zones except UGC zones and MIX zones and shall be measured from the point of intersection of a street line and the edge of a driveway a distance of 3 metres from the street line and 4.5 metres from the edge of the driveway.
Illustration 1: Corner Visibility Triangle, Corner Visibility Area and Driveway Visibility Triangle Dimensions
4.6 **FRONTAGE ON A STREET**

Unless otherwise provided for in this By-law, no *person* shall erect any *building* or *structure*; or *use* any *building*, *structure*, or *lot* unless:

a) The *lot* has frontage on a *street*; or,

b) The *lot* is separated from a *street* by land owned by a public agency for future road widening purposes, or as a 0.3 metre reserve if registered rights-of-way giving access to a *street* have been granted and such access scheme is part of a development agreement pursuant to the Planning Act, as may be outstanding as at the date of passage hereof, or as may be hereafter agreed to.

4.7 **HOME OCCUPATION**

4.7.1 **Regulations for Home Occupations**

a) A *home occupation* shall only be permitted on a *lot* containing a *single detached dwelling* (with or without a *second dwelling unit* (attached) or *second dwelling unit* (detached)), *semi-detached dwelling* (with or without a *second dwelling unit* (attached) or *second dwelling unit* (detached)), *street townhouse dwelling* (without a *second dwelling unit* (attached) or *second dwelling unit* (detached)), *cluster townhouse dwelling*, or *multiple dwelling*.

b) A *home occupation* shall only locate in a *dwelling*.

c) A *home occupation* shall only be operated by the *persons* resident in the *dwelling unit*.

d) *Outdoor storage* shall not be permitted as part of a *home occupation*.

e) A *home occupation* shall not include a *noxious use*.

4.7.2 **Permitted Home Occupation Uses**

No *person* shall conduct a *home occupation* for any *use* other than those permitted *uses* within Table 4-2.
### Table 4-2: Permitted Home Occupation Uses

<table>
<thead>
<tr>
<th>Home Occupation Use</th>
<th>First Home Occupation Use</th>
<th>Second Home Occupation Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted home occupation use on a lot containing a single detached dwelling or a semi-detached dwelling unit (without a second dwelling unit (attached) or second dwelling unit (detached))</strong> (1)(2)(3)(4)</td>
<td>✓</td>
<td></td>
</tr>
<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>

**Permitted home occupation use in a dwelling unit within a single detached dwelling with a second dwelling unit (attached) or second dwelling unit (detached), semi-detached dwelling unit with a second dwelling unit (attached) or second dwelling unit (detached), street townhouse dwelling, cluster townhouse dwelling, or multiple dwelling (9)(10)**

<table>
<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>

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

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

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

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

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

5. Only within a single detached dwelling.
(6) A maximum of two bedrooms is permitted within a bed and breakfast.

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

(8) Shall not include the cleaning of apparel.

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

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

4.8 NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION

Where the acquisition of land by registration on title on or after the effective date of this By-law to widen a street, provide a corner visibility triangle, or other such requirements, results in non-compliance with any regulation herein, nothing in the By-law shall apply to prevent the continued use of any lot, building, or structure provided that such lot, building, or structure was lawfully established and used for such purpose on the date of acquisition of land.

4.9 GROUP HOMES

Only one group home shall be permitted on a lot.

4.10 CORRECTIONAL GROUP HOMES

a) Only one correctional group home shall be permitted on a lot.

b) No building or part thereof shall be used for a correctional group home on a lot situated within 400 metres of another lot on which either a group home or correctional group home is located. This distance shall be measured from the closest point of the lot lines associated with each lot.

c) No building or part thereof shall be used for a correctional group home on a lot that is situated within 100 metres of the city limit. This distance shall be measured from the closest point of the lot line associated with such lot and the city limit.

4.11 LOCATION OF LODGING HOUSES

a) Only one lodging house shall be permitted on a lot. No building shall be used for a lodging house on a lot that is situated within 400 metres of another lot on which a lodging house is located, such minimum distance to be measured from the closest point of the lot lines associated with each lot; and,
B) No building shall be used for a lodging house on a lot that is situated within 100 metres of the municipal limit of the city, such minimum distance to be measured from the closest point of the lot line associated with such lot and the municipal limit.

4.12 **NUMBER OF DWELLINGS PER LOT**

a) Unless otherwise provided for in this By-law, in any zone where a single detached dwelling or semi-detached dwelling is permitted, no more than one such dwelling shall be erected on a lot.

b) On a lot or block against which a Part Lot Control Exemption By-law is registered, those parts on a reference plan which are intended to constitute a future lot, the future lot shall be considered a lot for the purposes of this By-law.

4.12.1 **Second Dwelling Units (Attached)**

The regulations specified by any zone category in which a second dwelling unit (attached) is permitted, shall apply in addition to and as amended by the following:

a) Shall only be permitted on lots with no second dwelling unit (detached), and shall be located in the same building as a single detached dwelling, semi-detached dwelling, or street townhouse dwelling; and,

b) A direct entrance to the second dwelling unit (attached) from the outside shall be provided from a rear yard or side yard only.

4.12.2 **Second Dwelling Units (Detached)**

Reserved.

4.13 **PERMITTED PROJECTIONS ABOVE HEIGHT RESTRICTIONS**

The maximum building height shall not apply to architectural features or spires; cupolas; antennae; flag poles; elevator penthouses; roof access stairways, railings, and penthouses; and heating, ventilation, and air conditioning equipment.

4.14 **PERMITTED PROJECTIONS INTO REQUIRED YARDS**

4.14.1 **Architectural Features**

Architectural features may project into any required yard to a maximum of 0.6 metres.

4.14.2 **Balconies**

Balconies associated with a dwelling unit may project into any required yard provided that the balconies:

a) Are not enclosed;
b) Are not supported by the ground;

c) Are located a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*; and,

d) Are located a minimum of 3 metres from a *street line*, except in a *UGC zone* or *MIX zone*.

### 4.14.3 Canopies

Canopies may project into any required *yard* provided that the canopies:

a) Are not supported by the ground;

b) Do not project more than 1.8 metres into a required *front yard*, *exterior side yard*, or any other *yard* abutting a *street*; and,

c) Are located a minimum of 0.6 metres from a *street line*, *side lot line*, or *rear lot line*.

### 4.14.4 Decks

a) All decks shall meet the *setback* regulations required for the *building* in the applicable *zone*.

b) Despite Subsection a) in a *residential zone*, unenclosed decks that do not exceed 0.6 metres in height above the ground, may be located within a required *rear yard* or *interior side yard*.

c) Despite Subsection a) in a *residential zone*, entirely uncovered and unenclosed decks that exceed 0.6 metres in height above the ground, may be located within a required *rear yard* provided that they are located a minimum of 4 metres from the *rear lot line* and meet the *side yard setback* regulations required for the *dwelling* in the applicable *zone*.

### 4.14.5 Heating, Ventilation, and Air Conditioning Equipment

a) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a *dwelling*, may locate within a *rear yard* or *interior side yard*, provided that the equipment is located a minimum of 3 metres from a *street line* and is screened from the *street*.

b) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a non-residential *building* or *mixed use building*, may locate within a required *rear yard* or *interior side yard*, provided that the equipment has a minimum *setback* of 3 metres from a *street line* and from an abutting *residential zone*, and is screened.

City of Kitchener Zoning By-law 2019
4.14.6 **Pools and Hot Tubs**

Pools and hot tubs associated with a *dwelling unit* are permitted to locate within an *interior side yard, exterior side yard, and rear yard* provided that the pool or hot tub:

a) has a minimum *setback* of 0.6 metres from an *interior side lot line or rear lot line*; and,

b) is located a minimum of 2.1 metres from a *street line*.

4.14.7 **Porches**

a) The minimum depth of a porch associated with a *dwelling unit* shall be 1.5 metres; or in the case of an *existing* porch with a depth of less than 1.5 metres, the minimum depth shall be the *existing* depth.

b) Unenclosed porches associated with a *dwelling unit* may project into a *front yard* or *exterior side yard* provided that the porch is located a minimum of 3 metres from a *street line* and the floor of the porch does not exceed 1 metre in height above the ground. A cold room may be located beneath the porch.

c) Despite Subsection b), a porch attached or unattached to the *principal building* of a *structure* designated under the Ontario Heritage Act may be located or reconstructed within a required *front yard or side yard* provided that the *setback, gross floor area, dimensions, and height* do not exceed what legally existed on or before March 5, 2012.

4.14.8 **Restaurant Patios, Decks, and Outdoor Recreation**

Patios, decks, and outdoor recreation associated with a *restaurant* may project into a required *yard* provided that:

a) They are located a minimum of 30 metres from any *residential zone*;

b) In a COM or EMP *zone* they have a minimum *setback* of 3 metres from a *street line*; and,

c) Despite Subsection a), in a UGC or MIX *zone*, a patio, deck, and outdoor recreation associated with a *restaurant* may be located within a *front yard or exterior side yard*.

4.14.9 **Satellite Dishes and Antennas**

Satellite dishes and antennas may project into a required *yard* and they shall be attached to a *building* and shall not exceed 0.9 metres in diameter.
4.14.10 **Steps and Access Ramps**

a) Steps and access ramps that do not exceed 0.6 metres above ground level may be located within any *yard side yard*.

b) Steps and access ramps that exceed 0.6 metres above ground level shall be located a minimum of 3 metres from a *street line* and a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*.

c) The maximum area of steps and access ramps located in a *front yard* shall not exceed 40 percent of the area of the *front yard*.

4.15 **PERMITTED USES**

4.15.1 **Automotive Detailing and Repair Operation, and Heavy Repair Operation**

a) Any portion of a *building used* for an *automotive detailing and repair operation* and/or *heavy repair operation* shall be *setback* a minimum of 14 metres from any *lot line* abutting a *residential zone*.

b) Despite Subsection a), where such *building* or portion thereof is constructed without an opening, such as a vent, door, or window, the *setback* regulations of the applicable *zone* apply.

4.15.2 **Construction Uses**

A *lot* in any *zone* may be *used* for temporary *buildings* and trailers associated with construction work occurring on such *lot* for the duration of construction, or for as long as the building permit is valid, whichever comes first. No temporary *building* and/or trailer intended for construction work purposes shall be *used* for human habitation.

4.15.3 **Drive-Through Facilities**

a) A *drive-through facility* shall be located a minimum distance of:

i) 15 metres from an abutting *residential zone* where a visual barrier is provided along the abutting *lot line*; and,

ii) 7.5 metres from an abutting *residential zone* where an acoustic barrier, certified by a professional engineer, is installed along the abutting *lot line* prior to occupancy of the *drive-through facility*, and is maintained thereafter.

b) Subsection a) shall not apply to an *existing drive-through facility*.

4.15.4 **Food Cart**

A *food cart* shall be permitted in all *zones* except *residential zones*, NHC *zones* or OSR-3 *zones*, provided that:

City of Kitchener Zoning By-law 2019
a) It does not occupy any drive aisle or required parking space; and,
b) It does not exceed 2.0 metres in height, 2.0 metres in length and 1.2 metres in width.

4.15.5 Gas Station

a) A fuel pump island shall have a setback of 6 metres from a street line, and a canopy structure above a fuel pump island shall have a setback of 3 metres from a street line;
b) A fuel pump island and a canopy structure above a fuel pump island shall be located a minimum of 30 metres from a residential zone;
c) No underground or above-ground fuel storage tank shall be located within 3 metres of a street line;
d) The rear yard setback for a building associated with a gas station shall be 3 metres; and,
e) The minimum interior side yard setback for a building associated with a gas station abutting a residential zone shall be 3 metres.

4.15.6 Model Home

a) A maximum of 10 model homes may be permitted on a lot in any zone.
b) The model homes shall be constructed to the requirements and provisions of the zone in which the model homes are located. The model homes shall be situated within 150 metres of an in-service fire hydrant on lands in a draft approved plan of subdivision, with or without service connections.

4.15.7 Public Uses and Utilities

Unless otherwise regulated herein, public uses and utilities may be permitted in any zone, provided that:
a) Such use, building, or structure complies with the regulations, and parking and loading requirements of the applicable zone; and,
b) Accessory outdoor storage may be permitted, and shall not be located within any yard abutting a residential zone.

4.15.8 Shipping Container

a) A shipping container shall not be located on a lot in a residential zone.
b) Despite Subsection a), a shipping container may be permitted on a driveway within a residential zone for a period not exceeding 30 days in any given year, provided that the shipping container is not located within or blocking access to a required parking space, and that the shipping container is located a minimum of 0.6 metres from a street line.

c) Where a shipping container is converted and used as a construction material for a residential dwelling subject to the Ontario Building Code, it is a building.

4.15.9 Towing Compounds

A towing compound shall not be located on a lot that is within 30 metres of a residential use.

4.15.10 Temporary Sales Centre

A temporary sales centre is permitted in all UGC, MIX, and COM zones; and in all residential zones, and shall be subject only to the setback regulations of the applicable zone.

4.16 SETBACKS FROM RAILWAYS

a) Any portion of a building used for dwelling units, multiple dwellings, elementary school, secondary school, post-secondary school, adult education school, day care facility, or place of worship shall be setback a minimum of:

i) 30 metres from the lot line of the active railway right-of-way for a Principal or Secondary Main Line; or,

ii) 15 metres from the lot line of the active railway right-of-way for a Principal, Secondary or Tertiary Branch Line

b) Subsection a) shall not apply to any railway right-of-way or section thereof solely used for light rail transit.

4.17 TWO OR MORE ZONES ON A LOT

Where two or more zones apply to a lot, the following shall apply:

a) Floor space ratio shall be calculated using only that portion of the building floor area and only that portion of the lot area within each zone.

b) Despite Subsection a) the lot area of lands zoned OSR-2 and used for utility corridor purposes shall be permitted to be included in the calculation of floor space ratio for an abutting portion of the lot within another zone.

c) Building height shall be measured to the uppermost point of that portion of a building within each zone.
d) Parking spaces and bicycle parking stalls associated with permitted uses within each zone on a lot may be located within any zone on a lot, except that portion of a lot within a OSR, NHC or EUF zone.

4.18 **VISUAL BARRIER**

Where a visual barrier is required, it shall be a minimum height of 1.8 metres above ground level, and shall be an opaque screen consisting of materials such as a wall, fence, trees, shrubs, and/or earth berms.
SECTION 5 – Parking, Loading, and Stacking

5.1 APPLICABILITY

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

i) A change in use; and/or,

ii) An increase in gross floor area on the lot; and/or,

iii) A change in the amount, size and/or location of parking spaces.

b) Despite Subsection a) i), the provisions of Section 5 herein shall not apply to existing parking spaces, existing loading spaces, existing stacking spaces or existing stacking lanes on a lot where there is a change of use within an existing building or existing structure and:

i) There is no increase in gross floor area on the lot; and,

ii) The Class B bicycle parking provisions are complied with; and,

iii) The number of existing parking spaces and stacking spaces that remain on the lot is equal to or greater than the minimum parking spaces and minimum stacking spaces required for the new use in accordance with Table 5-3 and Table 5-7.

5.2 PARKING PROVISIONS

a) Parking spaces and bicycle parking stalls shall be provided and maintained for each use located on a lot and shall be located on the same lot as the use(s) requiring the parking spaces and bicycle parking stalls. Land used for a hydro corridor on the same lot as the use(s) requiring the parking spaces and bicycle parking stalls may be used for required parking spaces and bicycle parking stalls.

b) Despite Subsection a), parking spaces, other than barrier-free accessible parking spaces, electric vehicle parking spaces, or visitor parking spaces may be located on another lot within 400 metres of the lot containing the use requiring the parking spaces. These parking spaces shall not be located on a lot within a residential zone, or OSR, NHC, or EUF zone unless it is within the same zone as the use requiring the parking spaces.

c) Where required parking spaces are provided in accordance with Subsection b), required parking spaces may be located on land used for a hydro corridor provided that it is an OSR zone.

d) Where required parking spaces are provided in accordance with Subsection b), the owner of both lots shall enter into an agreement with the City to be registered

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against the title of both lots to guarantee that the land required for parking spaces shall continue to be used only for such purpose until parking spaces are provided on the same lot as the use requiring the parking spaces.

e) Despite Subsection d), where required parking spaces are provided in accordance with Subsection b) and are located within a hydro corridor, the agreement shall be registered on the title of only the lot containing the use for which the parking spaces are required.

f) A parking space shall not be used to store or display motor vehicles or major recreational equipment for sale or rental.

5.3 PARKING SPACE AND PARKING LOT PROVISIONS

a) Where a parking lot is situated on a lot and abuts a residential zone, a visual barrier shall be provided and maintained between the parking lot and such abutting residential lot line in accordance with Section 4.18 herein.

b) All parking lots shall be provided with adequate means of ingress and egress to and from a street or lane in a forward motion, and shall be arranged so as not to interfere with the normal public use of a street or lane.

c) Parking spaces, drive aisles, driveways, and parking lots shall be provided and maintained with stable surfaces such as asphalt, concrete, or other hard-surfaces material as approved by the Director of Planning or designate.

d) All required visitor parking spaces shall be clearly identified, demarcated, and reserved at all times.

5.3.1 Parking Space Dimensions

Parking spaces shall be provided in accordance with Table 5-1.

<table>
<thead>
<tr>
<th>Type of Parking Space</th>
<th>Minimum Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angled parking space</td>
<td>2.6 m in width and 5.5 m in length (1)</td>
</tr>
<tr>
<td>Parallel parking space (interior space)</td>
<td>2.4 m in width and 6.7 m in length (2)(3)</td>
</tr>
<tr>
<td>Parallel parking space (end space)</td>
<td>2.4 m in width and 5.5 m in length (2)(3)(4)</td>
</tr>
<tr>
<td>Parking space within a private garage</td>
<td>3 m in width and 5.5 m in length</td>
</tr>
</tbody>
</table>

Additional Regulations for Parking Space Dimensions Table 5-1

(1) Where 10 or more parking spaces are required, a maximum of 10 percent of the total angled parking spaces may be reduced to a minimum of 2.4 metres in width and a minimum of 4.8 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact motor vehicles.
(2) Where 10 or more parking spaces are required, a maximum of 10 percent of the total parallel parking spaces may be reduced by a maximum of 0.7 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact motor vehicles.

(3) A parallel parking space adjacent to a wall or obstruction shall have an access aisle. The access aisle shall be located between the parking space and the wall or obstruction, shall be a minimum of 1.5 metres in width, and shall extend the full length of the parking space.

(4) Shall be located a minimum of 1.5 metres from any street, lane, drive aisle, curb, or obstruction.

5.3.2 Location of Parking Spaces for Non-Residential Uses and Mixed Use Buildings

a) Parking spaces, loading spaces, display areas for motor vehicles or major recreational equipment for sale or rental, or drive aisles shall not be located within 3 metres of a street line.

b) Despite Subsection a), in any MIX zone, parking spaces, loading spaces, or drive aisles shall not be located within 4.5 metres of a street line.

c) Despite Subsection a), in any UGC zone, parking spaces, loading spaces, or drive aisles may be located 1.0 metre from a street line provided that a landscaped wall is constructed to partially screen parking from view. Such landscaped wall shall be a minimum of 0.9 metres in height and a maximum of 1.2 metres in height, and shall be approved by the Director of Planning or designate.

d) Despite Subsections a) through c), parking spaces, loading spaces, display areas for motor vehicles or major recreational equipment for sale or rental, or drive aisles that are located within a building are subject to setback regulations in the applicable zone.

5.3.3 Location of Parking Spaces for Residential Uses

a) On a lot containing a single detached dwelling, semi-detached dwelling, second dwelling unit (attached), second dwelling unit (detached), small residential care facility, lodging house having less than 9 residents, or home occupation:

i) Parking spaces shall be located a minimum distance of 6 metres from a street line;

ii) Despite Subsection i), where two or more parking spaces are required, one parking space may locate on the driveway within 6 metres of the front lot line or exterior side lot line and may be a tandem parking space; and,
iii) Not more than one parking space for a home occupation may be located in a rear yard, except in the case of a corner lot, a through lot, or a lot abutting a lane.

b) On a lot containing a street townhouse dwelling:

i) parking spaces shall be located a minimum distance of 6 metres from a street line.

c) On a lot containing a multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house having 9 residents or more, or a large residential care facility:

i) parking spaces shall not be located within the front yard or within the exterior side yard. In no case shall any parking spaces be located within 3 metres of the front lot line, exterior side lot line or street line; and,

ii) despite Subsection i), parking spaces, loading spaces, or drive aisles located in an enclosed portion of a building entirely below grade, may have a minimum setback of 0 metres from a front lot line, side lot line, and rear lot line.

5.3.4 Location of Parking Spaces on the Ground Floor of a Building

a) In a UGC zone, or MIX zone, or on a lot with a multiple dwelling, parking spaces and drive aisles within a building shall not be located on the ground floor of such building.

b) Despite Subsection a), parking spaces and drive aisles may be located on the ground floor of a building where:

i) the ground floor of the building has one or more permitted uses other than a commercial parking facility that abut the street line façade; and,

ii) parking spaces and drive aisles are located entirely behind the area on the ground floor devoted to the permitted uses in Subsection i) for the entire length of the street line façade, except for access.

City of Kitchener Zoning By-law 2019
5.4 **DRIVEWAY AND GARAGE PROVISIONS FOR RESIDENTIAL USES**

Reserved.

5.5 **BICYCLE PARKING STALL PROVISIONS**

a) *Class A bicycle parking stalls* shall only be required for *buildings* or portions of *buildings* that were not *existing* on the effective date of the By-law.

b) *Class A bicycle parking stalls* shall be located within a *building*, *structure*, and/or *bicycle locker*.

c) *Bicycle parking stalls* shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1 metres. Despite the above, where a *bicycle parking stall* provides for vertical storage of a bicycle, the minimum length may be reduced to 1.2 metres.

d) Despite Subsections a) and c), where a *Class A bicycle parking stall* is located within a *bicycle locker*, overhead clearance shall not be required.
e) *Bicycle parking stalls* shall abut an *access aisle* which shall be a minimum of 1.5 metres in width.

**Illustration 5-2: Bicycle Parking Stalls and Access Aisle Dimensions**

f) *Shower and change facilities* shall be provided in conjunction with the *Class A bicycle parking stalls* required for any non-residential *uses* in accordance with Table 5-2.

**Table 5-2: Regulations for Shower and Change Facilities**

<table>
<thead>
<tr>
<th>Required Number of Class A Bicycle Parking Stalls</th>
<th>Minimum total area of Shower and Change Facilities</th>
<th>Minimum number of Showers within Shower and Change Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-60</td>
<td>8 m²</td>
<td>2 showers</td>
</tr>
<tr>
<td>61-120</td>
<td>12 m²</td>
<td>4 showers</td>
</tr>
<tr>
<td>121-180</td>
<td>16 m²</td>
<td>6 showers</td>
</tr>
<tr>
<td>Greater than 180</td>
<td>20 m²</td>
<td>8 showers</td>
</tr>
</tbody>
</table>

g) Despite Table 5-3 and/or Table 5-4, the number of parking spaces required for any non-residential *use* requiring *shower and change facilities* may be reduced by 1 parking space per required shower.
5.6 **MINIMUM AND MAXIMUM PARKING SPACE PROVISIONS**

a) *Parking spaces, visitor parking spaces, and bicycle parking stalls* shall be provided for any *use*, where a *zone* permits the *use*, at a minimum and maximum of the rates specified for the applicable *zone(s)* within Table 5-3.

b) On a *lot* with *existing parking spaces* that exceed the maximum number of *parking spaces* permitted through Table 5-3, the number of *existing parking spaces* shall be maximum number of *parking spaces*.

c) Except in a UGC *zone*, the maximum *parking space* requirement in Table 5-3 shall only apply where 20 or more *parking spaces* are required. Where 19 or fewer *parking spaces* is the minimum requirement, the maximum *parking space* requirement shall be:

   i) The minimum *parking spaces* required plus 5 *parking spaces*.

d) Where the calculation of the total required *parking spaces, visitor parking spaces, or bicycle parking stalls* results in a fraction, then the requirement shall be the next higher whole number.
## Table 5-3: Regulations for Minimum and Maximum Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UGC Zones</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Lodging House;</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>92 m² GFA</td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Minimum visitor parking spaces:</td>
<td>0 per dwelling unit</td>
</tr>
<tr>
<td>Maximum parking spaces (including visitor):</td>
<td>1 per dwelling unit</td>
</tr>
<tr>
<td>Minimum Class A Bicycle Parking Stalls:</td>
<td>1 per dwelling unit without a private garage</td>
</tr>
<tr>
<td>Minimum Class B Bicycle Parking Stalls:</td>
<td>2, or 6 where more than 20 dwelling units are on a lot</td>
</tr>
<tr>
<td><strong>Multiple Residential Buildings:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Cluster Townhouse Dwelling;</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>92 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>110 m² GFA</td>
</tr>
<tr>
<td>Minimum Class B Bicycle Parking Stalls:</td>
<td>2, or 6 if greater than 550 m² GFA</td>
</tr>
<tr>
<td><strong>Residential Care Facility, Large</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Residential Care Facility, Small</strong></td>
<td></td>
</tr>
<tr>
<td>Second Dwelling Unit (Attached)</td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>n/a</td>
</tr>
<tr>
<td>Single-Detached Dwelling</td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>n/a</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
<th>UGC Zones</th>
<th>MIX Zones</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NON-RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture;</td>
<td>Minimum parking spaces: n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>Agriculture-Related; and,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On-Farm Diversified</td>
<td>Minimum parking spaces: n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>3 per service bay</td>
</tr>
<tr>
<td></td>
<td>Maximum parking spaces: n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>130% of the minimum parking spaces</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>n/a</td>
<td>n/a</td>
<td>1,500 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>n/a</td>
<td>n/a</td>
<td>3,000 m² GFA</td>
</tr>
<tr>
<td>Automotive Detailing and Repair Operation</td>
<td>Minimum 1 parking space per: No minimum</td>
<td>20 m² GFA</td>
<td>20 m² GFA</td>
<td>20 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per: 23 m² GFA</td>
<td>15 m² GFA</td>
<td>15 m² GFA</td>
<td>15 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>250 m² GFA</td>
<td>250 m² GFA</td>
<td>250 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Brewpub</td>
<td>Minimum parking spaces: No minimum</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Campground</td>
<td>Minimum parking spaces: n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>1.1 per camp site</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Minimum parking spaces: n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0, provide stacking spaces in accordance with Section 5.11</td>
</tr>
<tr>
<td>Cemetery</td>
<td>Minimum parking spaces: 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Entertainment</td>
<td>Minimum 1 parking space per: No minimum</td>
<td>40 m² GFA</td>
<td>40 m² GFA</td>
<td>40 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per: 60 m² GFA</td>
<td>23 m² GFA</td>
<td>23 m² GFA</td>
<td>23 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
<td>500 m² GFA</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</td>
<td>UGC Zones</td>
<td>MIX Zones</td>
<td>All Other Zones</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
<td>Minimum parking spaces:</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>Commercial Vehicle Wash Facility</td>
<td>Minimum parking spaces:</td>
<td>n/a</td>
<td>n/a</td>
<td>1 per bay</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
<td>40 m² GFA</td>
<td>30 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
<td>92 m² GFA</td>
<td>30 m² GFA</td>
<td>23 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>333 m² GFA</td>
<td>500 m² GFA</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td>Minimum parking spaces:</td>
<td>n/a</td>
<td>n/a</td>
<td>0, provide stacking spaces in accordance with Section 5.11</td>
</tr>
<tr>
<td>Industrial Employment:</td>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
<td>90 m² GFA</td>
<td>90 m² GFA</td>
</tr>
<tr>
<td>Catering Service Establishment;</td>
<td>Maximum 1 parking space per:</td>
<td>92 m² GFA</td>
<td>70 m² GFA</td>
<td>70 m² GFA</td>
</tr>
<tr>
<td>Heavy Repair Operation;</td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>1,000 m² GFA</td>
<td>1,500 m² GFA</td>
<td>1,500 m² GFA</td>
</tr>
<tr>
<td>Indoor Recycling Operation;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing;</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Outdoor Recycling Operation;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing or Publishing Establishment;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Propane Facility;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restoration, Janitorial or Security Services; and, Tradesperson or Contractor’s Establishment</td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>2,000 m² GFA</td>
<td>3,000 m² GFA</td>
<td>3,000 m² GFA</td>
</tr>
<tr>
<td>Fitness Centre</td>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
<td>30 m² GFA</td>
<td>20 m² GFA</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UGC Zones</td>
</tr>
<tr>
<td><strong>Funeral Home</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>60 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>250 m² GFA</td>
</tr>
<tr>
<td><strong>Gas Station</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Golf Course</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Health Clinic</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>23 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>167 m² GFA</td>
</tr>
<tr>
<td><strong>Home Occupation</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>No minimum</td>
</tr>
<tr>
<td><strong>Hospice</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum parking spaces:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Maximum parking spaces:</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>125 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>167 m² GFA</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Hospital</strong></td>
<td>Minimum 1 parking space per: No minimum</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per: 70 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per: 750 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per: 1,500 m² GFA</td>
</tr>
<tr>
<td><strong>Hotel</strong></td>
<td>Minimum parking spaces: No minimum</td>
</tr>
<tr>
<td></td>
<td>Maximum parking spaces: 1 per guest room</td>
</tr>
<tr>
<td></td>
<td>Minimum Class A Bicycle Parking Stalls: 1 per 30 guest rooms</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stall: 2, or 6 if greater than 75 guest rooms</td>
</tr>
<tr>
<td><strong>Industrial Storage and Transport:</strong></td>
<td></td>
</tr>
<tr>
<td>Bulk Fuel and Oil Storage Establishment;</td>
<td>Minimum parking spaces: n/a</td>
</tr>
<tr>
<td>Salvage or Scrap Yard;</td>
<td>Maximum 1 parking space per: n/a</td>
</tr>
<tr>
<td>Towing Compound; Transportation Facility;</td>
<td>Minimum 1 Class A Bicycle Parking Stall per: n/a</td>
</tr>
<tr>
<td>Truck Transport Terminal; and, Warehouse</td>
<td>Minimum 1 Class B Bicycle Parking Stall per: n/a</td>
</tr>
<tr>
<td><strong>Light Repair Operation</strong></td>
<td>Minimum 1 parking space per: n/a</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per: 95 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per: 1,000 m² GFA</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
<th>UGC Zones</th>
<th>MIX Zones</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Heritage Conservation</td>
<td>Minimum parking spaces:</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>Night Club</td>
<td>Minimum parking spaces:</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
<td>60 m² GFA</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>100 m² GFA</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
<td>2 per night club</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Multi-Unit Parking Rate (2)(3)(4)</td>
<td>Minimum 1 parking space per:</td>
<td>n/a</td>
<td>35 m² GFA</td>
<td>35 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
<td>n/a</td>
<td>24 m² GFA</td>
<td>24 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>n/a</td>
<td>1000 m² GFA</td>
<td>1000 m² GFA</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>n/a</td>
<td>333 m² GFA</td>
<td>333 m² GFA</td>
</tr>
</tbody>
</table>

**Additional Regulations for Multi-Unit Parking Rate** Table 5-3

(2) The multi-unit parking rate shall only be applied where there are three or more separate spaces for lease and/or occupancy and shall not include manufacturing or warehouse.

(3) The following shall only apply to a multi-unit building or multi-unit development with a gross floor area of 1,000 square metres or less where the multi-unit parking rate applies:

   a. Restaurant and health clinic shall each only be permitted to use the multi-unit parking rate up to a maximum of 30 percent of the gross floor area of the multi-unit building or multi-unit development. Parking space requirements for additional gross floor area shall be in accordance with the individual rate identified in Table 5-3;

   b. Subsection a) shall not apply to bicycle parking stall requirements.

(4) In an EMP zone, the parking space and bicycle parking stall requirements shall be the lesser of the multi-unit parking rate or the aggregate individual use requirement.

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UGC Zones</td>
</tr>
<tr>
<td></td>
<td>MIX Zones</td>
</tr>
<tr>
<td></td>
<td>All Other Zones</td>
</tr>
<tr>
<td><strong>Office and Office-Related:</strong></td>
<td></td>
</tr>
<tr>
<td>Biotechnological Establishment;</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td>Computer, Electronic, Data Processing, or Server Establishment;</td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
</tr>
<tr>
<td>Industrial Administrative Office;</td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
</tr>
<tr>
<td>Office;</td>
<td>Minimum parking spaces:</td>
</tr>
<tr>
<td>Research and Development Establishment; and,</td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
</tr>
<tr>
<td>Social Service Establishment</td>
<td>Minimum parking spaces:</td>
</tr>
<tr>
<td><strong>Outdoor Active Recreation</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minimum parking spaces:</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
</tr>
<tr>
<td><strong>Place of Assembly and Community:</strong></td>
<td></td>
</tr>
<tr>
<td>Community Facility;</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td>Conference, Convention, or Exhibition Facility; and,</td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>UGC Zones</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>250 m² GFA</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
</tr>
<tr>
<td>School, Elementary</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
</tr>
<tr>
<td>School, Post-Secondary</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
</tr>
<tr>
<td></td>
<td>Minimum Class B Bicycle Parking Stalls:</td>
</tr>
<tr>
<td>Adult Education School; and, School, Secondary</td>
<td>Minimum 1 parking space per:</td>
</tr>
<tr>
<td></td>
<td>Maximum 1 parking space per:</td>
</tr>
</tbody>
</table>
## Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls

<table>
<thead>
<tr>
<th>Use</th>
<th>UGC Zones</th>
<th>MIX Zones</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
<td>n/a</td>
<td>1,000 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>100 m² GFA</td>
<td>n/a</td>
<td>100 m² GFA</td>
</tr>
</tbody>
</table>

### Services and Retail:
- Animal Shelter;
- Artisan’s Establishment;
- Building Material and Decorating Supply Establishment;
- Convenience Retail;
- Craftsperson Shop;
- Financial Establishment;
- Garden Centre, Nursery, and/or Landscaping Supply;
- Major Equipment Supply and Service;
- Pawn Establishment;
- Payday Loan Establishment;
- Personal Services;
- Pet Boarding;
- Pet Services Establishment;
- Print Shop;

- Minimum 1 parking space per: No minimum 40 m² GFA 33 m² GFA
- Maximum 1 parking space per: 72 m² GFA 27 m² GFA 24 m² GFA
- Minimum 1 Class A Bicycle Parking Stall per: 500 m² GFA 1,000 m² GFA 1,000 m² GFA
## Use

Propane Retail Outlet; Retail; and, Retail of Motor Vehicles and Major Recreational Equipment.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UGC Zones</td>
</tr>
<tr>
<td>Propane Retail Outlet; Retail; and, Retail of Motor Vehicles and Major Recreational Equipment.</td>
<td></td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>167 m² GFA</td>
</tr>
<tr>
<td>Training: Commercial Driver and Training Establishment; and, Commercial School; Large Merchandise Retail</td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>No minimum</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>42 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>500 m² GFA</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>167 m² GFA</td>
</tr>
<tr>
<td>Large Merchandise Retail</td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum 1 Class B Bicycle Parking Stall per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Transportation Depot</td>
<td></td>
</tr>
<tr>
<td>Minimum 1 parking space per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum 1 parking space per:</td>
<td>n/a</td>
</tr>
<tr>
<td>Minimum 1 Class A Bicycle Parking Stall per:</td>
<td>n/a</td>
</tr>
</tbody>
</table>
### 5.7 Parking Requirements for Mixed-Use Buildings & Developments

a) Where there is a residential use on a lot where the non-residential uses qualify for the multi-unit parking rate, the following shall apply:

i) Visitor parking spaces shall not be required for the residential use; and,

ii) All parking spaces shall be shared between uses and unassigned.

### 5.8 Electric Vehicle Parking Space Provisions

a) A minimum of 20 percent of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.

b) Where parking spaces required for non-residential uses are not located within a building, a minimum of 15 percent of the parking spaces shall be designed to permit the future installation of electric vehicle supply equipment and a minimum of 5 percent of the parking spaces shall be electric vehicle parking spaces.

c) Despite Subsection b), where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number.

---

**City of Kitchener Zoning By-law 2019**
d) All required electric vehicle parking spaces shall be clearly identified and demarcated.

e) In a UGC zone, Subsections a) through d) shall apply to the number of parking spaces provided, where any are provided at all.

f) Subsections a) through e) shall only be required for buildings or portions of buildings that were not existing on the date of passage of this By-law.

5.9 BARRIER-FREE ACCESSIBLE PARKING SPACE PROVISIONS

a) Type A barrier-free accessible parking spaces must be a minimum of 3.4 metres in width and a minimum of 5.5 metres in length.

b) Type B barrier-free accessible parking spaces must be a minimum of 2.4 metres in width and a minimum of 5.5 metres in length.

c) Where one barrier-free accessible parking space is required, it shall be a Type A barrier-free accessible parking space.

d) Where an even number of barrier-free accessible parking spaces are required, an equal number of Type A and Type B barrier-free accessible parking spaces shall be provided.

e) Where an odd number of barrier-free accessible parking spaces are required, an equal number of Type A and Type B barrier-free accessible parking spaces shall be provided, where the additional parking space may be a Type B barrier-free accessible parking space.

f) Access aisles shall be provided for all barrier-free accessible parking spaces, may be shared between two spaces, and shall meet the following requirements:

i) the access aisles shall be a minimum of 1.5 metres in width;

ii) the access aisle shall extend the full length of the parking space; and,

iii) the access aisles shall be marked with high tonal contrast diagonal lines, which discourage parking in them, where the surface is asphalt, concrete or some other dust-free hard surface.

g) Barrier-free accessible parking spaces shall be provided in accordance with Table 5-5, rounding up to the nearest whole number.

<table>
<thead>
<tr>
<th>Number of Parking Spaces Required</th>
<th>Number of Barrier-free Accessible Parking Spaces Required</th>
</tr>
</thead>
</table>

Table 5-5: Regulations for Barrier-Free Accessible Parking Space Requirements

City of Kitchener Zoning By-law 2019
1-12  |  1 of total required parking spaces
13-100 |  4% of total required parking spaces
101-200 |  1, plus 3% of total required parking spaces
201-1000 |  2, plus 2% of total required parking spaces
1000 + |  11, plus 1% total required parking spaces

h) In a UGC zone, Subsection a) though g) shall apply to the number of parking spaces provided, where any are provided at all.

i) A maximum of 50 percent of the barrier-free accessible parking spaces for a residential use may also be counted toward the required visitor parking spaces for the same use.

j) Despite Subsections c) through i), barrier free accessible parking spaces are not required on a lot with only 4 or fewer dwelling units.

5.10 LOADING SPACE PROVISIONS

Where one or more loading spaces are provided, the following shall apply:

a) loading space shall not be permitted within 6 metres of a street line; and,

b) loading spaces shall not be permitted within 7.5 metres of an abutting residential zone unless the loading spaces are located entirely within a building.

5.11 STACKING PROVISIONS

a) Stacking lanes shall not be located within 3 metres of a street line.

b) Stacking lanes for a drive-through facility shall not be located within a front yard or exterior side yard.

c) Despite Subsection b), on a corner lot, stacking lanes for a drive through facility may locate in either a front yard, or exterior side yard, but not both.

d) Entrance ways to stacking lanes shall be separated a minimum travelled distance of 16.5 metres from the closest driveway, measured from the centre point of the closest driveway at the lot line along the route travelled to the last required stacking space in the stacking lane.

e) A stacking space shall be a minimum of 2.6 metres in width and a minimum of 6.5 metres in length.

f) A stacking space shall lead both to and from a fueling area, service window, kiosk, or booth in accordance with Table 5-7.

City of Kitchener Zoning By-law 2019
Table 5-7: Regulations for Stacking Space Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Stacking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Wash (automatic)</td>
<td>10</td>
</tr>
<tr>
<td>Car Wash (self service)</td>
<td>2 per washing bay</td>
</tr>
<tr>
<td>Financial Establishment</td>
<td>3</td>
</tr>
<tr>
<td>Gas Station</td>
<td>2 per fueling area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>13</td>
</tr>
<tr>
<td>Retail</td>
<td>3</td>
</tr>
</tbody>
</table>

Subsections a) through f) shall not apply to existing stacking lanes and existing stacking spaces.

5.12 EQUIPMENT AND VEHICLE STORAGE PROVISIONS

Reserved.

City of Kitchener Zoning By-law 2019
SECTION 6 – Urban Growth Centre (UGC) Zones

6.1 [RESERVED]
SECTION 7 – Residential (RES) Zones

7.1 [RESERVED]
SECTION 8 – Mixed Use (MIX) Zones

The Mixed Use zones apply to lands designated Mixed Use in the Official Plan.

8.1 APPLICABLE ZONES

MIX-1: Mixed Use One – the purpose of this zone is to accommodate a variety of uses within mixed use buildings and mixed use developments at a low density and scale in Neighbourhood Nodes and certain other areas that are adjacent to properties zoned for low density residential uses.

MIX-2: Mixed Use Two – the purpose of this zone is to accommodate a variety of uses within mixed use buildings and mixed use developments at a medium density on certain lands within Urban Corridors.

MIX-3: Mixed Use Three – the purpose of this zone is to accommodate a variety of uses within mixed use buildings and mixed use developments at a medium density within Community Nodes and City Nodes.

8.2 PERMITTED USES

No person shall, within any MIX zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 8-1 below.

Table 8-1: Permitted Uses within the Mixed Use Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Education School</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Artisan’s Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Brewpub</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Cluster Townhouse Dwelling</td>
<td>✓ (1)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Commercial Entertainment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial School</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Community Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Computer, Electronic, Data Processing, or Server Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling Unit (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Financial Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Fitness Centre</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Health Clinic</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Hospice</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Hotel</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Large Residential Care Facility</td>
<td>✓ (2)</td>
<td>✓ (2)</td>
<td>✓ (2)</td>
</tr>
<tr>
<td>Use</td>
<td>MIX-1</td>
<td>MIX-2</td>
<td>MIX-3</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Light Repair Operation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Lodging House</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Multiple Dwelling (1)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Office (3)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Payday Loan Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Personal Services</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Pet Services Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Post-Secondary School</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Print Shop</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Research and Development Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Restaurant (5)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Retail (6)</td>
<td>✓ (5)</td>
<td>✓ (6)</td>
<td>✓ (7)</td>
</tr>
<tr>
<td>Secondary School (8)</td>
<td>✓ (8)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Small Residential Care Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Social Service Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Veterinary Services</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Additional Regulations for Permitted Uses Table 8-1

(1) A *cluster townhouse dwelling* and a *multiple dwelling* are only permitted on a *lot* containing a non-residential use. A *cluster townhouse dwelling* and a *multiple dwelling* shall not have a *street line façade*, except for access.

(2) Shall be located within a *mixed use building*, and except for access, the *ground floor* shall contain at least one non-residential permitted *use* listed in Table 8-1 that abuts the entire length of the *street line façade*.

(3) A total maximum *gross floor area* of 5,000 square metres is permitted.

(4) A total maximum *gross floor area* of 10,000 square metres is permitted.

(5) A maximum *gross floor area* of 3,500 square metres is permitted for each individual *freestanding retail outlet* to a total maximum *gross floor area* of 5,000 square metres.

(6) A maximum *gross floor area* of 2,500 square metres is permitted for each individual *freestanding retail outlet* to a total maximum *gross floor area* of 5,000 square metres. A *food store* is only permitted within a *mixed use development* to a maximum *gross floor area* of 5,000 square metres.

(7) A maximum *gross floor area* of 5,000 square metres is permitted for each *freestanding retail outlet*. A *food store* is permitted within a *freestanding retail outlet* or within a *mixed use development* to a maximum *gross floor area* of 10,000 square metres.
(8) A total maximum \textit{gross floor area} of 6,000 square metres is permitted.

### 8.3 REGULATIONS

The regulations for \textit{lots} in a MIX zone are set out in Table 8-2 below.

#### Table 8-2: Regulations for Mixed Use Zones

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1 (1)</th>
<th>MIX-2 (1)</th>
<th>MIX-3 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum \textit{lot width}</td>
<td>15 m</td>
<td>15 m</td>
<td>15 m</td>
</tr>
<tr>
<td>Minimum \textit{front yard setback}</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Minimum \textit{exterior side yard setback}</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Minimum \textit{rear yard setback}</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum \textit{interior side yard setback}</td>
<td>2 m</td>
<td>0 m</td>
<td>4 m</td>
</tr>
<tr>
<td>Minimum \textit{yard setback abutting a residential zone}</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum \textit{ground floor building height} for any building with \textit{street line façade}</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum \textit{building height}</td>
<td>7.5 m</td>
<td>11 m</td>
<td>11 m</td>
</tr>
<tr>
<td>Maximum \textit{building height}</td>
<td>14 m</td>
<td>25 m</td>
<td>32 m</td>
</tr>
<tr>
<td>Maximum number of \textit{storeys}</td>
<td>4 storeys</td>
<td>8 storeys</td>
<td>10 storeys</td>
</tr>
<tr>
<td>Minimum number of \textit{storeys} in the base of a mid-rise building or tall building</td>
<td></td>
<td>3 storeys</td>
<td>3 storeys</td>
</tr>
<tr>
<td>Maximum number of \textit{storeys} in the base of a mid-rise building or tall building</td>
<td></td>
<td>6 storeys</td>
<td>6 storeys</td>
</tr>
<tr>
<td>Minimum \textit{street line stepback for mid-rise buildings and tall buildings}</td>
<td>3 m</td>
<td>3 m</td>
<td></td>
</tr>
<tr>
<td>Minimum \textit{stepback} for mid-rise buildings and tall buildings where the base abuts a low-rise residential zone</td>
<td></td>
<td>3 m</td>
<td>3 m</td>
</tr>
<tr>
<td>Minimum \textit{floor space ratio}</td>
<td>0.6(2)</td>
<td>0.6(2)</td>
<td>0.6(2)</td>
</tr>
<tr>
<td>Maximum \textit{floor space ratio}</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Maximum total retail \textit{gross floor area} within a \textit{multi-unit building, multi-unit development, mixed-use building, or mixed-use development}.</td>
<td>7,500 m²</td>
<td>7,500 m²</td>
<td>10,000 m²</td>
</tr>
<tr>
<td>Minimum percent of non-residential \textit{gross floor area}</td>
<td></td>
<td></td>
<td>20%(2)</td>
</tr>
<tr>
<td>Minimum percent of residential \textit{gross floor area}</td>
<td></td>
<td></td>
<td>20%(2)</td>
</tr>
<tr>
<td>Minimum \textit{ground floor street line façade width as a percent of the width of the abutting street line}</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum percent \textit{street line façade openings (3)(4)}</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum \textit{landscaped area}</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
Additional Regulations for Zone Regulations Table 8-2

(1) The regulations within Table 8-2 shall not apply to existing buildings or structures.

(2) Individual buildings will not be required to achieve the minimum floor space ratio, minimum percent of non-residential gross floor area and minimum percent of residential gross floor area where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum floor space ratio, minimum percent of non-residential gross floor area and minimum percent of residential gross floor area.

(3) Measured between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade.

*Illustration 8-1: Street Line Façade Openings Measurement*

(4) The maximum distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.
8.4 VISUAL BARRIER

Where a lot zoned MIX abuts a residential zone and new gross floor area is added to the lot, a visual barrier shall be provided along the abutting lot line in accordance with Section 4.18 of this By-law.

8.5 OUTDOOR STORAGE

No outdoor storage shall be permitted in any yard abutting a street, or within 7.5 metres of a residential zone. This shall not however prevent the display of goods or materials for retail purposes.

8.6 LOCATION OF PARKING SPACES AND LOADING SPACES

New parking spaces and/or loading spaces shall not locate in a yard abutting a street.
SECTION 9 – Commercial (COM) Zones

The Commercial zones apply to lands designated Commercial and Commercial Campus in the Official Plan as well as certain lands designated Residential.

9.1 APPLICABLE ZONES

COM-1: Local Commercial – the purpose of this zone is to accommodate complementary commercial uses within residential neighbourhoods in Community Areas.

COM-2: General Commercial – the purpose of this zone is to accommodate retail and commercial uses within the City’s Urban Corridors; and Community and City Nodes.

COM-3: Arterial Commercial – the purpose of this zone is to accommodate the retailing of bulky, space intensive goods; and service commercial uses predominately serving the travelling public within Arterial Corridors.

COM-4: Commercial Campus – the purpose of this zone is to accommodate a range of retail and commercial uses functioning as a unit within comprehensively planned campuses within City Nodes.

9.2 PERMITTED USES

No person shall, within any COM zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 9-1 below.

Table 9-1: Permitted Uses within the Commercial Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>COM-1</th>
<th>COM-2</th>
<th>COM-3</th>
<th>COM-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Park</td>
<td>✓</td>
<td>✓ (1)</td>
<td>✓ (1)</td>
<td>✓ (1)</td>
</tr>
<tr>
<td>Artisan’s Establishment</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Automotive Detailing and Repair Operation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Brewpub</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Car Wash</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Catering Service Establishment</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial Entertainment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial School</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Computer, Electronic, Data Processing, or Server Establishment</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Conference, Convention, or Exhibition Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Use</td>
<td>COM-1</td>
<td>COM-2</td>
<td>COM-3</td>
<td>COM-4</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Convenience Retail</td>
<td>✓ (2)</td>
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<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Dwelling Unit</td>
<td>✓ (3)</td>
<td>✓ (3)(4)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Financial Establishment</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Fitness Centre</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Funeral Home</td>
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<td>✓</td>
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<tr>
<td>Gas Station</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Health Clinic</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Heavy Repair Operation</td>
<td>✓ (5)</td>
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<tr>
<td>Hotel</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Large Merchandise Retail</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Light Repair Operation</td>
<td>✓</td>
<td>✓ (5)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>✓ (6)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Office</td>
<td>✓ (2)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
</tr>
<tr>
<td>Pawn Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Payday Loan Establishment</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Personal Services</td>
<td>✓ (2)</td>
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<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Pet Services Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>✓ (8)</td>
<td>✓ (8)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Print Shop</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Propane Retail Outlet</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Research and Development Establishment</td>
<td>✓ (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Restaurant</td>
<td>✓ (2)(9)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Retail</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Retail of Motor Vehicles and Major Recreational Equipment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Towing Compound</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Tradesperson or Contractor’s Establishment</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Transportation Depot</td>
<td>✓ (11)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Veterinary Services</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Warehouse</td>
<td>✓ (5)(11)</td>
<td>✓ (11)(12)</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
Additional Regulations for Permitted Uses Table 9-1

(1) Shall not be permitted on a lot abutting a residential zone.

(2) A maximum gross floor area of 300 square metres per unit is permitted.

(3) Shall be located within a mixed use building containing at least one other permitted use listed in Table 9-1, and except for access, shall not be located on the ground floor.

(4) The maximum floor space ratio for dwelling units shall be 2.

(5) Despite Section 4.2, retail uses are permitted as accessory uses and shall be located on the same premises as the principal use to a maximum of 25 percent of the gross floor area of the building.

(6) Only existing manufacturing shall be permitted.

(7) A total maximum gross floor area of 10,000 square metres of office is permitted on a lot.

(8) Shall be located in a lot containing at least one other non-residential use that is not subject to this provision.

(9) Shall be located in a multi-unit building or mixed use building containing at least one other non-residential use that is not subject to this provision.

(10) Individual retail outlets shall have a minimum gross floor area of 1,500 square metres.

(11) Shall not include a noxious use and shall not include manufacturing as principal use.

(12) Shall be located within an existing building.

9.3 Regulations

The regulations for lots in a COM zone are set out in Table 9-2 below.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>COM-1 (1)</th>
<th>COM-2 (1)</th>
<th>COM-3 (1)</th>
<th>COM-4 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
<td>15 m</td>
<td>15 m</td>
<td>30 m</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>3 m</td>
<td>3 m</td>
<td>6 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>3 m</td>
<td>3 m</td>
<td>6 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback abutting a residential zone</td>
<td>1.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Regulation</th>
<th>COM-1 (1)</th>
<th>COM-2 (1)</th>
<th>COM-3 (1)</th>
<th>COM-4 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum <em>interior side yard setback</em> abutting a <em>lot</em> with a <em>zone</em> other than a <em>residential zone</em></td>
<td>1.5 m</td>
<td>3 m</td>
<td>3 m</td>
<td>3 m</td>
</tr>
<tr>
<td>Minimum <em>rear yard setback</em></td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum <em>rear yard or side yard setback</em> for a non-residential <em>use</em> abutting a rail right-of-way or a <em>hydro corridor</em></td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Maximum <em>building height</em></td>
<td>11 m</td>
<td>15 m (2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum <em>floor space ratio</em></td>
<td>0.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum <em>landscaped area</em></td>
<td>15%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Maximum total <em>retail</em> (including large merchandise retail) <em>gross floor area</em> within a <em>multi-unit building, multi-unit development or mixed-use building</em></td>
<td>10,000 m²</td>
<td>10,000 m²</td>
<td>10,000 m²</td>
<td>42,000 m²</td>
</tr>
</tbody>
</table>

**Additional Regulations for Zone Regulation Table 9-2**

(1) The regulations within Table 9-2 shall not apply to *existing buildings or structures*.

(2) The maximum *building height* shall be 25 metres for a *mixed-use building*.

9.4 **VISUAL BARRIER**

Where a *lot zoned COM* abuts a *residential zone* and *new gross floor area* is added to the *lot*, a visual barrier shall be provided along the abutting *lot line* in accordance with Section 4.18 of this By-law.

9.5 **OUTDOOR STORAGE**

No *outdoor storage* shall be permitted in any *yard* abutting a *street*, or within 7.5 metres of a *residential zone*. This shall not however prevent the display of goods or materials for *retail purposes*. 

City of Kitchener Zoning By-law 2019
SECTION 10 – Employment (EMP) Zones

The Employment zones apply to lands designated General Industrial Employment, Heavy Industrial Employment, and Business Park Employment in the Official Plan.

10.1 APPLICABLE ZONES

EMP-1: Neighbourhood Industrial Employment – the purpose of this zone is to accommodate a limited range of industrial uses on lands located within neighbourhoods and/or Major Transit Station Areas.

EMP-2: General Industrial Employment – the purpose of this zone is to accommodate a broad range of industrial uses that are not noxious uses.

EMP-3: Heavy Industrial Employment – the purpose of this zone is to accommodate industrial uses, including noxious uses, on lands that are separated from sensitive land uses. This zone also accommodates uses that require larger tracts of land for large buildings, materials, and/or products.

EMP-4: Service Business Park Employment – the purpose of this zone is to accommodate industrial uses and limited complimentary uses that support adjacent employment lands. EMP-4 zoned lands are located within 450 metres of existing or planned transit corridors.

EMP-5: General Business Park Employment – the purpose of this zone is to accommodate a limited range of industrial uses on lands that are generally located adjacent to EMP-2 and EMP-3 lands to provide a transition from noxious uses.

10.2 PERMITTED USES

No person shall, within any EMP zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 10-1 below.

Table 10-1: Permitted Uses within the Employment Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>EMP-1</th>
<th>EMP-2</th>
<th>EMP-3</th>
<th>EMP-4</th>
<th>EMP-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Sex Film Theatre (1)</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Automotive Detailing and Repair Operation (2)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Biotechnological Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Building Material and Decorating Supply Establishment</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Bulk Fuel and Oil Storage Establishment</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Car Wash (3)</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Use</th>
<th>EMP-1</th>
<th>EMP-2</th>
<th>EMP-3</th>
<th>EMP-4</th>
<th>EMP-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering Service Establishment</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Commercial Driver and Training Establishment</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Commercial Vehicle Wash Facility</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computer, Electronic, Data Processing, or Server Establishment</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Craftsperson Shop</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Crematorium (4)</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>✓ (5)</td>
<td>✓ (5)</td>
<td>✓ (3)</td>
<td>✓ (3)</td>
<td></td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Existing Residential Uses</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Establishment (3)</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Fitness Centre</td>
<td>✓ (5)</td>
<td>✓ (5)</td>
<td>✓ (3)</td>
<td>✓ (3)</td>
<td></td>
</tr>
<tr>
<td>Garden Centre, Nursery, and/or Landscaping Supply</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Gas Station</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Clinic (3)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Repair Operation (2)</td>
<td>✓ (6)(9)</td>
<td>✓ (6)</td>
<td>✓ (6)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Indoor Recycling Operation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Administrative Office</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Major Equipment Supply and Service</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Manufacturing (2)</td>
<td>✓ (6)(7)(9)</td>
<td>✓ (6)(7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td>✓ (8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Recycling Operation</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Services (3)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Boarding (3)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Services Establishment (3)</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Print Shop (3)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing or Publishing Establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Propane Facility</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Propane Retail Outlet</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and Development Establishment</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>✓ (5)</td>
<td>✓ (5)</td>
<td>✓ (3)</td>
<td>✓ (3)</td>
<td></td>
</tr>
<tr>
<td>Restoration, Janitorial, or Security Services</td>
<td>✓ (6)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salvage or Scrap Yard</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>EMP-1</td>
<td>EMP-2</td>
<td>EMP-3</td>
<td>EMP-4</td>
<td>EMP-5</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Towing Compound</td>
<td>✓ (9)</td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Tradesperson or Contractor’s Establishment</td>
<td>✓ (6)</td>
<td>✓ (6)</td>
<td>✓ (6)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Truck Transport Terminal</td>
<td>✓ (6)(7)</td>
<td>✓ (6)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
</tr>
<tr>
<td>Veterinary Services (3)</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Warehouse</td>
<td>✓ (6)(7)</td>
<td>✓ (6)(7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
<td>✓ (7)</td>
</tr>
</tbody>
</table>

**Additional Regulations for Permitted Uses Table 10-1**

1. No building shall be used for an Adult Sex Film Theatre on a lot that is situated within 300 metres of a day care facility; elementary, secondary or post-secondary schools (including offices of the Waterloo Region District School Board); place of worship; offices of the Family and Children Services of Waterloo Region; a lot zoned to permit a residential use; or another lot on which an Adult Sex Film Theatre is located. Such distance is to be measured from the closest points of the lot lines associated with each lot.

2. Despite Section 4.2, retail uses are permitted as accessory uses and shall be located on the same premises as the principal use to a maximum of 25 percent of the gross floor area of the building.

3. Shall be located within a multi-unit building containing at least one permitted use listed in Table 10-1 not subject to this provision. Individual units shall not exceed 1,500 square metres of gross floor area.

4. Shall not be located within 250 metres of a residential use, a day care facility, elementary school, secondary school or a post-secondary school or a lot zoned to permit a residential use, a day care facility, elementary school, secondary school or a post-secondary school.

5. Shall be permitted as an accessory use to at least one permitted use listed in Table 10-1 not subject to this regulation and shall be located within a multi-unit building containing. Individual units shall not exceed 1,500 square metres of gross floor area.

6. Despite Section 4.2, industrial administrative office uses are permitted as an accessory use and shall be located on the same premises as the principal use to a maximum of 25 percent of the gross floor area of the building.

7. Shall not include a noxious use.

8. A total maximum gross floor area of 10,000 square metres of office is permitted on a lot.
(9) Shall not be located within 14 metres of a residential zone for a building constructed with openings or 7.5 metres of a residential zone for a building constructed without openings.

### 10.3 REGULATIONS

The regulations for lots in an EMP zone are set out in Table 10-2 below.

**Table 10-2: Regulations for Employment Zones**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>EMP-1 (1)</th>
<th>EMP-2 (1)</th>
<th>EMP-3 (1)</th>
<th>EMP-4 (1)</th>
<th>EMP-5 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>2,000 m²</td>
<td>2,000 m²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>12 m</td>
<td>12 m</td>
<td>12 m</td>
<td>25 m</td>
<td>25 m</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum rear yard or side yard setback abutting a rail right-of-way or a hydro corridor</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
<td>1.5 m</td>
</tr>
<tr>
<td>Minimum setback abutting a residential zone for a building constructed without openings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum building height for a building located less than 14 m from a yard abutting a residential zone</td>
<td>11 m</td>
<td>11 m</td>
<td>11 m</td>
<td>11 m</td>
<td>11 m</td>
</tr>
</tbody>
</table>
(1) The regulations within Table 10-2 shall not apply to existing buildings or structures.

10.4 **VISUAL BARRIER**

Where a lot zoned EMP abuts a residential zone and new gross floor area is added to the lot, a visual barrier shall be provided along the abutting lot line in accordance with Section 4.18 of this By-law.

10.5 **OUTDOOR STORAGE**

No outdoor storage shall be permitted in any yard abutting a street, or within 7.5 metres of a residential zone. This shall not however prevent the display of goods or materials for retail purposes.

10.6 **LOCATION OF PARKING SPACES AND LOADING SPACES**

New parking spaces shall not locate within 7.5 metres of a residential zone.
SECTION 11 – Institutional (INS) Zones

The Institutional zones apply to lands designated Institutional in the Official Plan.

11.1 APPLICABLE ZONES

INS-1: Neighbourhood Institutional – the purpose of this zone is to accommodate institutional uses intended to serve surrounding residential communities.

INS-2: Major Institutional – the purpose of this zone is to accommodate all types and intensities of institutional uses primarily intended to serve at city or regional scale.

11.2 PERMITTED USES

No person shall, within any INS zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 11-1 below.

**Table 11-1: Permitted Uses within the Institutional Zones**

<table>
<thead>
<tr>
<th>Use</th>
<th>INS-1 (1)</th>
<th>INS-2 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Education School</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Artisan’s Establishment</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Cemetery</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Community Facility</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Continuing Care Community</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>✓ (2)</td>
<td>✓</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Elementary School</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Health Clinic</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Hospice</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Large Residential Care Facility</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Post-Secondary School</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Secondary School</td>
<td>✓ (2)</td>
<td>✓</td>
</tr>
<tr>
<td>Small Residential Care Facility</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Social Service Establishment</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Additional Regulations for Permitted Uses Table 11-1

(1) Despite Section 4.2, accessory convenience retail, office, financial establishment, restaurant, and personal services shall be located in the same building as the principal use.

(2) The maximum gross floor area shall be 6,000 square metres.
11.3 **REGULATIONS**

The regulations for lots in an INS zone are set out in Table 11-2 below.

**Table 11-2: Regulations for Institutional Zones**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>INS-1 (1)</th>
<th>INS-2 (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
<td>15 m</td>
</tr>
<tr>
<td>Minimum front yard setback and minimum exterior side yard setback</td>
<td>6 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>3 m</td>
<td>3 m</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum yard setback abutting a lot zoned for a low density residential use</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>14 m</td>
<td>(2)</td>
</tr>
<tr>
<td>Maximum floor space ratio</td>
<td>1 (3)</td>
<td></td>
</tr>
<tr>
<td>Minimum landscaped area</td>
<td>20%</td>
<td>30%</td>
</tr>
</tbody>
</table>

**Additional Regulations for Zone Regulations Table 11-2**

(1) The regulations within Table 11-2 shall not apply to existing buildings or structures.

(2) A base shall be required for buildings greater than 14 metres in height. The maximum base height shall be 14 metres. Portions of a building located above the base of the building shall have a minimum street line stepback of 3 metres and a minimum stepback of 3 metres where the base abuts a low-rise residential zone.

(3) The maximum floor space ratio for a large residential care facility or a continuing care community shall be 2.

11.4 **VISUAL BARRIER**

Where a lot zoned INS abuts a residential zone and new gross floor area is added to the lot, a visual barrier shall be provided along the abutting lot line in accordance with Section 4.18 of this By-law.

11.5 **OUTDOOR STORAGE**

No outdoor storage shall be permitted in an INS zone.
SECTION 12 – Agriculture (AGR) Zones

The Agriculture zones apply to lands designated Prime Agriculture in the Official Plan.

12.1 APPLICABLE ZONES

AGR-1: Prime Agriculture – the purpose of this zone is to protect the land base for agriculture, and support a thriving agricultural industry and rural economy.

12.2 PERMITTED USES

No person shall, within any AGR zone, use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 12-1 below.

Table 12-1: Permitted Uses within the Agriculture Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>AGR-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>✓</td>
</tr>
<tr>
<td>Agriculture-Related (1)</td>
<td>✓</td>
</tr>
<tr>
<td>Existing Dwelling</td>
<td>✓</td>
</tr>
<tr>
<td>On-Farm Diversified Use (1)(2)</td>
<td>✓</td>
</tr>
<tr>
<td>Second Dwelling Unit (Attached) (2)</td>
<td>✓</td>
</tr>
<tr>
<td>Single Detached Dwelling (2)</td>
<td>✓</td>
</tr>
</tbody>
</table>

Additional Regulations for Permitted Uses Table 12-1

(1) The total area of land occupied by the use shall not exceed 2 percent of the total lot area.

(2) Shall be permitted as an accessory use to a principal agriculture use on a lot.

12.3 REGULATIONS

The regulations for lots in an AGR zone are set out in Table 12-2 below.

Table 12-2: Regulations for Agriculture Zones

<table>
<thead>
<tr>
<th>Regulation</th>
<th>AGR-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (1)</td>
<td>40 hectares</td>
</tr>
<tr>
<td>Minimum Lot Width (2)</td>
<td>300 m</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>10 m</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>10 m</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>10 m</td>
</tr>
</tbody>
</table>

Additional Regulations for Zone Regulations Table 12-2

(1) For existing lots with a lot area of less than 40 hectares, the minimum lot area shall be the existing lot area.

City of Kitchener Zoning By-law 2019
(2) For existing lots with a lot width of less than 300 metres, the minimum lot width shall be the existing lot width.
SECTION 13 – Natural Heritage Conservation (NHC) Zones

The Natural Heritage Conservation zone applies to lands designated Natural Heritage Conservation in the Official Plan and is comprised of lands located within the natural heritage system and natural hazardous lands, being floodplain and floodway.

13.1 APPLICABLE ZONES

NHC-1: Natural Heritage Conservation – the purpose of this zone is to protect and/or conserve natural heritage features and their ecological functions. Further, it is intended to prevent the aggravation of existing natural hazards and/or the creation of new ones.

13.2 PERMITTED USES

No person shall, within any NHC zone, use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 13-1 below.

<table>
<thead>
<tr>
<th>Use</th>
<th>NHC-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Agriculture</td>
<td>✓</td>
</tr>
<tr>
<td>Natural Heritage Conservation</td>
<td>✓</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
SECTION 14 – Existing Use Floodplain (EUF) Zones

The Existing Use Floodplain zone applies to lands designated Natural Heritage Conservation in the Official Plan that are located within the floodway or floodplain where there is existing development subject to flooding hazards. All lands with the Existing Use Floodplain zone are subject to the flooding hazard provisions of 17.2.1.

14.1 APPLICABLE ZONES

EUF-1: Existing Use Floodplain – the purpose of this zone is to recognize existing uses within a floodway or floodplain.

14.2 PERMITTED USES

No person shall, within any EUF zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 14-1 below.

<table>
<thead>
<tr>
<th>Use</th>
<th>EUF-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing uses</td>
<td>✓</td>
</tr>
<tr>
<td>The same type of use as the existing use</td>
<td>✓</td>
</tr>
<tr>
<td>A dwelling with the same or fewer dwelling units than that existing on, and continually used since the effective date of this By-law in a dwelling that was existing on the effective date of this By-law</td>
<td>✓</td>
</tr>
</tbody>
</table>

14.3 REGULATIONS

The regulations for lots in an EUF zone are set out in Table 14-2 below.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>EUF-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>For All Uses</td>
<td></td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>Existing lot width</td>
</tr>
<tr>
<td>For Additions and Alterations to or Replacement of Existing Buildings</td>
<td></td>
</tr>
<tr>
<td>Maximum additional building floor area</td>
<td>25% of existing ground floor building floor area</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback for a building less than 9 m in height.</td>
<td>1.2 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback for a building between 9 m and 10.5 m in height.</td>
<td>2.5 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback for a building exceeding 10.5 m in height.</td>
<td>6 m</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
### UNDERGROUND PARKING FACILITIES

*Parking spaces, loading spaces, or drive aisles shall not be located underground.*
SECTION 15 – Open Space and Recreation (OSR) Zones

The Open Space and Recreation zone predominantly applies to lands designated Open Space in the Official Plan, but may be applied to lands within any land use designation in the Official Plan.

15.1 APPLICABLE ZONES

OSR-1: Recreation – the purpose of this zone is to provide lands for parks and public recreational uses and facilities.

OSR-2: Open Space: Greenways – the primary purpose of this zone is for green space and buffers as part of a comprehensive and connected open space system. OSR-2 lands may be comprised of lands not used for park or active recreational purposes but which form part of the overall open space system.

OSR-3: Open Space: Stormwater Management – the purpose of this zone is for lands to be used primarily for stormwater management facilities.

15.2 PERMITTED USES

No person shall, within any OSR zone, use or permit the use of any lot; or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 15-1 below.

Table 15-1: Permitted Uses within the Open Space and Recreation Zone

<table>
<thead>
<tr>
<th>Use</th>
<th>OSR-1</th>
<th>OSR-2</th>
<th>OSR-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Facility</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Outdoor Active Recreation</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Passive Recreation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Stormwater Management Facility</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

15.3 REGULATIONS

The regulations for lots in a OSR zones are set out in Table 15-2 below.

Table 15-2: Open Space and Recreation Zone Regulations

<table>
<thead>
<tr>
<th>Regulation</th>
<th>OSR-1</th>
<th>OSR-2</th>
<th>OSR-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard setback</td>
<td>6 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>6 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>6 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
</tbody>
</table>

City of Kitchener Zoning By-law 2019
<table>
<thead>
<tr>
<th>Minimum setback</th>
<th>7.5 m or one-half the <strong>building height</strong>, whichever is greater.</th>
<th>7.5 m</th>
<th>7.5 m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum setback of any principal building from a residential zone</td>
<td>6 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
</tbody>
</table>
SECTION 16 – Major Infrastructure and Utility (MIU) Zones

The Major Infrastructure and Utility zone applies to lands designated Major Infrastructure and Utility in the Official Plan.

16.1 APPLICABLE ZONES

MIU-1: Major Infrastructure and Utility – the purpose of this zone is to provide for large scale infrastructure and utilities for public uses.

16.2 PERMITTED USES

No person shall, within any MIU zone, use or permit the use of any lot or erect, alter or use any building or structure for any purpose other than those permitted uses within Table 16-1 below.

Table 16-1: Permitted Uses within the Major Infrastructure and Utility Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>MIU-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Transformer Station</td>
<td>✓</td>
</tr>
<tr>
<td>Public Works Yard</td>
<td>✓</td>
</tr>
<tr>
<td>Transportation Facility</td>
<td>✓</td>
</tr>
<tr>
<td>Waste Management Facility</td>
<td>✓</td>
</tr>
<tr>
<td>Water and Wastewater Treatment Facility</td>
<td>✓</td>
</tr>
</tbody>
</table>

16.3 REGULATIONS

The regulations for lots in a MIU zone are set out in Table 16-2 below.

Table 16-2: Major Infrastructure and Utility Zone Regulations

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIU-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard setback</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum front yard, side yard, and rear yard setback abutting a residential zone</td>
<td>15 m</td>
</tr>
</tbody>
</table>

16.4 VISUAL BARRIER

Where a lot zoned MIU abuts a residential zone, a visual barrier shall be provided along the abutting lot line in accordance with Section 4.18 herein.

16.5 OUTDOOR STORAGE

No outdoor storage shall be permitted in any yard abutting a street, or within 7.5 metres of a residential zone.

City of Kitchener Zoning By-law 2019
SECTION 17 – Overlays

Overlays modify other provisions of this By-law for specific lots. All other provisions of this By-law shall continue to apply. In the event of a conflict between the overlay and any other section of this By-law, the overlay will supersede only to the extent of the conflict.

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.

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.

17.2 REGULATIONS

17.2.1 Flooding Hazard

a) Despite anything else in this By-law, the following uses shall not be permitted to locate within lands shown as affected by the Flooding Hazard Overlay:

i) an institutional use which shall include a hospital, elementary school, secondary school, day care facility, small residential care facility, and large residential care facility:

ii) an essential emergency service such as that provided by fire, police, and ambulance stations; and electrical substations;

iii) a use with outdoor storage of any materials, either temporary or permanent; or,

iv) a use with the disposal, manufacturing, treatment, or storage of hazardous chemicals and/or substances.
b) Despite anything else in this By-law, within lands shown as affected by the Flooding Hazard Overlay, prior to the development of any land, interference with wetlands, or alterations to shorelines or watercourses in accordance with the underlying zone, a permit shall be obtained from the Grand River Conservation Authority, where required by said Authority, in accordance with the applicable regulation approved under the Conservation Authorities Act.

c) Despite anything else in this By-law, within lands shown as affected by the Flooding Hazard Overlay, prior to new development, expansions, or alterations in accordance with the underlying zone, floodproofing standards and/or protection works standards shall be implemented.

17.2.2 Slope Erosion Hazard

a) Despite anything else in this By-law, the following uses shall not be permitted to locate within lands shown as affected by the Slope Erosion Hazard Overlay:

i) an institutional use which shall include a hospital, elementary school, secondary school, day care facility, small residential care facility, and large residential care facility:

ii) an essential emergency service such as that provided by fire, police, and ambulance stations; and electrical substations;

iii) a use with outdoor storage of any materials, either temporary or permanent; or,

iv) a use with the disposal, manufacturing, treatment, or storage of hazardous chemicals and/or substances.

b) Despite anything else in this By-law, within lands shown as affected by the Slope Erosion Hazard Overlay, prior to development, redevelopment, or site alteration in accordance with the underlying zone, the following must be demonstrated and achieved:

i) the effects and risk to public safety are minor and can be mitigated in accordance with the Province’s standards;

ii) development, redevelopment, or site alteration is carried out in accordance with Protection Works Standards, and access standards;

iii) vehicles and persons have a way of safely entering and exiting the area during the times of erosion and other emergencies;

iv) new hazards are not created and existing hazards are not aggravated;

v) no adverse environmental impacts will result; and,
vi) a permit shall be obtained from the Grand River Conservation Authority, where required by said Authority, in accordance with the applicable regulation approved under the Conservation Authorities Act.

c) Despite anything else in this By-law, within lands shown as affected by the Slope Erosion Hazard Overlay, prior to any development or site alteration associated with existing uses within the limits of a slope erosion hazard, it must be demonstrated through a site-specific geotechnical or engineering assessment that:

i) there is no feasible alternative location outside of the slope erosion hazard;

ii) any proposed building or structure is located in the area of least risk;

iii) there is no impact on existing or future slope stability and bank stabilization or erosion protection works are not required;

iv) access for maintenance or emergency purposes is not prevented; and,

v) where unavoidable, impacts on natural heritage features or ecological functions are minimized, and appropriate mitigative and remedial measures will adequately enhance or restore features and functions.

17.2.3 Significant Wildlife Habitat and Significant Landforms

Despite anything else in this By-law, within lands shown as affected by the Significant Wildlife Habitat and Significant Landforms overlay, any development, redevelopment, or site alteration in accordance with the underlying zone will be subject to an Environmental Impact Study or other appropriate study.

17.2.4 Ecological Restoration Areas

Any development, redevelopment or site alteration in accordance with the underlying zone will be subject to an Environmental Impact Study or other appropriate study.
SECTION 18 – Transition Provisions

18.1 **GENERAL TRANSITION MATTERS**

Subject to Section 1.4 and except as provided in Sections 18.2 and 18.3, the provisions of this By-law will otherwise apply.

18.2 **COMPLETE APPLICATION TRANSITION MATTERS**

a) For the purposes of this Section:

   i) “complete application” means an application that contains sufficient particulars and information to allow it to be processed and approved. An application that is incomplete becomes a complete application on the date that the required particulars and information are provided to the City.

   ii) “complied with the provisions of By-law Number 85-1” means:

       a. the land, building, or structure fully complies with the provisions of By-Law Number 85-1 as it existed immediately before the effective date of this By-law; or,

       b. the land, building, or structure fully complies with a minor variance from the provisions of By-law Number 85-1 which was approved on or after January 1, 2017.

b) Despite Sections 1.7 and 1.8, nothing in this By-law applies to prevent the issuance of any building permit where:

   i) a complete application for such building permit was made on or before the effective date of this By-law and said complete application complied with the provisions of By-law Number 85-1; or,

   ii) a complete application for such building permit was made after the effective date of this By-law and is in respect of a lot to which Subsections c), d) or e) apply and the said complete application complied with the provisions of By-law Number 85-1;

   c) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of any:

   i) site plan control approval where a complete application for such site plan control approval was made on or before the effective date of this By-law and the said complete application complied with the provisions of By-law 85-1.
ii) approval of a minor modification, as determined by the Director of Planning or designate, to an approved site plan which was approved on or after January 1, 2017 where a complete application for such modification was made after the effective date of this By-law and the said complete application complied with the provisions of By-law 85-1.

d) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of the final approval of a plan of subdivision where draft approval for such plan of subdivision was finally granted.

e) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of the final approval of a plan of condominium where:

   i) draft approval for such plan of condominium was finally granted; or,

   ii) A complete application for plan of condominium was made after the effective date of this By-law and is in respect of a lot to which Subsection b) applies and the said complete application complied with the provisions of By-law Number 85-1;

18.3 TRANSITION SUNSET CLAUSE

Sections 18.1 to 18.3 are automatically repealed on the third anniversary of the effective date of this By-law, and the provisions of Section 34(9) of the Planning Act shall thereafter apply in respect of any buildings, structures, or uses established or erected pursuant to any such complete application.
SECTION 19 – Site Specific Provisions

19.1 SITE SPECIFIC PROVISIONS

Site specific provisions modify other provisions of this By-law for specific lots. All other provisions of this By-law shall continue to apply. In the event of a conflict between a site specific provision and any other Section of this By-law, the site specific provision will supersede only to the extent of the conflict.
(1) – RESERVE
(2) – RESERVE
(3) – RESERVE
(4) – RESERVE
(5) – RESERVE
(6) – RESERVE
(7) – RESERVE
(8) – RESERVE
SECTION 19 – Site Specific Provisions (9)

(9) – RESERVE
(10) – RESERVE
(11) – RESERVE
(12) – RESERVE
(13) – RESERVE
(14) – RESERVE
(15) – RESERVE
(16) – RESERVE
(17) – RESERVE
(18) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 14 and 17 of Appendix A, one consolidated landscaped area comprising of 5% of the lot area shall be provided and maintained at the northern corner of the lot at Fischer-Hallman Road and University Avenue and shall form part of the minimum required landscaped area of 20% for the entire lot.
(19) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 231 of Appendix A and shown as Proposed Lots 2, 3, 4, 5 and 6 on Figure 1 hereto, the following shall apply:

a) For Proposed Lots 4, 5 and 6, the minimum rear yard setback shall be 15 metres;

b) For Proposed Lot 2, the minimum rear yard setback shall be 30 metres;

c) For Proposed Lot 3, the minimum rear yard setback shall be a line between the side lot lines measured from a point 15 metres from the rear lot line along the northern most side lot line to a point 30 metres from the rear lot line along the southern most side lot line; and,

d) In the minimum rear yard setbacks described in a), b) and c) above, sewage disposal systems shall not be permitted.

Figure 1: Site Specific Provision (19)
(20) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 254 and 284 of Appendix A, the maximum building height shall be 25 metres.
(21) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 278 of Appendix A, the minimum yard setback from the Grand Hill Drive street line shall be 5 metres.
(22) – Within the lands zoned INS-2 and shown as affected by this provision on Zoning Grid Schedule 71 and 72 of Appendix A, parking associated with permitted uses located at 911 Queens Boulevard may locate on 40 and/or 55 Spadina Road.
(23) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 33, 34, 191, 192, 223 and 224 of Appendix A, the maximum total retail (including large merchandise retail) gross floor area within a multi-unit building or multi-unit development shall be 42,000 square metres.
(24) – Within the lands zoned COM-2 and MIX-3 and shown as affected by this provision on Zoning Grid Schedule 213, 245, and 246 of Appendix A, the maximum total retail (including large merchandise retail) gross floor area within a multi-unit building, multi-unit development, mixed-use building, or mixed-used development shall be 15,000 square metres.
(25) – Within the lands zoned EMP-4 and shown as affected by this provision on Zoning Grid Schedule 201 of Appendix A and shown in more on Figure 1 hereto, the minimum lot width shall be 17 metres.

Figure 1: Site Specific Provision (25)
(26) – Within the lands zoned AGR-1 and shown as affected by this provision on Zoning Grid Schedule 60, 61, 97 and 98 of Appendix A, the use of lands for a pit shall only take place within the Limits of Extraction shown on Figure 1 hereto.

Figure 1: Site Specific Provision (26)
(27) – Within the lands zoned MIX-1 and shown as affected by these provisions on Zoning Grid Schedule 24 of Appendix A, the following shall apply:

a) The maximum *floor space ratio* for all *uses* shall be 2; and,

b) Regulation 8.2 (1) shall not apply.
(28) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 289 of Appendix A, individual retail outlets shall have no minimum gross floor area.
(29) – Within the lands zoned EMP-4 and COM-2 and shown as affected by this provision on Zoning Grid Schedule 139 and 178 of Appendix A, office shall be permitted to occupy up to 100 percent of the gross floor area and shall have a maximum floor space ratio of 0.5.
(30) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 89 and 116 of Appendix A, the following regulations shall apply:

a) Individual *retail* outlets having a *gross floor area* of less than 1,500 square metres shall be permitted on the same *lot* as a permitted use in Table 9-1 requiring a minimum *gross floor area* of 1,500 square metres provided the total *gross floor area* of such individual retail outlets does not exceed 25 percent of the total *gross floor area*; and,

b) All lands affected by this provision shall be deemed to be one *lot* for the purpose of calculating *gross floor area* and *landscaped area*. 
(31) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 46, 47, 67, and 68 of Appendix A, the following regulations shall apply:

a) Individual retail outlets having a gross floor area of less than 1,500 square metres shall be permitted on the same lot as a permitted use in Table 9.1 requiring a minimum gross floor area of 1,500 square metres provided the total gross floor area of such individual retail outlets does not exceed 25 percent of the total gross floor area; and,

b) All lands affected by this provision shall be deemed to be one lot for the purpose of calculating gross floor area and landscaped area.
(32) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 288 and 289 of Appendix A, individual retail outlets shall have no minimum gross floor area provided such retail outlets do not exceed a maximum total gross floor area of 1,533 square metres.
(33) – Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 41 of Appendix A, the following regulations shall apply:

a) The minimum floor space ratio shall be 0.6;

b) The maximum floor space ratio shall be 2;

c) The maximum building height shall be 25 metres; and,

d) The maximum number of storeys shall be 8.
(34) – Within the lands zoned EMP-4 and EMP-5 and shown as affected by this provision on Zoning Grid Schedule 187, 188, 228, 230 and 231 of Appendix A, the following regulations shall apply:

a) The minimum front yard setback shall be 3 metres; and,

b) The minimum rear yard setback shall be 15 metres and shall incorporate a 2 metre high berm.
(35) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 47 and 67 of Appendix A, the minimum side or rear yard setback for a garbage enclosure shall be 0 metres.
(36) – Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 48, 49 and 65 of Appendix A, the maximum total gross floor area for a place of worship shall be 93 square metres.
(37) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 279, 289 and 290 of Appendix A, the following regulations shall apply:

a) The minimum front yard and exterior side yard setback shall be 0 metres, except that no building shall be located within 5 metres of an above ground hydro line;

b) Individual retail outlets having a gross floor area of less than 1,500 square metres shall be permitted on the same lot as a permitted use in Table 9.1 requiring a minimum gross floor area of 1,500 square metres provided the total gross floor area of such individual retail outlets does not exceed 25 percent of the total gross floor area. The maximum gross floor area for any individual retail outlet shall be 6,100 square metres; and,

c) All lands affected by this provision shall be deemed to be one lot and the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the lands as a whole and its external lot lines are observed.
(38) – RESERVE
(39) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 125 of Appendix A, the following regulations shall apply:

a) The Lancaster Street West street line shall be the front lot line;

b) The Bridgeport Road street line shall be an exterior side lot line; and,

c) The Hamel Street street line shall be an exterior side lot line and the minimum exterior side yard setback shall be 3 metres.
(40) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 126 of Appendix A, the following regulations shall apply:

a) A minimum width of the ground floor street line façade as a percent of the abutting street line shall not be required; and,

b) A minimum percent of street line façade openings shall not be required.
(41) – Within the lands zoned MIX-2 and shown as affected by these provisions on Zoning Grid Schedule 125 and 126 of Appendix A, the following shall apply:

a) A maximum gross floor area of 1,000 square metres is permitted for each individual freestanding retail outlet within existing and new buildings; and,

b) A food store is only permitted in a mixed use development to a maximum gross floor area of 5,000 square metres.
Within the lands zoned MIX-1 and shown as affected by this provision on Zoning Grid Schedule 89, 90, 115, and 116 of Appendix A, the following shall apply:

a) The following uses shall be permitted:

i) Drive-through facility; and,

ii) Large residential care facility.

b) The following regulations shall apply:

i) The minimum rear yard setback and interior side yard setback shall be 3 metres except where the lot line forms part of a boundary between a MIX-1 zone and a residential zone or a OSR-2 zone in which case the minimum setback shall be 7.5 metres;

ii) The minimum front yard setback and exterior side yard setback to Elmsdale Drive for a multiple dwelling, large residential care facility or, small residential care facility shall be 3 metres for that portion of a building not exceeding 10.5 metres in building height and an additional setback of 1.5 metres shall be required for every additional 3 metres of building height thereafter;

iii) The minimum front yard setback and exterior side yard setback to Ottawa Street for a multiple dwelling, large residential care facility or, small residential care facility shall be 3 metres;

iv) The maximum building height for a multiple dwelling, large residential care facility and, small residential care facility shall be 24 metres

v) Dwelling units are permitted on the ground floor;

vi) Cluster townhouse dwellings, multiple dwellings, large residential care facilities and, small residential care facilities are permitted on a lot that does not contain a non-residential use;

vii) The minimum floor space ratio for any lot containing only a non-residential use shall be 0.3;

viii) The minimum floor space ratio shall not apply to individual buildings provided that the development is consistent with the Council approved Urban Design Guidelines and a Comprehensive Master Plan is prepared which demonstrates that the overall development will achieve the minimum floor space ratio;

ix) The maximum floor space ratio shall be 2 where it has been demonstrated to the satisfaction of the City that the necessary infrastructure for storm and sanitary have sufficient capacity, and to the satisfaction of the City and the Region that surrounding streets and intersections have sufficient capacity;
x) The maximum non-residential *gross floor area* shall not exceed 10,000 square metres of which *retail* shall not exceed a maximum *gross floor area* of 7,000 square metres;

xi) One *freestanding retail outlet* shall be permitted to a maximum *gross floor area* of 6,500 square metres, and;
(43) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 253, 254, 284, and 285 of Appendix A, the maximum *building height* shall be 10 metres.
(44) – Within lands shown as affected by this provision on Zoning Grid Schedule 227, 228, 229, 230, 231, 232, and 233 of Appendix A, no building or structure shall be permitted to exceed a height greater than a geodetic elevation of 359.66 metres above sea level.
(45) – RESERVE
(46) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 296 of Appendix A, a visual barrier shall be provided along the entire Limerick Drive street line.
(47) – Within the lands zoned INS-1 and shown as affected by this provision on Zoning Grid Schedule 67 of Appendix A, the maximum gross floor area of a place of worship shall not exceed 1,088.78 square metres.
(48) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 279 and 289 of Appendix A, the following regulations shall apply:

a) Individual retail outlets having a gross floor area of less than 1,500 square metres shall be permitted on the same lot as a permitted use in Table 9-1 having a minimum gross floor area of 1,500 square metres provided the total gross floor area of such individual retail outlets does not exceed 25 percent of the total gross floor area; and,

b) No maximum gross floor area shall apply for an office use.
(49) – Within the lands zoned MIX-2 and MIX-3 and shown as affected by this provision on Zoning Grid Schedule 40, 41, 74, 83, 122, 125, 126, 220, 221, 224 and 239 of Appendix A, the minimum floor space ratio shall be 1 and the maximum floor space ratio shall be 4.
(50) – RESERVE
SECTION 19 – Site Specific Provisions

(51) – RESERVE
SECTION 19 – Site Specific Provisions

(52) – RESERVE
(53) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 43 of Appendix A, the following shall apply:

a) The minimum interior side yard setback shall be 1.5 metres;

b) The existing drive-through facility shall be permitted; and,

c) Despite 4.18, the existing chain link fence along the lot line abutting a residential zone shall be permitted as a visual barrier.
(54) – RESERVE
(55) - Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 11 of Appendix A, the following shall apply:

a) Retail uses shall be permitted;

b) A food store shall have a maximum gross floor area of 4,645 square metres; and,

c) The maximum total gross floor area of retail for the entire site shall be 10,662 square metres.
(56) – Within the lands zoned MIX-1 and shown as affected by these provisions on Zoning Grid Schedule 207, 249, 250, and 253 of Appendix A, the following shall apply:

c) A large residential care facility shall be permitted;

d) The maximum floor space ratio for all uses shall be 2;

e) The maximum non-residential gross floor area shall be 3,250 square metres;

f) The maximum building height shall be 36 metres;

g) The maximum number of storeys shall be 12; and,

h) Regulation 8.2 (1) shall not apply.
Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4, 5, 12 and 13 of Appendix A, the following special regulations shall also apply:

a) The minimum side yard setback where the side lot line abuts the boundary of the City of Waterloo shall be 0 metres.

b) For the purposes of applying the regulations of this By-law the lands affected by this provision shall be considered to be one lot.

c) The maximum gross floor area for all uses on the lands shall be 49,515.7 square metres. The lands will be permitted to develop in three phases with Phases 2 and 3 subject to Holding provisions to provide for a review of transportation issues associated with the development.

i) Phase 1 will consist of a maximum of gross floor area of 32,050.5 square metres which will include the development of a retail anchor outlet having a maximum gross floor area of 17,186.5 square metres. Phase 1 is not subject to any Holding provisions.

ii) Phase 2 will consist of up to an additional 6,967.7 square metres of gross floor area and is subject to a Holding provision. Phase 1 and Phase 2 provide for a cumulative total of 39,018 square metres of gross floor area on the City of Kitchener portion of the site.

iii) Phase 3 will consist of the remainder of the cumulative total of 49,515.7 square metres of gross floor area permitted on the City of Kitchener portion of the site and is subject to a Holding provision.

d) The maximum amount of gross floor area devoted to retail shall be 43,384.3 square metres. The following uses are excluded from the calculation of retail gross floor area: outside garden centre displays and areas devoted to parking spaces and loading spaces which are not fully enclosed.

e) The maximum amount of gross floor area devoted to retail anchor outlets having a minimum size of 4,645 square metres of gross floor area shall be 17,186.5 square metres.

f) The maximum amount of gross floor area devoted to individual retail outlets specializing in the retail of apparel and accessories shall be 9,290 square metres.

g) The maximum amount of gross floor area devoted to individual outlets specializing in restaurant uses shall be 1,858 square metres.

h) Individual retail outlets having a gross floor area of less than 1,500 square metres shall be permitted on the same lot as a permitted use in Table 9-1 requiring a minimum gross floor area of 1,500 square metres provided the total gross floor area of such outlets does not exceed 25 percent of the total gross floor area. Of this total, individual retail outlets having
a gross floor area less than 465 square metres shall be limited to a maximum total amount of 4,645 square metres of gross floor area.

i) Where the municipal boundary bisects a parking space, if the majority of the parking space is in Kitchener the whole space shall be deemed to be in Kitchener.

j) For all lands affected by this provision, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the lands as a whole and its external lot lines are observed.

k) The minimum amount of office gross floor area to be provided on the site shall be 2,229.6 square metres.
(58) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4 of Appendix A, the following regulations shall apply:

a) The minimum height for 50% of each building shall be 5 metres;

b) A minimum of 1,394 square metres of office gross floor area shall be provided;

c) A second storey of useable floor space shall be provided for not less than 50 percent of the total ground floor area; and,

d) The minimum landscaped area shall be 3,000 square metres.
(59) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4 of Appendix A, the following regulations shall apply:

a) The minimum height for 50% of each building face of each building shall be 5 metres, and;

b) The minimum landscaped area shall be 1,600 square metres.
(60) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 125 and 126 of Appendix A, the Lancaster Street West street line shall be the front lot line.
(61) - Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 126 of Appendix A, the following regulations shall apply:

a) The minimum floor space ratio shall not apply to the following:

i) Additions to or expansions of a building(s) existing on the date of passing of this By-law; and,

ii) Building(s) being added to the lot where a building(s) existed on the date of passing of this By-law provided that the existing building(s) are retained.

b) The cumulative gross floor area of the building(s) on the lot must be equal to or greater than the gross floor area existing on the date of passing of this By-law.
(62) – Within the lands zoned MIX-1 and MIX-2 and shown as affected by this provision on Zoning Grid Schedule 71 and 72 of Appendix A, the following shall apply:

a) A maximum gross floor area of 2,500 square metres is permitted for each individual freestanding retail outlet; and,

b) A food store is only permitted in a mixed use development to a maximum gross floor area of 5,000 square metres.
(63) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 114 and 148 of Appendix A, the following regulations shall apply:

a) Parking spaces and drive aisles giving direct access to abutting parking spaces shall not be located within 6 metres of a street line;

b) One consolidated woodlot, comprising of 11,890 square metres shall be conserved and maintained on the lot at the corner of Strasburg Road and Block Line Road; and,

c) The minimum floor space ratio shall be 0.53.
(64) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 168 and 199 of Appendix A, the following shall apply:

a) The following additional uses shall be permitted:

i) One food store to a maximum gross floor area of 4,645 square metres; and,

ii) Retail.

b) Gas station shall not be permitted; and,

c) The following regulations shall apply:

i) The maximum total gross floor area of commercial development on the lands inclusive of retail other than a home improvement store shall be 17,650 square metres;

ii) The maximum total gross floor area of commercial development on the lands inclusive of retail may increase up to 25,500 square metres with the addition of a home improvement store;

iii) The maximum gross floor area of any one store shall be 5,000 square metres with the exception of one home improvement store (no maximum) and one food store (maximum of 4,645 square metres);

iv) The maximum gross floor area of free standing office buildings shall be 10,000 square metres;

v) Outdoor storage is prohibited in connection with the retail of motor vehicles and major recreation equipment and major equipment supply and service, with the exception that the outdoor storage of fleet vehicles for an automobile rental establishment shall be permitted; and,

vi) Day care facility may be permitted subject to the completion of a land use compatibility study to the satisfaction of the Region.
(65) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 33 and 34 of Appendix A, one consolidated landscaped area comprising 5.8 percent of the lot area shall be provided and maintained on the lot at the corner of Queen’s Boulevard and Fischer-Hallman Road and shall form part of the minimum required landscaped area of 20% for the entire lot.
(66) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 167, 168, and 199 of Appendix A, only the following uses shall be permitted:

a)  *Office* to a maximum *gross floor area* of 10,000 square metres for any one *building*;

b)  *Retail* to a maximum *gross floor area* of 1,000 square metres per outlet may be permitted on the *ground floor* of a *building* that is 3 or more *storeys* in height;

c)  *Day care facility* (1);

d)  *Health clinic*; and

e)  *Health office*.

(1) Shall only be permitted subject to the completion of a land use compatibility study to the satisfaction of the *Region*.
(67) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 265 and 266 of Appendix A and shown in more detail on Figure 1 hereto, the following shall apply:

a) Only the following uses shall be permitted, except that only multiple dwelling (which may include cluster townhouse dwellings), home occupation and studio shall be permitted within Areas A and B as indicated on Figure 1 hereto:

i) Artisan’s establishment; (1)

ii) Pet services establishment;

iii) Community facility;

iv) Craftperson shop; (1)

v) Day care facility; (1)

vi) Dwelling unit; (2)

vii) Elementary school;

viii) Fitness centre;

ix) Financial establishment;

x) Health clinic;

xi) Multiple dwelling; (3)

xii) Museum;

xiii) Office;

xiv) Personal services;

xv) Print shop;

xvi) Place of worship; (1)

xvii) Light repair operation; (1)

xviii) Residential Care Facility; (4)

xix) Restaurant; (1)

xx) Retail; (5)
xxi) Studio; (1) and,
xxii) Veterinary services.

b) Only the following regulations shall apply:

i) The minimum yard setback shall be 1.5m;

ii) The maximum building height shall be 36m; (6)

iii) The minimum floor space ratio shall be 1; (7)

iv) The minimum and maximum gross floor area for non-residential or non-educational establishment uses shall be 15% to 50%; (7)

v) The maximum floor space ratio shall be 2;

vi) The minimum street line façade height for non-residential buildings shall be 7.5m;

vii) The minimum street line façade width shall be 50% of the length of the respective street line, except for Fairway Road and the north side of the Chicopee Hills Drive road frontage, where the minimum required façade width shall be 30%;

viii) The minimum percent of street line façade openings for non-residential buildings shall be 20%;

ix) The minimum landscaped area shall be 15%, which may include landscape areas not at grade;

x) The following parking regulations shall apply:

a. Vehicular parking for multiple dwellings shall be a minimum of 1.25 spaces per unit and a maximum of 1.75 spaces per unit; inclusive of a minimum of 15% visitor parking;

b. Bicycle parking within a secure structure shall be a minimum of:

i. 1 space / unit for multiple dwellings and dwelling unit; and,

ii. 1 space / 500m2 for all other uses.

c. All other parking regulations shall be in accordance with Section 5 of this By-law.

(1) Must be in a building containing a minimum of 3 permitted uses and shall not apply to a day care facility as an accessory use to an elementary school.
(2) May be permitted on the ground floor of a building provided that the ground floor that fronts onto Chicopee Hills Drive as identified on Figure 1 hereto contains permitted non-residential uses. Dwelling units on the ground floor of a building used entirely for residential are permitted as it is a multiple dwelling.

(3) A building in the form of a townhouse that is attached to a multiple dwelling or that has units divided vertically in addition to horizontally (i.e. a stacked townhouse dwelling) shall entirely be considered a multiple dwelling. For locations not within Areas A and B as indicated on Figure 1 hereto, this shall not include cluster townhouse dwellings.

(4) Shall not include a small residential care facility.

(5) Shall not exceed 3,000 square metres of gross floor area for each individual retail outlet, with the exception of a food store which shall not exceed 5,000 square metres of gross floor area. The total gross floor area of all retail shall not exceed 10,000 square metres.

(6) Provided that no building or structure shall exceed a height greater than a geodetic elevation of 356.5 metres above sea level in accordance with the Region of Waterloo International Airport Zoning Regulations issued by Transport Canada under the Aeronautics Act. Buildings greater than 4 storeys (approximately 13.5 metres in building height) shall have a base. Portions of buildings between 5 and 8 storeys (approximately 13.5 to 26 metres in building height) shall have a minimum stepback of 3 metres. Portions of buildings between 9 and 12 storeys (approximately 26 metres to 36 metres in building height) shall have a 4.5 metre stepback. Despite the minimum stepbacks, no portion of a building is permitted within the 45 degree angular plane as measured from the west side of the Lackner Boulevard right-of-way or to the opposite side of the internal private/condominium road identified on Figure 1 hereto, in accordance with an approved Urban Design Study.

(7) Individual buildings or blocks will not be required to achieve the minimum floor space ratio or minimum non-residential/non-educational establishment gross floor area provided there is an approved Urban Design Study that includes a conceptual Master Site Plan that demonstrates the overall development can achieve the minimum floor space ratio and achieve a minimum of 15% and a maximum of 50% of the gross floor area as non-residential or non-educational establishment uses across the whole site.
Figure 1: Site Specific Provision (67)
(68) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 220 and 221 of Appendix A, the following regulations shall apply:

a) The minimum front yard setback shall be 2.4 metres;

b) The minimum exterior side yard setback shall be 4 metres;

c) The minimum width of the primary ground floor street line façade shall be 50% of the length of the abutting street lines. Individual buildings will not be required to achieve the minimum width of the primary ground floor street line façade provided there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum width of the primary ground floor street line façade requirement;

d) The minimum floor space ratio shall be 1. Individual buildings will not be required to achieve the minimum floor space ratio provided there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum floor space ratio;

e) Dwelling units shall be permitted on the ground floor of a mixed-use building;

f) Any building directly fronting onto Weber Street shall contain a minimum of 650 square metres of street-facing, ground-level floor area, with a minimum ceiling height of 4.5 metres, devoted to commercial use;

g) The maximum gross floor area of retail shall be 6,300 square metres and such gross floor area shall be contained within buildings that comprise more than 50 percent non-retail uses;

h) The maximum building height for any building directly fronting Weber Street shall be 41 metres. The maximum building height for all other buildings shall be 48 metres;

i) The minimum distance between portions of buildings higher than 4 storeys shall be 25 metres;

j) Every building greater than 4 storeys shall have a minimum 4 storey base comprised of a material that is distinct from the storeys above the base with respect to articulation, massing, or a combination thereof; and,

k) A hotel with a maximum of 102 guest rooms plus a maximum of 930 square metres of floor area used for restaurant, retail, banquet or convention purposes and a mixed-use building containing a maximum of 124 dwelling units and a maximum of 685 square metres of commercial space shall require a minimum of 200 parking spaces.
(69) – Within the lands zoned MIX-1 and shown as affected by this provision on Zoning Grid Schedule 24 and 207 of Appendix A, the following shall apply:

a) Terraces, porches and decks associated with a dwelling may be located within a required exterior side yard provided the terrace, porch or deck is set back a minimum of 1.5 metres from the lot line abutting a street whether or not covered and provided they are not enclosed and do not exceed 1.2 metres in height above finished grade level. All railings that are attached to a terrace, porch or deck shall be constructed in a manner and of materials that do not obstruct visibility of approaching traffic;

b) The minimum setback for any residential building or part thereof, located on a lot which is abutting an arterial road, as defined and classified in the City’s Official Plan, shall be 12 metres from the street line, provided however that for multiple dwellings containing a minimum of four dwelling units, or any residential building with primary access from such arterial road, the setback requirements of the applicable zone shall apply. Any buildings located less than 12 metres from an arterial road shall be developed in accordance with mitigation measures recommended in the approved Noise Study as part of the Plan of Subdivision approval for the lands, but such mitigation measures shall not include noise walls or berms;

c) On a corner lot abutting two streets, the driveway shall not be located closer than 7 metres to the intersection of the street lines abutting the lot; and,

d) On a corner lot abutting the same street, the driveway shall not be located closer than 4.5 metres to the intersection of the street lines abutting the lot.

e) For a back-to-back townhouse multiple dwelling, the following regulations shall apply:

i) The minimum front yard setback shall be 3 metres and no part of any building used to accommodate off-street parking shall be located closer than 6 metres from the front lot line;

ii) The minimum lot area shall be 78 square metres;

iii) The minimum lot width shall be 6 metres;

iv) The minimum corner lot width shall be 9.5 metres for each dwelling and 12.5 for each dwelling unit;

v) The minimum side yard setback for end units shall be 0.6 metres and in no case shall an end unit be located closer than 1.8 metres to a dwelling on the adjacent lot;

vi) The minimum exterior side yard setback shall be 3 metres;

vii) The minimum rear yard setback shall be 0 metres;
viii) The minimum landscaped area shall be 6.5% (1);

ix) The maximum number of attached units shall be 16;

x) The maximum building height shall be 12.5 metres;

xi) Encroachments may be permitted for stairs and access ramps, provided the minimum setback to the encroachment is 1 metre from the exterior side yard lot line.

xii) More than one back-to-back townhouse dwelling shall be permitted on a lot provided that each dwelling has direct access to an internal private driveway or road that is a common element in a registered Condominium connecting to a public street or direct access to a public street and that each dwelling is located on a ‘unit’ in a Plan of Condominium. For purposes of this regulation, the front lot line for each Unit in a Plan of Condominium shall be deemed to be that lot line abutting the internal driveway portion of the common element or a public street, and the dwelling on such a Unit shall comply with all applicable zoning regulations, including but not limited to setbacks, lot area, lot width and parking.

f) For a multiple dwelling, the following regulations shall apply:

i) The minimum front yard setback shall be 3 metres and no part of any building used to accommodate off-street parking shall be located closer than 6 metres from the front lot line;

ii) The minimum side yard setback shall be 1.2 metres;

iii) The minimum exterior side yard setback shall be 3 metres;

iv) The minimum rear yard setback shall be 7 metres;

v) The minimum landscaped area shall be 15% (1);

vi) A 0.5 metre encroachment may be permitted for a porch and/or balcony provided the minimum setback to the encroachment is 1.5 metres from the front yard lot line and/or exterior side yard lot line abutting a street;

vii) A 1 metre encroachment may be permitted for stairs and access ramps, provided the minimum setback to the encroachment is 1 metre from the front yard lot line and/or exterior side yard lot line abutting a street;

(1) For the purposes of this provision, landscaped area shall mean an area in a rear yard used for landscaping and/or an area on a front, rear, side or roof top balcony or deck which has direct access from the interior of the dwelling unit but which does not serve as a primary access into the dwelling unit.
Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 115 and 116 of Appendix A, the following shall apply:

a) The following regulations shall apply for a restaurant:
   i) A front yard setback of 2.2 metres;
   ii) A side yard setback abutting Ottawa Street South of 10.4 metres;
   iii) A side yard setback abutting a corner visibility triangle of 4 metres;
   iv) An interior side yard setback of 20 metres; and,
   v) A rear yard setback of 25 metres.

b) The following uses shall not be permitted:
   i) Conference, convention or exhibition facility;
   ii) Automotive detailing and repair operation; and,
   iii) Retail of motor vehicles and major recreational equipment.
(71) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 220 of Appendix A, the following regulations shall apply:

a) The minimum *rear yard setback* shall be 3 metres; and,

b) *Drive aisles* giving direct access to abutting *parking spaces* shall not be located within 1 metre of the King Street East, Weber Street East and Florence Avenue *street lines*.
(72) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 9, 10, 11, 12, 13, 18, 19, 20, 21, 32, 34, 47, 48, 65, 66, 70, 76, 88, 93, 109, 111, 112, 133, 134, 150, 151, 152, 154, 163, 164, 165, 166, 169, 170, 189, 203, 206, 207, 211, 214, 222, 223, 230, 231, 233, 235, 236, 237, 247, 248, 249, 255, 257, 265, 266, 268, 270, 271, 272, 273, and 279 of Appendix A, existing stormwater management facilities shall be permitted.
(73) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 144, 145, 215, 216, 243, 244, 259, 260, 279, 280, 281, 282, 286, 287, 288, 296, and 297 of Appendix A, a golf course shall also be permitted and no building, except that which primarily functions for maintenance or storage purposes, shall be located within 22 metres of a property zoned for a low density residential use.
(74) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 30, 48, 88, 126, 27, 130, 131, 132, 184, 185, 213, 214, 215, 237, 244, 245, 250, 252, 254, 255, 257, 258, 262, 264 and 266 of Appendix A, existing driveways, existing residential dwellings and any existing buildings or structures accessory thereto shall be permitted.
(75) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 278 of Appendix A, the existing tennis court shall be permitted.
(76) – Within the lands zoned EMP-3, EMP-4, and NHC-1 and shown as affected by this provision on Zoning Grid Schedule 179, 180, 186, 187, 188, 228, and 229 of Appendix A, the following shall apply:

a) On lands zoned EMP-3, EMP-4, and NHC-1, the following uses shall be permitted:

i) Agriculture (1)

ii) Amusement park (1)

iii) Campground (1)

iv) Commercial Entertainment (2)

v) Conference, convention or exhibition facility (1)

vi) Convenience retail

vii) Curling Rink or Arena (1)

viii) Fitness centre (1)

ix) Golf course (1)

x) Outdoor active recreation (1)

b) On lands zoned EMP-3 and NHC-1, the following use shall be permitted:

i) Office (3)

c) Additional regulation (6) of “Table 10-1: Permitted Uses within the Employment Zones” shall not apply.

(1) Retail is permitted as an accessory use and shall be located on the same premises as the principal use permitted in this provision to a maximum of 25 per-cent of the gross floor area of the building.

(2) For the purposes of this provision, commercial entertainment shall be defined as follows:

Commercial Entertainment – means the use of a premises for the entertainment of the public and can include a cinema, performing arts venue, amusement arcade, billiard room, bowling alley, bingo hall, electronic, laser, or virtual reality game, hall, sport simulators, miniature golf facility, paintball facility, go-kart track, climbing facility, and/or play facility as well as accessory retail thereto. Commercial entertainment shall not include an adult sex film theatre or amusement park.
(3) An office is permitted to a total maximum gross floor area of 10,000 square metres on a lot. Retail is permitted as an accessory use and shall be located on the same premises as the office to a maximum of 25 per-cent of the gross floor area of the building.
(77) – Within the lands zoned OSR-2 and shown as affected by this provision on Zoning Grid Schedule 237, 238, 239, 263, 264, and 265 of Appendix A, ski, snowboarding and tubing facilities and buildings or structures devoted to the maintenance, administration and operation thereof shall be permitted.
(78) – Within the lands zoned EMP-5 and shown as affected by this provision on Zoning Grid Schedule 125, 126, 137 and 138 of Appendix A, *office* shall be permitted.
(79) – Within the lands zoned EMP-5 and shown as affected by this provision on Zoning Grid Schedule 125, 126, 137, and 138 of Appendix A, no building shall be located within 7.62 metres of a NHC-1 zone boundary.
(80) – Within the lands zoned OSR-2 and shown as affected by this provision on Zoning Grid Schedule 15, 16, 37, 38, 144, 145, 172, 280, 243, 244, 259, 279, 281, 282, 286, 287 and 288 of Appendix A, the following shall apply:

a) The following uses are also permitted:

   i) Golf course

   ii) Curling Rink or Arena (1)

   iii) Swimming Facility (1)

   iv) Tennis Facility (1)

b) No building, except that which primarily functions for maintenance or storage purposes, shall be located within 22 metres of a property zoned for a low density residential use.

(1) Shall be subordinate to and located on the same premises as a golf course.
(81) – RESERVE
(82) – Within the lands zoned EMP-5 and shown as affected by this provision on Zoning Grid Schedule 167 of Appendix A, office shall be permitted within the existing building located closest to Beasley Drive.
(83) – Within the lands zoned EMP-5 and shown as affected by this provision on Zoning Grid Schedule 138 of Appendix A, an animal shelter shall be permitted.
(84) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 249, 250, 252, and 253 of Appendix A, the following shall apply:

a) The following uses shall be permitted:
   i) *Place of Worship*;
   ii) *Small Residential Care Facility* in accordance with the regulations for the INS-1 zone within Section 11.3;
   iii) *Large Residential Care Facility* in accordance with the regulations for the INS-1 zone within Section 11.3; and,
   iv) *Dwelling Units* located within a *mixed use building* containing at least one other permitted use listed in Table 9-1, and except for access, shall not be located on the *ground floor*. The maximum *floor space ratio* for *dwelling units* shall be 2.

b) In addition to regulation (7) within Table 9-1, an *office use* shall also not exceed a *floor space ratio* of 0.5.
(85) Within the lands zoned MIX-1, MIX-2, and MIX-3 and shown as affected by this provision on Zoning Grid Schedule 42, 125, 168, and 169 of Appendix A, the following shall apply:

a) A drive-through facility shall be permitted in accordance with Section 4.15.3 and shall be located within a mixed-use building or multi-unit building except for an existing drive-through facility located within a free-standing building.

b) 0 parking spaces shall be required for a drive-through facility, and stacking spaces shall be provided in accordance with Section 5.11 herein.
(86) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 200, 201, 214 and 215 of Appendix A, the stamping, blanking or punch-pressing of metal shall be permitted with the existing buildings.
(87) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 200, and 201 of Appendix A, the melting, casting, stamping, blanking or punch-pressing of metal shall be permitted with the existing buildings.
(88) – Within the lands zoned COM-1 and COM-3 and shown as affected by this provision on Schedule 35, 288, 289, and 296 of Appendix A, veterinary services, only within an enclosed building, shall be permitted.
(89) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 227, 230, 231, 232 and 232 of Appendix A, the primary production of asphalt and concrete as well as the reprocessing of returned asphalt and concrete shall be permitted on the lands, provided that any new or expanded asphalt or concrete plant facilities are not located closer to Forwell Road than the asphalt or concrete plant existing on the lands prior to the passing of By-law 87-67.
(90) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 17 of Appendix A, the following regulations shall apply:

a) The minimum northeasterly side yard setback shall be 2 metres; and,

b) The parking spaces and drive aisles giving direct access to abutting parking spaces shall be permitted to locate within 1 metre of the Fischer-Hallman Road street line.
(91) – Within the lands zoned EUF-1 and shown as affected by this provision on Zoning Grid Schedule 126 and 127 of Appendix A, the following uses shall be permitted in the existing building:

a) Artisan’s establishment;
b) Pet services establishment;
c) Carwash;
d) Commercial parking facility;
e) Outdoor active recreation;
f) Commercial school;
g) Craftsperson shop;
h) Financial establishment;
i) Fitness centre;
j) Funeral home;
k) Health clinic;
l) Health office;
m) Home occupation;
n) Hotel;
o) Indoor recreation;
p) Light repair operation;
q) Office;
r) Museum;
s) Personal services;
t) Place of worship;
u) Print shop;
v) Restaurant;
w) Retail;

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x)  Automotive detailing and repair operation;

y)  Veterinary Services; and,

z)  Warehouse.
(92) – Within the lands zoned EMP-4 and shown as affected by this provision on Zoning Grid Schedule. 138, 139, and 178 of Appendix A, the following uses shall be permitted:

a) Office to a maximum floor space ratio of 0.5; and,

b) Convenience retail as an accessory use located on the same premises as the principal use to a maximum of 25 per cent of the gross floor area of the building not to exceed 465 square metres of gross floor area.
(93) – Within the lands zoned COM-1 and COM-2 and shown as affected by this provision on Zoning Grid Schedule 48, 49, 65, 139, of Appendix A, a place of worship shall be permitted.
(94) – Within the lands zoned INS-1 and shown as affected by this provision on Zoning Grid Schedule 83, of Appendix A, the *existing single detached dwelling* shall be permitted.
(95) – Within the lands zoned EMP-5 with a Slope Erosion Hazard overlay and shown as affected by this provision on Zoning Grid Schedule 137 of Appendix A, off-street surface parking and light vehicle access shall be permitted.
(96) – Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 262 and 263 of Appendix A, for uses located within the existing building, 41 parking spaces shall be provided in accordance with all other requirements of Section 5 of this By-law.
(97) – Within the lands zoned INS-2 and shown as affected by this provision on Zoning Grid Schedule 112 of Appendix A, the following shall apply:

a) The following uses shall be permitted:

i) Agriculture;

ii) Craftsperson shop;

iii) Exhibition facility;

iv) Museum;

v) Outdoor active recreation;

vi) Outdoor passive recreation; and,

vii) Single detached dwelling to a maximum of two (2) on the lot.

b) Despite Section 5.2 (Parking, Loading, and Stacking), parking associated with permitted uses located on Plan 1471 Pt. Lots 12 and 13 may locate on Plan 1471 Pt. Lot 12 RP 55R-6714 Pt. 2.
(98) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 71 of Appendix A, a parking lot with a maximum of four (4) parking spaces shall be permitted not less than 0.8 metres from a street line and ingress and egress of motor vehicles to and from the street shall be permitted in a reverse motion.
(99) – Within the lands zoned NHC-1 and OSR-2 and shown as affected by this provision on Zoning Grid Schedule 264 of Appendix A, existing *cultural heritage resources* shall be permitted.
(100) – Within the lands zoned NHC-1 and OSR-2 and shown as affected by this provision on Zoning Grid Schedule 264 and 274 of Appendix A, flood and erosion control projects and existing cultural heritage resources shall be permitted.
(101) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4, 5, 12, and 13 of Appendix A, the following shall apply:

a) The following uses shall not be permitted:
   
   i) Car wash;

   ii) Day care facility;

   iii) Drive-through facility for a restaurant;

   iv) Gas station;

   v) Hotel; and,

   vi) Major Equipment Supply and Service.

b) A free-standing food store with a gross floor area greater than 465 square metres shall not be permitted. The storage, preparation and display of food for sale may be permitted to a maximum of 4,645 square metres of gross floor area internal to not more than one retail store on the lot.

c) Retail of motor vehicles and major recreation equipment shall not be permitted as a freestanding use but shall be permitted as a subordinate use located in the same building as a permitted retail use.
(102) – Within the lands zoned MIX-2 shown and shown as affected by this provision on Zoning Grid Schedule 125 and 126 of Appendix A the following uses shall not be permitted unless existing at the date of passing of this By-law or the City of Kitchener has received acknowledgement from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:

a) \textit{Day Care Facility};

b) \textit{Large Residential Care Facility}; and,

c) \textit{Multiple Dwelling}. 

City of Kitchener Zoning By-law 2019
Within the lands zoned EUF-1 and shown as affected by this provision on Zoning Grid Schedule 136 of Appendix “A”, the following uses shall be permitted:

a) Single-detached dwelling;

b) Tradesperson or contractor’s establishment including the assembly of street buggies but shall not include an automotive detailing and repair operation;

c) Personal services; and,

d) Manufacturing.
(104) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 126 of Appendix A, the following uses shall not be permitted:

a) *Day care facility*; and,

b) *Large residential care facility.*
(105) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 150, 151, 166, 167, 168, 169, 198, 199, 200 and 201 of Appendix A the following uses shall be permitted:

a) Manufacturing including stamping, blanking or punch-pressing of metal;

b) Pet services establishment;

c) Pet boarding;

d) Computer, electronic or data server or processing establishment;

e) Financial establishment (1);

f) Private club or lodge;

g) Scientific, technological or communications establishment;

h) Research and development establishment;

i) Surveying, engineering, planning or design establishment (2);

j) Veterinary services;

k) Health office (3);

Additional Regulations

(1) Shall not be required to locate within a multi-unit building containing at least one permitted use listed in Table 10-1 and individual units shall be permitted to exceed 1,500 square metres of gross floor area.

(2) Shall be located within a multi-unit building.

(3) For the purposes of this regulation, health office shall be defined as follows:

Health Office – means a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.
(106) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 168 and 199 of Appendix A the following uses shall be permitted:

a)  *Manufacturing* including stamping, blanking or punch-pressing of metal;

b)  *Pet services establishment*;

c)  *Pet boarding*;

d)  *Computer, electronic or data server or processing establishment*;

e)  *Financial establishment* (1);

f)  Private club or lodge;

g)  *Scientific, technological or communications establishment*;

h)  *Research and development establishment*;

i)  Surveying, engineering, planning or design establishment (2);

j)  *Veterinary services*;

k)  Health office (3);

l)  Commercial recreation (4);

**Additional Regulations**

(1) Shall not be required to locate within a *multi-unit building* containing at least one permitted use listed in Table 10-1 and individual units shall be permitted to exceed 1,500 square metres of gross floor area.

(2) Shall be located within a *multi-unit building*.

(3) For the purposes of this regulation, health office shall be defined as:

**Health Office** – means a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.

(4) For the purposes of this regulation, Commercial Recreation shall be defined as:

**Commercial Recreation** – means the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and shall include, for example, such facilities as racquet courts, fitness club, billiard parlour, bowling alley, golf courses and driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.

City of Kitchener Zoning By-law 2019
(107) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 231 and 232 of Appendix A, outdoor recycling operation shall be permitted.
(108) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 116, 138, 139, 178, 179, 188, 189, 227 and 228 of Appendix A, no *dwelling units* shall be permitted.
(109) – Within the lands zoned COM-3 and shown as affected by this provision on Zoning Grid Schedule 249, 250, 252, and 253 of Appendix A and shown in more detail on Figure 1 hereto, the following shall apply:

a) A small residential care facility and/or large residential care facility shall be permitted in accordance with the regulations for the INS-1 zone within Section 11.3.

b) Car wash; gas station; large merchandise retail; retail of motor vehicles and recreational equipment; tradesperson or contractor’s establishment; transportation depot and warehouse shall not be permitted.

c) Despite Section 11.3, a building may be permitted with a front yard setback of 1.7 metres from the proposed roundabout street line at New Dundee Road and Robert Ferrie Drive.

Figure 1: Site Specific Provision (109)
(110) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 126 of Appendix A, *dwelling units* shall not be permitted.
(111) – Within the lands zoned AGR-1 and shown as affected by this provision on Zoning Grid Schedule 60, 61, 97, and 98 of Appendix A, a pit shall also be permitted.
(112) – Within the lands zoned COM-3 and COM-4 and shown as affected by this provision on Zoning Grid Schedule 10, 11, 31, 47 and 72 of Appendix A, only parking shall be permitted.
(113) – Within the lands zoned EUF-1 and shown as affected by this provision on Zoning Grid Schedule 126 and 136 of Appendix A, the following uses shall be permitted:

a)  *Convenience retail*;

b)  *Financial establishment*;

c)  *Health office*;

d)  *Personal services*;

e)  *Restaurant*;

f)  *Pet services establishment*;

g)  *Veterinary services*;

h)  *Office*, up to a maximum of 186 square metres of the total *building floor area*; and,

i)  *Retail*, up to a maximum of 186 square metres of the total *building floor area*. 
(114) – Within the lands zoned NHC-1 and OSR-2 and shown as affected by this provision on Zoning Grid Schedule 232, 279, 280, 281 and 287 of Appendix A, outdoor recreation involving the discharging of firearms shall not be permitted, which does not include archery tackle. Minor modifications to the existing *structure* associated with the outdoor firing range, primarily for the purpose of mitigating noise, shall be permitted.
(115) – Within the lands zoned EUF-1 and shown as affected by this provision on Zoning Grid Schedule 72 of Appendix A, only the following uses shall be permitted:

a) Health clinic; and,

b) Health office.
(116) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 41 and 73 of Appendix A, the following shall apply:

a) No minimum ground floor street line façade width shall apply along Gage Avenue; and,

b) Regulation 8.2 (1) shall not apply.
(117) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 112 of Appendix A, a surface driveway may be permitted provided no structures of any kind are erected thereon.
(118) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 220 and 239 of Appendix A, the maximum building height on a lot containing a mixed use building shall be 12 storeys or 36 metres.
(119) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 152 and 165 of Appendix A, the following shall apply:

a) No *dwelling units* shall be permitted; and

b) Off-street parking, vehicular access, pedestrian access, amenity space and other uses associated with or *accessory* to permitted *uses* located on adjacent lands zoned MIX-3 shall be permitted.
(120) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 152 and 165 of Appendix A, the following shall apply:

a) The ground floor of any building located within 25 metres of the Strasburg Road street line shall have a minimum height of 4.5 metres;

b) No minimum or maximum percent of non-residential gross floor area is required; and,

c) Regulation 8.2 (1) shall not apply.
(121) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 234 of Appendix A, the following uses shall be permitted at such time as a Traffic Noise Study has been prepared to the satisfaction of the Region, and has been approved by the Region; and:

a) **Small Residential Care Facility** in accordance with the regulations for the INS-1 zone within Section 11.3; and,

b) **Large Residential Care Facility** in accordance with the regulations for the INS-1 zone within Section 11.3.
(122) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 152 of Appendix A, the following shall apply:

a) The *ground floor* of any *building* located within 25 metres of the Huron Road *street line* shall have a minimum height of 4.5 metres;

b) No minimum or maximum percent of non-residential *gross floor area* is required; and,

c) Regulation 8.2 (1) shall not apply.
(123) – Within the lands zoned OSR-2 and shown as affected by this provision on Zoning Grid Schedule 163 of Appendix A, off-street parking, vehicular access, pedestrian access, amenity space and other uses associated with or accessory to permitted uses located on adjacent lands shall be permitted.
(124) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 195 of Appendix A, existing manufacturing shall be permitted.
(125) – RESERVE
(126) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 83 and 122 of Appendix A, the following uses shall not be permitted unless existing on the date of passing of the By-law:

a)  *Day care facility*;

b)  *Dwelling unit*;

c)  *Large residential care facility*;

d)  *Lodging house*;

e)  *Multiple dwelling*; and,

f)  *Small residential care facility*. 

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(127) – Within the lands zoned OSR-2 and shown as affected by this provision on Zoning Grid Schedule 153 and 164 of Appendix A, the following shall apply:

a) Off-street parking, vehicular access, pedestrian access, amenity space and other uses associated with or accessory to permitted uses located on adjacent lands shall be permitted; and,

b) The lands zoned OSR-2 shall be permitted to be included in the calculation of floor space ratio for permitted uses located on adjacent lands.
(128) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the number of required parking spaces for all uses within an existing building shall be the lesser of:

a) The number of existing parking spaces; or

b) The number of parking spaces required by Section 5 of this By-law.
(129) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, any building used for a residential dwelling, day care facility, residential care facility, secondary school or post-secondary school shall be located a minimum of 30 metres from the lot line abutting the CN Rail right-of-way.
(130) RESERVE
(131) RESERVE
(132) RESERVE
(133) RESERVE
(134) – Within the lands zoned EMP-2 and EMP-5 and shown as affected by this provision on Zoning Grid Schedule 230 and 231 of Appendix A, retail of motor vehicles and major recreational equipment and automotive detailing and repair operations shall be permitted.
(135) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 262 of Appendix A, for the purposes of this provision, commercial school shall be defined as follows:

commercial school- means the use of a premises where teaching or instruction is offered for academics, arts, crafts, motor vehicle driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, or other similar subjects, and can include a private elementary school but shall not include an adult education school, secondary school or post-secondary school.
(136) – RESERVE
SECTION 19 – Site Specific Provisions

(137) – RESERVE
(138) – Within the lands zoned MIX-2 and shown as affected by this provision on Schedule 122 of Appendix A, the following shall apply only to the existing building(s):

a) Required parking spaces may be permitted to locate 0 metres from the Victoria Street North street line and 3 metres from the St. Leger Street street line;

b) For the purpose of provisions (c) and (d), the rear lot line shall be defined as the northerly lot line coincident with the rail right-of-way and the front lot line shall be defined as the lot line coincident with the Victoria Street North street line;

c) The minimum rear yard setback shall be 0 metres;

d) The maximum front yard setback shall be 33.89 metres; and

e) The combined total required parking spaces may be provided within any lands affected by this provision on Schedule 122.
(139) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the following shall apply:

a) There shall be no minimum building height;

b) The maximum building height shall be 14 metres;

c) The maximum number of storeys shall be 4.
(140) RESERVE
(141) RESERVE
(142) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the following shall apply:

a) A visual barrier between a parking lot and a residential zone will not be required;

b) The minimum yard abutting a residential zone shall be 0 metres;

c) The minimum rear yard setback shall be 0 metres; and,

d) A dwelling unit may be located on the ground floor of a mixed use building provided that such dwelling unit is oriented toward the Iron Horse Trail.
(143) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the following shall apply:

a) The minimum yard abutting a residential zone shall be 3.5 metres; and

b) The minimum rear yard setback shall be 0.0 metres.
(144) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 and 41 of Appendix A, the following shall apply:

a) The minimum *rear yard setback* shall be 0 metres; and,

b) A *dwelling unit* may be located on the *ground floor* of a *mixed use building* provided that such *dwelling unit* is oriented toward the Iron Horse Trail.
(145) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 40, 41 and 73 of Appendix A, the Belmont Avenue West street line shall be the front lot line and the minimum rear yard setback shall be 0 metres.
(146) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the minimum yard abutting a residential zone shall be 6.5 metres.
(147) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the minimum yard abutting a residential zone shall be 4 metres.
(148) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the following shall apply for any new development:

a) The minimum setback from the Glasgow Street street line shall be 4.5 metres;

b) There shall be no minimum building height; and

c) Parking spaces shall not be located between any street line and a building.
(149) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 40 and 41 of Appendix A, the following shall apply:

a) A visual barrier between a parking lot and a residential zone will be required in accordance with Section 4.18 only along the northerly lot line and will not be required where a street is located between the parking lot and the residential zone;

b) The Belmont Avenue West street line shall be the front lot line; and

c) The maximum building height shall be 24 metres, however, the building height may be increased to a maximum of 45 metres provided that for each additional metre of building height exceeding 24 metres a minimum of 0.33 metres of additional setback be provided from the lot line(s) abutting a residential zone and the rear lot line.
(150) – Within the lands zoned MIX-2 and shown as affected by this provision on Schedule 41 of Appendix A, the following shall apply:

a) The Belmont Avenue West street line shall be the front lot line; and

b) The maximum building height shall be 41 metres.
Section 19 – Site Specific Provisions

(151) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 41 of Appendix A, the following shall apply:

a) A visual barrier between a parking lot and a residential zone will not be required;

b) The Belmont Avenue West street line shall be the front lot line;

c) The minimum yard abutting a residential zone shall be 0 metres; and

d) The minimum rear yard setback shall be 0 metres.
(152) – Within the lands zoned NHC-1 and shown as affected by this provision on Zoning Grid Schedule 153 of Appendix A, the lands zoned NHC-1 shall be permitted to be included in the calculation of *floor space ratio* for permitted uses located on adjacent lands.
(153) – RESERVE
(154) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 116, 146 and 199 of Appendix A, computer, electronic, data processing, or server establishment; office; research and development establishment; and, health clinic shall be permitted.
(155) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 14 and 17 of Appendix A, the minimum *interior side yard setback* abutting a *residential zone* shall be 1.5 metres.
(156) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 41, 76 and 199 of Appendix A, computer, electronic, data processing, or server establishment; office; and, research and development establishment; shall be permitted.
(157) – Within the lands zoned EMP-1 and shown as affected by this provision on Zoning Grid Schedule 42 of Appendix A, a health clinic shall be permitted within the building in accordance with the approved in principle site plan dated August 16, 2018.
(158) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 122 of Appendix A, the following shall apply:

a) The following additional uses shall be permitted:

   i) *Artisan’s establishment* (1);

   ii) *Computer, electronic, data processing, or server establishment* (1);

   iii) *Light repair operation* (1);

   iv) *Office* to a maximum of 25 percent of the total gross floor area (1);

   v) *Research and development establishment* (1); and,

   vi) *Retail* to a maximum of 25 percent of the total gross floor area.

b) The following uses shall not be permitted:

   i) *Bulk Fuel and Oil Storage Establishment*; and,

   ii) *Towing Compound*.

(1) Shall be required to locate within a *multi-unit building* containing at least one other permitted use.
SECTION 20 – Holding Provisions

20.1 HOLDING PROVISIONS

No person shall use or permit the land to be used to which the hold applies for the uses specified in the appropriate clause in the holding provision, erect a new building or structure, or expand or replace an existing building or structure until the holding provision is removed in accordance with Section 36 of the Planning Act.
(1H) – RESERVE
(2H) – RESERVE
(3H) – Within the lands zoned COM-2 and shown as affected by this provision on Zoning Grid Schedule 139 of Appendix A, a day care facility, dwelling unit, and/or place of worship shall not be permitted until such time as:

a) The Region is in receipt of a Record of Site Condition prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for sensitive land uses; and

b) The holding provision affecting these lands has been removed by By-law.
SECTION 20 – Holding Provisions

(4H) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedules 295 and 296 of Appendix A, only agriculture excluding the use or erection of any building shall be permitted until such time as:

a) The City is in receipt of a letter from the Region advising of decision on the future need for these lands in relation to road projects identified in the Cambridge Area Transportation Study; and,

b) The holding provision affecting these lands has been removed by By-law.

City of Kitchener Zoning By-law 2019
(5H) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4, 5, 12, and 13 of Appendix A, an outdoor patio associated with a restaurant and at which service is provided shall not be permitted within 500 metres of the limits of the Regional Landfill site located to the west until such time as:

a) A Land Use Compatibility Study, including an Odour Impact Study, has been prepared to the satisfaction of the Region, and has been approved by the Region; and,

b) The holding provision affecting these lands, or portion thereof, has been removed by By-law.
(6H) – Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 125 and 126 of Appendix A, the following shall apply:

a) The following uses shall not be permitted:

   i) *Pet services establishment*;
   
   ii) *Day care facility*;
   
   iii) *Commercial school*;
   
   iv) *Computer, Electronic, Data Processing, or Server Establishment*;
   
   v) *Financial establishment*;
   
   vi) *Health clinic*;
   
   vii) *Light repair operation*;
   
   viii) *Office*;
   
   ix) *Research and Development Establishment*;
   
   x) *Personal services*;
   
   xi) *Place of worship*;
   
   xii) *Restaurant*;
   
   xiii) *Retail*; and,
   
   xiv) *Studio*.

b) The uses in Subsection a) shall not be permitted until such time as:

   i) The lands have been consolidated with lands fronting Lancaster Street West and a site plan including site access from Lancaster Street West and appropriate site buffering measures has been approved by the City’s Director of Planning, and;
   
   ii) The holding provision affecting these lands has been removed by By-law.
(7H) – Reserved [Until such time as an amendment to this provision is enacted, holding provision 71H in Zoning By-law 85-1 shall apply]
(8H) – Within the lands zoned EMP-1 and shown as affected by this provision on Zoning Grid Schedule 123 of Appendix A, a day care facility shall not be permitted until such time as:

a) The Region is in receipt of a Record of Site Condition prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for sensitive land uses; and,

b) The holding provision affecting these lands has been removed by by-law.
(9H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 265 and 266 of Appendix A and Property Detail Schedule [3] of Appendix “B”, no residential uses, place of worship or day care facility shall be permitted until such time as the Region and the City’s requirements have been satisfied with respect to the submission of a detailed Noise Study, including mechanisms to implement the study, and this holding provision has been removed by by-law.
(10H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 220 and 221 of Appendix A, the following shall apply:

a) No uses shall be permitted until such time as the City and the Region are in receipt of a Record of Site Condition, prepared in accordance with O. Reg. 153/04, as amended, under the Environmental Protection Act and acknowledged by the Ministry of the Environment and Climate Change, confirming that the subject property is suitable for residential and other sensitive land uses, and this holding provision has been removed by by-law.
(11H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 220 and 221 of Appendix A, no development on the lands shall occur until such time as the City’s Director of Planning is in receipt of a letter from the City’s Director of Engineering advising that sanitary forcemain upgrades, and any other necessary sanitary infrastructure upgrades, to support the proposed development have been satisfactorily completed, and this holding provision has been removed by by-law.
(12H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 265 and 266 of Appendix A and on Figure 1 hereto, no development on the lands above a sanitary sewer flow rate of 14 L/s shall occur until such time as the City’s Director of Engineering is satisfied that the sanitary sewers are adequate to handle additional development and this holding provision has been removed by By-law.

Figure 1: Holding Provision (12H)
(13H) – Within the lands zoned EMP-2 and shown as affected by this provision on Zoning Grid Schedule 217 and 242 of Appendix A, no person shall develop or redevelop lands until such time as:

a) A clearance letter is received from the Region advising the City’s Director of Planning that adequate Regional services and/or roadworks are “available (1)” or that “acceptable arrangements (2)” have been made therefor;

b) A clearance letter is received from the City’s Director of Engineering advising the City’s Director of Planning that adequate City services and/or roadworks are “available (1)” or that “acceptable arrangements (2)” have been made therefor; and,

c) The holding provision has been removed by by-law:

This holding provision shall apply to all uses except those uses existing on lots existing on October 11, 1994.

(1) "Available" means the necessary provision of municipal services and/or roadworks to the level of construction, state of completion, or period of commissioning as the City’s Director of Engineering and/or the Region determines to be appropriate.

(2) "Acceptable Arrangements" means that the necessary agreements for the provision of services and/or roadworks have been entered into with the City or Region, as the case may be and registered on title, engineering design has been approved and the necessary and related financial guarantees have been received by the relevant municipality.
(14H) – Within the lands zoned MIX-1 and shown as affected by this provision on Zoning Grid Schedule 40 of Appendix A, the following shall apply:

a) The following uses shall not be permitted:
   i) Pet services establishment;
   ii) Day care facility;
   iii) Commercial school;
   iv) Computer, Electronic, Data Processing, or Server Establishment;
   v) Financial establishment;
   vi) Health clinic;
   vii) Light repair operation;
   viii) Office;
   ix) Research and Development Establishment;
   x) Personal services;
   xi) Place of worship;
   xii) Restaurant;
   xiii) Retail; and,
   xiv) Studio.

b) The uses in Subsection a) shall not be permitted until such time as:
   i) The lands have been consolidated with lands fronting Belmont Avenue West and a site plan including site access from Belmont Avenue West and appropriate site buffering measures has been approved by the City's Director of Planning, and;
   ii) The holding provision affecting these lands has been removed by By-law.
(15H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 152 of Appendix A, residential uses, place of worship, day care facility, adult education school, commercial school, post-secondary school, or secondary school shall not be permitted until such time as:

a) A Land Use Compatibility Study addressing the compatibility with the lands in the vicinity zoned EMP-4, has been prepared to the satisfaction of the Region, and has been approved by the Region; and,

b) A Road Traffic Noise Study has been prepared to the satisfaction of the Region, and has been approved by the Region; and,

c) The holding provision affecting these lands has been removed by By-law.
(16H) – RESERVE
(17H) – Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 220 and 221 of Appendix A, no residential uses, place of worship, day care facility, hospice, small residential care facility, large residential care facility or adult education school, commercial school, post-secondary school or, secondary school shall be permitted until such time as:

a) the City is in receipt of a letter from the Region advising that the requirements have been satisfied with respect to the submission of a detailed noise study, based on a proposed site plan, to assess impact of transportation and stationary noise sources, including both on- and off-site noise sources, on both on- and off-site noise sensitive receptors, and

b) this Holding Provision has been removed by By-law. This Holding Provision may be removed from the subject lands incrementally, on a phase-by phase basis, involving the submission of a zoning by-law amendment and reference plan for each phase.
SECTION 21 – Temporary Use Provisions

21.1 TEMPORARY USE PROVISIONS

Temporary use provisions modify other provisions of this By-law for specific lots. All other provisions of this By-law shall continue to apply. In the event of a conflict between the temporary use provision and the provisions of the underlying zones, the temporary use provision will supersede only to the extent of the conflict.
SECTION 21 – Temporary Use Provisions

(1T) – RESERVE
PASSED at the Council Chambers in the City of Kitchener this day of , 2019.

______________________________  Mayor

______________________________  Clerk

City of Kitchener Zoning By-law 2019
Appendix A – Zoning Grid Schedules

City of Kitchener Zoning By-law 2019
Appendix B – Grand River Conservation Authority Regulated Area
GRCA Regulation Limits

Development, interference with wetlands, or alterations to shorelines or watercourses within the Grand River Conservation Authority regulated areas will require a permit from the Grand River Conservation Authority in accordance with the applicable regulation approved under the Conservation Authorities Act. The actual regulated area may differ from the area shown, which is shown for illustrative purposes and the regulated area, as determined by the Grand River Conservation Authority, shall prevail.