

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051 known as the
Zoning By-law 2019 for the City of Kitchener – CRoZBy Stage
2a - Residential Base Zones)

WHEREAS it is deemed expedient to amend By-law 2019-051;

NOW THEREFORE the Council of the Corporation of the City of Kitchener
enacts as follows:

1. By-law Number 2019-051 is amended by deleting the words “*second dwelling unit (attached), second dwelling unit (detached)*” therefrom and substituting the words “*additional dwelling unit(s) (attached), additional dwelling unit (detached)*” therefor wherever they appear.
2. By-law Number 2019-051 is amended by deleting the words “*Dwelling Unit (Attached), Second*” and “*Dwelling Unit (Detached), Second*” therefrom and substituting the words “*Dwelling Unit (Attached), Additional*” and “*Dwelling Unit (Detached), Additional*” therefor wherever they appear.
3. Section 3 of By-law Number 2019-051 is amended by deleting the definitions of “*Dwelling Unit (Attached), Second*” and “*Dwelling Unit (Detached), Second*” therefrom.
4. Subsection 1.10 b) of By-law Number 2019-51 is amended to read as follows:

“Appendices A, C and D form part of this By-law. Appendix B is included for convenience of reference only and does not form part of this By-law.”
5. Section 2.2.1 of By-law Number 2019-51 is amended by removing the word “Reserved” in the two instances it appears after “Residential (RES) Zones” and substituting the following therefor:

Low Rise Residential One Zone	RES-1
Low Rise Residential Two Zone	RES-2
Low Rise Residential Three Zone	RES-3
Low Rise Residential Four Zone	RES-4
Low Rise Residential Five Zone	RES-5
Medium Rise Residential Six Zone	RES-6
High Rise Residential Seven Zone	RES-7

6. Section 3 of By-law Number 2019-051 is amended by adding the following definitions thereto, to be inserted into the existing text in alphabetical order:

“Established Front Yard - means

- a) In the case of a *lot* that is not a *corner lot*:
the average of the *front yards* of the abutting *lots* with a *low-rise residential zone* and where there is a vacant *lot* abutting the affected *lot*, the average of the *front yards* of the next adjacent *lot* with a *low-rise residential zone*; and
- b) in the case of a *corner lot*:
the *front yard* of the abutting *lot* with a *low-rise residential zone*, in which the principal pedestrian entrance is oriented towards the same *street*, and where there is a vacant *lot* abutting the affected *lot*, the *front yard* of the next adjacent *lot* with a *low-rise residential zone*.

Additional Dwelling Unit (Attached) – see *Dwelling Unit (Attached), Additional*

Additional Dwelling Unit (Detached) – see *Dwelling Unit (Detached), Additional*

Utility-trailer - means a small non-motorized vehicle which is generally pulled by a motorized vehicle and features a rear cargo area (bed) and is used for the hauling of light loads. “

7. Section 3 of By-law Number 2019-051 is amended by deleting the following definitions therefrom and substituting the following therefor:

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

Dwelling Unit (Attached), Additional – 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), Additional – 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*. An *additional dwelling unit (detached)* is not an *accessory building*.

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

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, all-terrain vehicle or other similar equipment.

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, cluster townhouse dwelling, single detached dwelling with additional dwelling units (attached) or semi-detached dwelling with additional dwelling units (attached)*.

Lot Width – means the horizontal distance between the *side lot lines* of a *lot* measured at the required minimum *front yard setback*. For *multiple dwellings* or *cluster townhouse dwellings* with more than one *street line* on the same *street*, the *lot width* at each *street line* may be summed to determine the total *lot width*.

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

Yard, Rear – means a *yard* that extends across the full width of a *lot* (or in the case of a *corner lot*, extending from the *exterior side yard* to the *interior side lot line*) between the *rear 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 lot line* from the *exterior side lot line* to the nearest point of the *principal building*.”

8. Section 3 of By-law Number 2019-051 is amended by deleting the definitions of “Use, Low Density Residential, and Low Density Residential Use” therefrom.”
9. Subsection 4.4.2 of By-law Number 2019-051 is amended by deleting the subsection reference “4.13” therefrom and substituting the subsection reference “4.6” therefor wherever it appears.
10. Subsection 4.12.1 of By-law Number 2019-051 is amended to read as follows :

“4.12.1 One Additional Dwelling Unit (Attached)”

One *additional dwelling unit (attached)* may be permitted in association with a *single detached dwelling, semi-detached dwelling unit or street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category in which an *additional dwelling unit (attached)* is permitted, and the *dwelling* type in which the *additional dwelling unit (attached)* is located and in addition to and as amended by the following:

- a) One *additional dwelling unit (attached)* shall only be located in the same *building* as a *single detached dwelling, semi-detached dwelling, or street townhouse dwelling*;
- b) An *additional dwelling unit (attached)* shall be connected to full municipal services;”

11. Subsection 4.12.2 of By-law Number 2019-051 is amended to read as follows:

“4.12.2 Two Additional Dwelling Units (Attached)”

Two *additional dwelling units (attached)* may be permitted in association with a *single detached dwelling* in accordance with the regulations specified by the *zone* category and applying to *single detached dwellings* in which the two *additional dwelling units (attached)* are located and in addition to and as amended by the following:

- a) two *additional dwelling units (attached)* shall be connected to full municipal services;
- b) a maximum of one pedestrian entrance to the *principal building* shall be located on each *street line façade*;
- c) no more than two *additional dwelling units (attached)* are permitted on a *lot*;
- d) the minimum *lot area* shall be 395 square metres or in accordance with Table 7-2, whichever is greater;

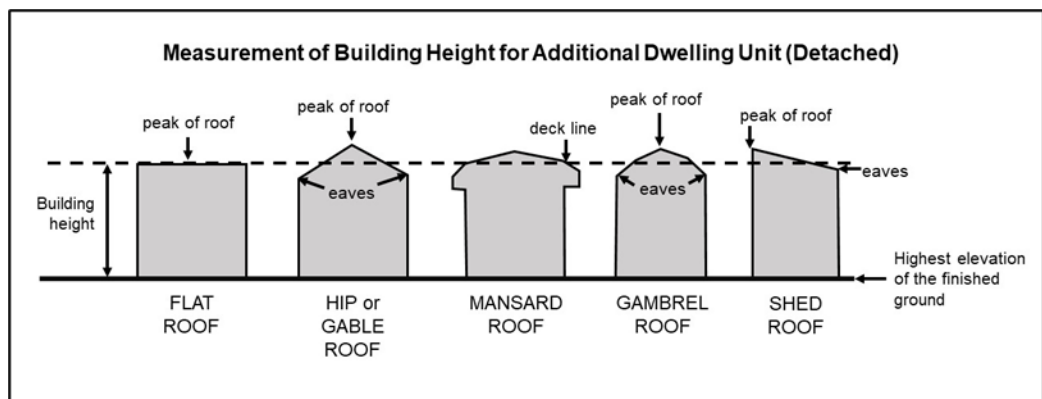
- e) the minimum *lot width* shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;
 - f) the minimum *landscaped area* shall be 20%;
 - g) two *additional dwelling units (attached)* shall only be permitted in *existing buildings*;
 - h) additions to an existing *single detached dwelling* must be attached to the rear of *principal building* and shall not extend into any *side yard* farther than the extent of the *existing principal building* and provided such addition does not exceed 25 percent of the *existing building's gross floor area.*"
12. By-law Number 2019-051 is amended by adding the following subsections 4.12.3 and 4.12.3.1 thereto:

“4.12.3 Additional Dwelling Units (Detached)

One *additional dwelling unit (detached)* may be permitted in association with a *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category in which an *additional dwelling unit (attached)* is permitted, and as amended by the following:

- a) for the purposes of Section 4.12.3, the area that is designed to be a separate lot for a *street townhouse dwelling* or *semi-detached dwelling* shall be considered to be a lot;
- b) an *additional dwelling unit (detached)* shall only be permitted on the same *lot* as a *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*, with or without one *additional dwelling unit (attached)*;
- c) an *additional dwelling unit (detached)* shall not be permitted on the same *lot* as a *single detached dwelling* with two *additional dwelling units (attached)*;
- d) an *additional dwelling unit (detached)* shall not be severed from the *lot* containing the *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*;
- e) the *additional dwelling unit (detached)* shall be connected to full municipal services;
- f) no more than one *additional dwelling unit (detached)* is permitted on a *lot*;
- g) the *building floor area* of the *additional dwelling unit (detached)* shall not exceed fifty percent of the *building floor area* of the *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* on the same *lot*, or 80 square metres, whichever is less;

- h) the minimum *lot area* shall be 395.0 square metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;
- i) the minimum *lot width* shall be 13.1 metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;
- j) a *building* containing an *additional dwelling unit (detached)* shall be located a minimum of 0.6 metres from a *rear lot line* and *interior side lot line*;
- k) an *additional dwelling unit (detached)* shall not be located in the *front yard* or *exterior side yard*;
- l) for an *additional dwelling unit (detached)*, the maximum *building height* shall be:
 - a. 4.5 metres for a hip, gable, shed, or gambrel roof, measured to the mid point between the eaves and the peak of the roof, excluding the eaves of any projections;
 - b. 4.5 metres for a mansard roof, measured to the deck line;
 - c. 3 metres for a flat roof, measured to the peak of the roof;



- m) for a shed roof where the peak of the roof is more than 4.5 metres from the highest elevation of the finished ground, the highest exterior wall shall not face a *rear lot line* or *side lot line* closer than 4.5 metres, except where the *lot line* is a *street line* or *lane*;
- n) an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a *street* or *lane* to the *additional dwelling unit (detached)*. The walkway shall not be located within a required *parking space*; and,
- o) Despite Section 5.3.3 a) ii), where three *parking spaces* are required in accordance with Table 5-3, two *parking spaces* may be *tandem parking spaces*.

4.12.3.1 Minimum Side Yard setback of Principal Building:

On a *lot* containing an *additional dwelling unit (detached)*:

- a) The *principal building* shall comply with the following:
 - a. where the *principal building* is a *single detached dwelling*, with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* on each side of the *principal building* shall be 1.2 metres;
 - b. where the *principal building* is a *semi-detached dwelling unit* or *street townhouse unit* with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* of the *principal building* shall be 2.5 metres on one side;
- b) The *principal building* shall comply with the *setback* provisions required for the *dwelling* for *front, side* and *rear yards* in all other cases.
- c) Subsection 4.12.3.1 a) shall not apply if the *additional dwelling unit (detached)* has direct access from *street* or *lane* at the *rear* or *exterior side yard*.”

13. Subsection 4.14.4 of By-law Number 2019-051 is amended to read as follows:

“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 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*.
- d) Despite Subsection a) covered, unenclosed decks attached to the *principal building*, 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*.”

14. Subsection 4.14.8 of By-law Number 2019-051 is amended to read as follows:

“4.14.8 Patios, Decks, and Outdoor Recreation

4.14.8.1 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*.

4.14.8.2 Private Patios

Any required private patio shall be a minimum of 11 square metres in size.”

15. By-law Number 2019-051 is amended by adding the following subsection 4.19 thereto:

“4.19 TRANSITION TO LOW-RISE RESIDENTIAL

Despite any maximum *building height* of more than 12 metres applying to any *zone*, the *building height* shall not exceed 12 metres within 15 metres of a *lot* with a *low-rise residential zone*.”

16. Section 5 of By-law Number 2019-051 is amended by deleting the words “Table 5-3” therefrom and substituting the words “Table 5-5” therefor wherever they appear.

17. Subsection 5.3.1 of By-law Number 2019-051 is amended by adding the word “(5)” to Table 5-1 after the word “length” in the last row and last column of the table.

18. Subsection 5.3.1 of By-law Number 2019-051 is amended by adding subsection (5) thereto:

“(5) Where 2 or more required parking spaces are located within a *private garage*, the minimum width of the first space is 3 metres and 2.6 metres for every additional *parking space*.”

19. Subsection 5.3.4 of By-law Number 2019-051 is amended by deleting the words “Illustration 5-1” therefrom and substituting the words “Illustration 5-3” therefor wherever

they

appear.

20. Subsection 5.5 e) of By-law Number 2019-051 is amended by deleting the words "Illustration 5-2" therefrom and substituting the words "Illustration 5-6" therefor wherever they appear.
21. Subsection 5.5 f) of By-law Number 2019-051 is amended by deleting the words "Table 5-2" therefrom and substituting the words "Table 5-4" therefor wherever they appear.
22. Subsection 5.5 g) of By-law Number 2019-051 is amended by deleting the words "Table 5-3 and/or Table 5-4" therefrom and substituting the words "Table 5-5" therefor wherever they appear.
23. Subsection 5.6 of By-law Number 2019-051 is amended by deleting the words "Table 5-3" therefrom and substituting the words "Table 5-5" therefor wherever they appear.
24. Subsection 5.3.3 a) i of By-law Number 2019-051 is amended to read as follows:
 - "a) On a *lot* containing a *single detached dwelling, semi-detached dwelling, additional dwelling unit(s) (attached), additional 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,

Illustration 5-1: One Tandem Parking Space – Option A

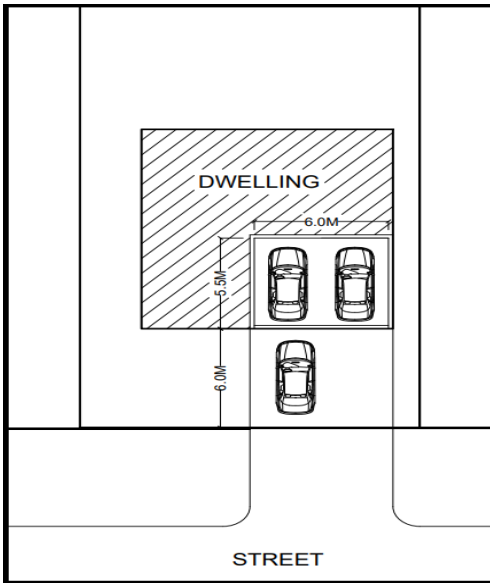
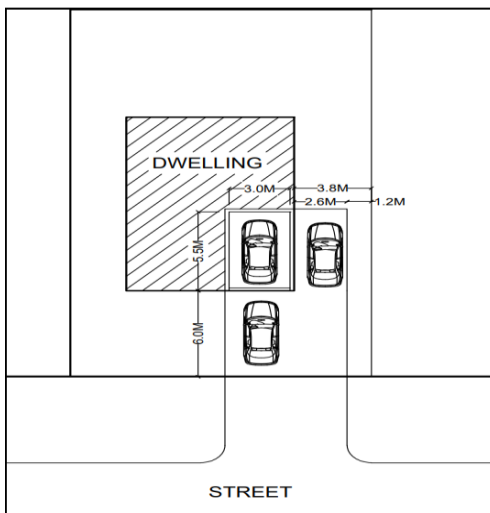


Illustration 5-2: One Tandem Parking Space – Option B



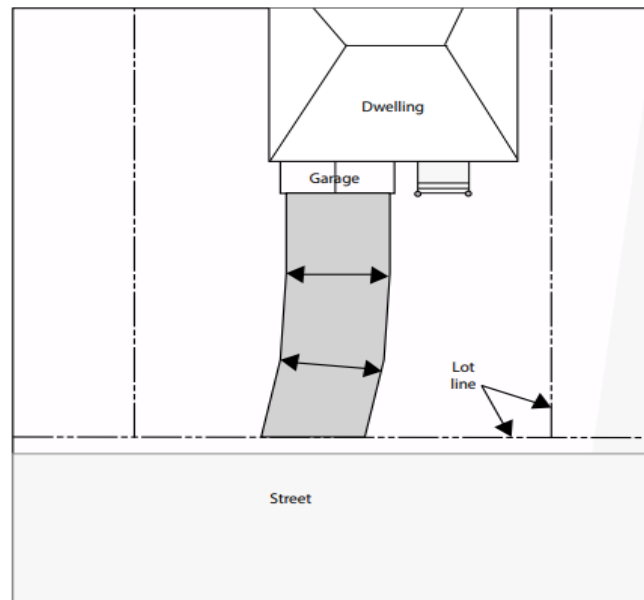
- iii) Despite Subsection ii) where three *parking spaces* are required on a *lot* that contains an *additional dwelling unit (attached)* and an *additional dwelling unit (detached)*, one *parking space* may locate on the *driveway* within 6 metres of the *front lot line* or *exterior side lot line* and two *parking spaces* may be *tandem parking spaces*; and
- iv) 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*.”

25. Subsection 5.4 of By-law Number 2019-051 is amended to read as follows:

“5.4 DRIVEWAY AND GARAGE PROVISIONS FOR RESIDENTIAL USES

- a) For all *residential uses* other than *large residential care facilities*, *multiple dwellings* containing 4 or more *dwelling units*, and *mixed use buildings*, a required *parking space* shall have direct access from a *street* or *lane* via a *driveway*.
- b) A maximum of one *driveway* with one access point from each *street* or *lane* shall be permitted on a *lot*, except in the case of:
 - i) A *lot* having a minimum *lot width* of 30 metres, where a maximum of two *driveways* may be permitted; and,
 - ii) A *semi-detached dwelling*, where each *dwelling unit* may have one *driveway*.
- c) For the purposes of Section 5.4 the calculation of *driveway* width is measured along the entire length of the *driveway* perpendicular from the edge.

Illustration 5-4: Measuring driveway width



- d) A *driveway* shall be a minimum of 2.6 metres in width.
- e) The provisions in Table 5-2 apply to *single detached dwellings*, *semi-detached dwellings*, and *street townhouse dwellings* with or without *additional dwelling unit(s)*.

- f) Despite any provision in Table 5-2 and 5-3 a *driveway* associated with a *single detached dwelling, semi-detached dwelling or street townhouse dwelling* may not exceed 8.0 metres in width.

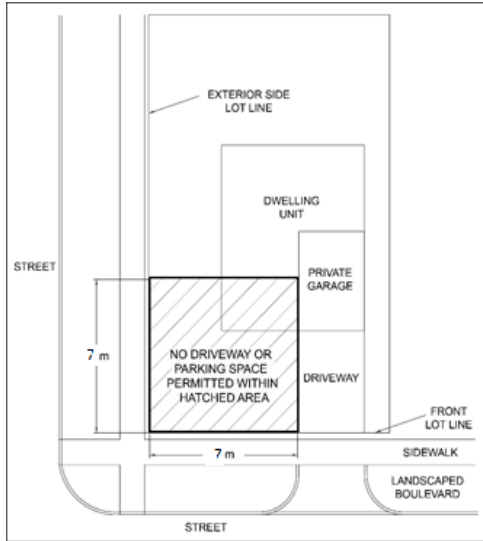
Table 5-2: Private Garage Width and Driveway Width Regulations by Use

<i>Residential Use</i>	<i>Maximum private garage width</i>	<i>Maximum driveway width with an attached private garage</i>	<i>Maximum driveway width without an attached private garage</i>
<i>Single Detached Dwelling</i>	65% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	50% of the <i>lot width</i> or a <i>driveway</i> may be as wide as the attached <i>garage</i> . The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i> , and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> .	50% of the <i>lot width</i> .
<i>Semi-Detached Dwelling</i>	60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	50% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i> . The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i> , and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i> ;	50% of the <i>lot width</i> or 5.2 metres, whichever is less.

<p><i>Street Townhouse Dwelling</i></p>	<p>60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i></p>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i>; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i>.</p>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less.</p>
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- a) For lands identified on Appendix C (Central Neighbourhoods), and within a *low-rise residential zone* an attached *private garage* associated with a *single detached dwelling*, *semi-detached dwelling*, or *street townhouse*; with or without an *additional dwelling unit(s)* shall not project beyond the front *façade* of the habitable at *grade* portion of the *dwelling unit*.
- b) For lands not identified on Appendix C (Central Neighbourhoods), an attached *private garage* associated with a *single detached dwelling*, *semi-detached dwelling* or *street townhouse dwelling*; with or without an *additional dwelling unit(s)*:
 - i) An attached *private garage* may project beyond the front *façade* of the habitable portion of the *dwelling unit* a maximum of 1.8 metres.
 - ii) Where a *private garage* projects beyond the habitable portion of the front *façade* of the *dwelling unit*, a *porch* abutting the *private garage* shall be provided in accordance with Section 4.14.7.
 - iii) A *private garage* shall not project beyond the front of a *porch*.
- c) On a *corner lot* no *driveway*, or *parking space* shall be located within the *front yard* for a distance of 7 metres from the *exterior side lot line*, and the same shall not be located within the *exterior side yard* for a distance of 7 metres from the *front lot line*, measured from the intersecting point of the *front lot line* and the *exterior side lot line*.

Illustration 5-5: Corner lot driveway location



- d) Within a *front yard*, *interior side yard*, *exterior side yard* or *rear yard* motor vehicles shall only be parked within a *private garage* or on a *driveway* that conforms to Section 5.3.
- e) The *driveway* shall be comprised of a material that is consistent throughout the *driveway*, and that is distinguishable from all other ground cover or surfacing including landscaping or walkways within the *front yard*, *interior side yard*, *exterior side yard*, or *rear yard*.

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

<i>Residential Use</i>	<i>Maximum private garage width</i>	<i>Maximum driveway width with an attached garage</i>	<i>Maximum driveway width without an attached garage</i>
<i>Single Detached Dwelling</i>	50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	40% of the <i>lot width</i> or a <i>driveway</i> may be as wide as the attached <i>garage</i> The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i> , and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i> .	40% of the <i>lot width</i> .

<i>Semi-Detached Dwelling</i>	50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	40% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i> . The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i> ; and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i> ;	40% of the <i>lot width</i> or 5.2 metres, whichever is less.
<i>Townhouse Dwelling – Street</i>	60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	60% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i> . The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i> ; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> .”	60% of the <i>lot width</i> or 5.2 metres, whichever is less.

26. Subsection 5.6, Table 5-5 of By-law Number 2019-051 is amended by deleting the row entitled “Home Occupation” therefrom and substituting the following row therefor:

Home Occupation	Minimum parking spaces:	No minimum	1 plus any <i>parking spaces</i> required for the <i>dwelling unit</i> (1)	1 for occupation plus 1 for any non-resident employee plus any <i>parking spaces</i> required for the <i>dwelling unit</i> (1)”
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27. Subsection 5.6 of By-law Number 2019-051 is amended by adding the following subsection thereto:

"Additional Regulations for Home Occupation Table 5-5

- (1) 0 *parking spaces* are required for a *home occupation* use that is an *office* or *indirect sales* with no employees or clients to the premises, or for a *home occupation* within

a *single detached dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *semi-detached dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *street townhouse dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *cluster townhouse dwelling*, or *multiple dwelling*.

If the home business does not have a non-resident employee, then the required *parking spaces* for the home business and dwelling unit may be arranged in *tandem*.”

28. Subsection 5.6, Table 5-5 of By-law Number 2019-051 is amended by deleting the row entitled “second dwelling unit (attached)” and the row entitled “single detached dwelling” therefrom and substituting the following row therefor:

<i>Single-Detached Dwelling, Semi-Detached Dwelling, Street Townhouse and Dwelling; and Additional Dwelling Unit (Attached) and Additional Dwelling Unit (Detached)</i>	Minimum <i>parking spaces</i> :	n/a	n/a	1 per <i>dwelling unit</i>
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29. Subsection 5.8 b) of By-law Number 2019-051 is amended to read as follows:

“b) Where *parking spaces* required for non-residential uses are not located within a building, a minimum of 17.5 percent of the parking spaces shall be designed to permit the future installation of electric vehicle supply equipment and a minimum of 2.5 percent of the parking spaces shall be electric vehicle parking spaces.”

30. Subsection 5.9 of By-law Number 2019-051 is amended by deleting the words “Table 5-5” therefrom and substituting the words “Table 5-6” therefor wherever they appear.
31. Subsection 5.12 of By-law Number 2019-051 is amended to read as follows :

“5.12 EQUIPMENT AND VEHICLE STORAGE PROVISIONS

5.12.1 Commercial Vehicles and Equipment

Parking or storage of *commercial vehicles* on *lots* within a RES zone shall be located fully within an enclosed *building* or *structure*.

5.12.2 Major Recreational Equipment

- a) Parking or storage of *major recreational equipment* on *lots* within a RES zone shall be located fully within an enclosed *building* or *structure*.
- b) Despite Subsection a), *major recreational equipment* may be parked or stored in a *rear yard*, an *interior side yard*, or in a carport provided that it is screened by a visual barrier in accordance with Section 4.18 of this By-law. *Major recreational equipment* that exceeds 1.4 metres in height and is located within an *interior side yard* shall be located a minimum of 1.2 metres from an *interior side lot line*.
- c) Despite Subsection a), *major recreational equipment* may be parked or stored on a *driveway* between May 1 and October 31 provided that such equipment is located outside of a *driveway visibility triangle*.
- d) *Major recreational equipment* shall not be *used* for living, sleeping, or housekeeping purposes when located on a *lot* within any *zone*.
- e) Despite subsections b) and c) above, snowmobiles or other similar winter-season recreational equipment and portable structures for transporting such equipment shall not be stored or parked on a *driveway* between May 1st and October 31st, but may be stored or parked on a *driveway* wholly inside the *lot line* between November 1st and April 30th provided that such equipment shall not obstruct the visibility of vehicular or pedestrian traffic movement within a *street* or *lane*.

5.12.3 Utility Trailers

- a) On a *lot* containing a *residential use*, a *utility trailer* shall not be parked or stored in a *front yard*, or *exterior side yard*, except in a *driveway*.
- b) Despite Subsection a), a *utility trailer* that exceeds 6 metres in length inclusive of projections and attachments shall not be permitted on a *lot* within a RES *zone*.
- c) *Utility trailers* may be parked or stored in a *rear yard*, an *interior side yard*, or in a carport provided that it is screened by a visual barrier in accordance with Section 4.18 of this By-law.

5.12.4 Vehicles with a Snow Plough Blade

No more than one *motor vehicle* with an attached snow plough blade shall be parked or stored on a *lot* within a RES *zone*.”

32. Section 7 of By-law Number 2019-051 is amended to read as follows:

“SECTION 7 – Residential Zones (RES)

The Residential Zones apply to lands designated Low Rise Residential, Medium Rise Residential and High Rise Residential in the Official Plan.

7.1 Applicable Zones

RES-1: Low Rise Residential One Zone – the purpose of this *zone* is to accommodate limited dwelling types in areas with an estate character and/or limited municipal services in low rise areas.

RES-2: Low Rise Residential Two Zone – the purpose of this *zone* is to accommodate a limited range of low density dwelling types on larger lots than the RES-3 Zone in low rise areas.

RES-3: Low Rise Residential Three Zone – the purpose of this *zone* is to accommodate a limited range of low density dwelling types on smaller *lots* than the RES-2 Zone in low rise areas.

RES-4: Low Rise Residential Four Zone – the purpose of this *zone* is to accommodate a range of low density dwelling types that allow up to four dwelling units on a range of *lot* sizes in low rise areas.

RES-5: Low Rise Residential Five Zone – the purpose of this *zone* is to accommodate the widest range of low density dwelling types on the widest range of *lot* sizes in low rise areas.

RES-6: Medium Rise Residential Six Zone – the purpose of this *zone* is to accommodate medium density dwelling types and some complementary non-residential uses in medium rise residential areas.

RES-7: High Rise Residential Seven Zone – the purpose of this *zone* is to accommodate high density dwelling types and a range of complementary non-residential uses in high rise residential areas.

Permitted Uses

No person shall, within any Residential 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 7-1 below.

Table 7-1: Permitted Uses within the Residential Zones

Use	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Residential Uses							
<i>Single Detached Dwelling</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Attached))(1)</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Detached) (2)</i>	✓	✓	✓	✓	✓		

<i>Semi-Detached Dwelling</i>			✓	✓	✓		
<i>Townhouse Dwelling – Street</i>				✓(3)	✓(4)		
<i>Townhouse Dwelling – Cluster</i>					✓(4)	✓	
<i>Multiple Dwelling</i>				✓(3)	✓	✓	✓
<i>Lodging House</i>				✓	✓	✓	✓
<i>Hospice</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Small</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Large</i>					✓	✓	✓
Non-Residential Uses							
<i>Artisan’s Establishment (5)</i>						✓	✓
<i>Community Facility (5)</i>						✓	✓
<i>Convenience Retail (5)</i>						✓	✓
<i>Day Care Facility (5)</i>						✓	✓
<i>Financial Establishment (5)</i>							✓
<i>Health Office (5)</i>							✓
<i>Home Occupation (6)</i>	✓	✓	✓	✓	✓	✓	✓
<i>Office (5)</i>						✓	✓
<i>Personal Services (5)</i>							✓
<i>Studio (5)</i>						✓	✓

- (1) Shall be permitted in accordance with 4.12.1. and 4.12.2
- (2) Shall be permitted in accordance with 4.12.3.
- (3) The maximum number of *dwelling units* in a *dwelling* shall be 4.
- (4) The maximum number of *dwelling units* in a *dwelling* shall be 8.
- (5) Permitted non-residential uses must be located within a *mixed use building* and are limited in size in accordance with the regulations in Table 7-6.
- (6) Shall be permitted in accordance with 4.8.

7.3 Regulations

The regulations for *lots* in a *Residential Zone* are set out in Tables 7-2 through 7-7 below.

Table 7-2: For Single Detached Dwellings

Regulation	RES-1 (5)	RES-2 (5)	RES-3 (5)	RES-4 (5)	RES-5 (5)	RES-6	RES-7
Minimum <i>Lot Area</i>	929m ² (1)	411m ²	288m ²	235m ²	235m ²		
Minimum <i>Lot Width</i>	24.0m(2)	13.7m	10.5m	9.0m	9.0m		
Minimum <i>Corner Lot Width</i>	24.0m(2)	15.0m	13.8m	12.8m	12.8m		
Minimum <i>Front Yard or Exterior Yard Setback</i>	6.0m (3)	4.5m(3)	4.5m(3)	4.5m(3)	4.5m(3)		
Maximum <i>Front Yard Setback</i>	(3a)	(3a)	(3a)	(3a)	(3a)		
Minimum <i>Interior Side Yard Setback</i>	3.0m	1.2m	1.2m	1.2m	1.2m		
Minimum <i>Rear Yard Setback</i>	7.5m	7.5m	7.5m	7.5m	7.5m		
Maximum <i>Lot Coverage</i>	55%(4)	55%(4)	55%(4)	55%(4)	55%(4)		
Maximum <i>Building Height</i>	11.0m(6)	11.0m(6)	11.0m(6)	11.0m(6)	11.0m(6)		
Maximum number of <i>storeys</i>	3	3	3	3	3		

(1) The minimum *lot area* shall be 0.4 hectares on *lots* without full municipal services.

(2) The minimum *lot width* shall be 30.0 metres on *lots* without full municipal services.

(3) For lands identified in Appendix D, despite the minimum *front yard* required in any *zone*, the minimum *front yard* is the *established front yard* minus one metre.

In all other cases, the minimum *front yard* shall be in accordance with this Table. Despite the foregoing, no part of any *building* used to accommodate off street parking shall be located closer than 6.0 metres to the *street line*.

(3a) For lands identified on Appendix D, the maximum *front yard* shall be the *established front yard* plus one metre. In all other cases there is no maximum *front yard*.

(4) A combined total of 55 percent for all *buildings* and *structures* on the *lot*. *Accessory buildings* or *structures*, whether attached or detached, and *additional dwelling units (detached)* shall not exceed 15 percent.

- (5) The regulations within Table 7-2 shall not apply to an *existing single detached dwelling* on an *existing lot* with or without one *existing additional dwelling unit (attached)*.
- (6) For lands identified on Appendix C – Central Neighborhoods, the maximum *building height* is 9.0 metres for *new buildings* and additions to *existing buildings* that would increase the *building height* by more than 1.0 metres, where the *height* of the two *principal buildings* on both abutting *lots* is less than 6.5 metres. Where there are vacant *lot(s)*, abutting the affected *lot*, the *height* of the two *principal buildings* on the next adjacent *lot* with a *low-rise residential zone* are considered.

Table 7-3: For Semi-Detached Dwelling Unit

Regulation	RES-1	RES-2	RES-3 (3)	RES-4 (3)	RES-5 (3)	RES-6	RES-7
Minimum <i>Lot Area</i>			260m ²	210m ²	210m ²		
Minimum <i>Lot Width</i>			9.3m	7.5m	7.5m		
Minimum <i>Corner Lot Width</i>			12.0m	12.0m	12.0m		
Minimum <i>Front Yard or Exterior Yard Setback</i>			4.5m (1)	4.5m(1)	4.5m(1)		
Maximum <i>Front Yard Setback</i>			(1a)	(1a)	(1a)		
Minimum <i>Interior Side Yard Setback</i>			1.2m	1.2m	1.2m		
Minimum <i>Rear Yard Setback</i>			7.5m	7.5m	7.5m		
Maximum <i>Lot Coverage</i>			55%(2)	55%(2)	55%(2)		
Maximum <i>Building Height</i>			11.0m(4)	11.0m(4)	11.0m(4)		
Maximum number of <i>storeys</i>			3	3	3		

(1) For lands identified in Appendix D, despite the minimum *front yard* required in any *zone*, the minimum *front yard* is the *established front yard* minus one metre. In all other cases the minimum *front yard* shall be in accordance with this Table. Despite the foregoing, no part of any *building* used to accommodate off street parking shall be located closer than 6.0 metres to the *street line*.

(1a) For lands identified on Appendix D, the maximum *front yard* shall be the *established front yard* plus one metre. In all other cases there is no maximum *front yard*.

(2) A combined total of 55 percent for all *buildings* and *structures* on the *lot*. *Accessory buildings* or *structures*, whether attached or detached, and *additional dwelling units (detached)* shall not exceed 15 percent.

(3) The regulations within Table 7-3 shall not apply to an *existing semi-detached dwelling* on an *existing lot* with or without one *existing additional dwelling unit (attached)*.

(4) For lands identified on Appendix C – Central Neighborhoods, the maximum *building height* is 9.0 metres for *new buildings* and additions to *existing buildings* that would increase the *building height* by more than 1.0 metres, where the *height* of the two *principal buildings* on both abutting *lots* is less than 6.5 metres. Where there are vacant *lot(s)*, abutting the affected *lot*, the *height* of the two *principal buildings* on the next adjacent *lot* with a *low-rise residential zone* are considered.

Table 7-4: For Street Townhouse Dwelling Units

Regulation	RES-1	RES-2	RES-3	RES-4 (4)	RES-5 (4)	RES-6	RES-7
Minimum <i>Lot Area</i>				148m ²	135m ²		
Minimum <i>Lot Width</i> (Internal Unit)				6.0m	5.5m		
Minimum <i>Lot Width</i> (External Unit)				10.0m	9.5m		
Minimum <i>Corner Lot Width</i>				12.0m	11.5m		
Minimum <i>Front Yard or Exterior Yard Setback</i>				4.5m(1)	4.5m(1)		
Maximum <i>Front Yard Setback</i>				(1a)	(1a)		
Minimum <i>Interior Side Yard Setback</i>				2.5m	2.5m		
Minimum <i>Rear Yard Setback</i>				7.5m	7.5m		
Rear Yard Access				(2)	(2)		
Maximum <i>Lot Coverage</i>				55%(3)	55%(3)		
Maximum <i>Building Height</i>				11.0m(5)	11.0m(5)		
Maximum number of <i>storeys</i>				3	3		

(1) For lands identified on Appendix D, despite the minimum *front yard* required in any *zone*, the minimum *front yard* is the *established front yard* minus one metre. In all other cases the minimum *front yard* shall be in accordance with this Table. Despite the foregoing, no part of any *building* used to accommodate off street parking shall be located closer than 6.0 metres to the *street line*.

(1a) For lands identified on Appendix D, the maximum *front yard* shall be the *established front yard* plus one metre. In all other cases there is no maximum *front yard*.

(2) Each *dwelling unit* shall have an unobstructed access at *grade* or ground floor level, having a minimum width of 0.9 metres, from the *front yard* to the *rear yard* of the *lot* either by:

- a) direct access on the *lot* without passing through any portion of the *dwelling unit*; or,
- b) direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or recreation room or any hallway that is not separated by a door to any such room; or,
- c) access over adjacent lands which, if the lands are not owned by the *City* or the *Region*, is secured by a registered easement.

- (3) A combined total of 55 percent for all *buildings* and *structures* on the *lot*. *Accessory buildings* or *structures*, whether attached or detached, and *additional dwelling units (detached)* shall not exceed 15 percent.
- (4) The regulations within Table 7-4 shall not apply to an *existing street townhouse dwelling* on an *existing lot* with or without one *existing additional dwelling unit (attached)*.
- (5) For lands identified in an Appendix C – Central Neighborhoods, the maximum *building height* is 9.0 metres for *new buildings* and additions to *existing buildings* that would increase the *building height* by more than 1.0 metres, where the *height* of the two *principal buildings* on both abutting *lots* is less than 6.5 metres. Where there are vacant *lot(s)*, abutting the affected *lot*, the *height* of the two *principal buildings* on the next adjacent *lot* with a *low-rise residential zone* are considered.

Table 7-5: For Cluster Townhouse Dwelling Units

Regulation	RES-1	RES-2	RES-3	RES-4	RES-5 (3)	RES-6 (3)	RES-7
Minimum <i>Lot Area</i>					525m ²	525m ²	
Minimum <i>Lot Width</i>					19.0m	19.0m	
Minimum <i>Front Yard or Exterior Yard Setback</i>					4.5m	3.0m	
Minimum <i>Interior Side Yard Setback</i>					4.5m	4.5m	
Minimum <i>Rear Yard Setback</i>					6.0m	4.5m	
Minimum <i>Landscaped Area</i>					20%	20%	
Minimum <i>Floor Space Ratio</i>						0.6(1) (4)	
Maximum <i>Floor Space Ratio</i>					0.6	2.0(1)	
Minimum <i>Building Height</i>						7.5m	
Maximum <i>Building Height</i>					11.0m	25.0m	
Maximum Number of <i>Storeys</i>					3	8	
Minimum Number of <i>Dwelling Units</i>						5	
Private <i>Patio Area</i>					(2)	(2)	

- (1) Combined total *Floor Space Ratio* of all uses on the *lot*.
- (2) For each *dwelling unit* located at ground floor level, a private patio area adjacent to the *dwelling unit* with direct access to such *dwelling unit* shall be provided.
- (3) The regulations within Table 7-5 shall not apply to an *existing cluster townhouse dwelling* on an *existing lot*.
- (4) Individual *buildings* will not be required to achieve the minimum *floor space ratio* 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*.

Table 7-6: For Multiple Dwellings and Non-Residential Uses

Regulation	RES-1	RES-2	RES-3	RES-4 (6)	RES-5 (6)	RES-6 (6)	RES-7 (6)
Minimum <i>Lot Area</i>				495m ²	495m ²		
Minimum <i>Lot Width</i>				15.0m	19.0m(1)	30.0m	30.0m
Minimum <i>Front Yard or Exterior Yard Setback</i>				4.5m	4.5m	3.0m	3.0m
Minimum <i>Interior Side Yard Setback</i>				3.0m	3.0m	4.5m	4.5m (5)
Minimum <i>Rear Yard Setback</i>				7.5m	7.5m	7.5m	7.5m (5)
Minimum <i>Landscaped Area</i>				20%	20%	20%	20%
Minimum <i>Floor Space Ratio</i>						0.6 (2) (7)	2.0 (2) (7)
Maximum <i>Floor Space Ratio</i>				0.6	0.6	2.0 (2)	4.0 (2)
Minimum <i>building height</i>						11.0 m	14.0 m
Maximum <i>Building Height</i>				11.0m	11.0m	25.0m	(5)
Maximum number of <i>storeys</i>				3	3	8	
Minimum number of <i>dwelling units</i>						5	5
Maximum number of <i>dwelling units</i>				4			
Private <i>Patio Area</i>				(3)	(3)	(3)	(3)
Maximum <i>Gross Floor Area</i> of Individual Non-Residential Use						600m ² (4)	600m ² (4)

- (1) A *multiple dwelling* up to 4 *dwelling units* shall have a minimum *lot width* of 15.0 metres.
- (2) Combined total *floor space ratio* of all uses on the *lot*.
- (3) For *multiple dwellings* with 4 *dwelling units* or more, each *dwelling unit* located at ground floor level shall have a private patio area adjacent to the *dwelling unit* with direct access to such *dwelling unit*.
- (4) The total *gross floor area* of all non-residential uses shall not exceed 25% of the total *gross floor area* on a *lot*.
- (5) The maximum *building height* shall be 25 metres within 15 metres of a *lot* with a (RES-6) Medium Rise Residential Six Zone.
- (6) The regulations within Table 7-6 shall not apply to an *existing multiple dwelling* on an *existing lot*.

(7) Individual *buildings* will not be required to achieve the minimum *floor space ratio* 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*.

Table 7-7: Lodging House, Hospice, Small Residential Care Facility and Large Residential Care Facility

Regulation	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Regulations		(1)	(1)	(1)	(1)	(1)	(1)
(1) Shall be in accordance with the regulations of the RES Zone and <i>dwelling</i> type in which the <i>lodging house, hospice or small residential care facility</i> is located. A large residential care facility shall be in accordance with the regulations of the RES zone for <i>multiple dwellings</i> .							

7.4 Outdoor Storage

No *outdoor storage* shall be permitted in an RES zone.

7.5 Other Applicable Regulations and Sections

For other applicable regulations and sections see Section 3: Definitions, Section 4: General Regulations and, Section 5: Parking, Loading, and Stacking.”

33. Subsection 8.1 of By-law Number 2019-051 is amended by deleting the words “properties zoned for *low density residential use*” therefrom and substituting the words “*low-rise residential zones*” therefor wherever they appear.
34. Subsection 8.3, Table 8-2 of By-law Number 2019-051 is amended by deleting the entire row entitled “Minimum *stepback* for *mid rise buildings* and *tall buildings* where the base abuts a *low-rise residential zone*” therefrom.
35. Subsection 10.3, Table 10-2 of By-law Number 2019-051 is amended by deleting the entire row entitled “Maximum *building height* for a *building* located less than 14 metres from a yard abutting a residential zone” therefrom.
36. Subsection 11.3, Table 11-2 of By-law Number 2019-051 is amended by deleting the words “zoned for a *low density residential use*” therefrom and substituting the words “with a *low-rise residential zone*.”
37. Subsection 18.2 a) of By-law Number 2019-051 is amended by adding the following subsection (iii) thereto:
 - “iii) “effective date of this By-law” means the date on which the lands to which the provisions of Section 18 apply, were included on Appendix A, either through the initial passing of this By-law or by amendment.”

38. Subsection 11.3 of By-law Number 2019-051 is amended by deleting the words "and a minimum *stepback* of 3 metres where the *base abuts a low-rise residential zone*" therefrom.
39. Section 19, Specific Provision (73) of By-law Number 2019-051 is amended to read as follows:
- “(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 with a *low-rise residential zone*.”
40. Section 19, Specific Provision (80) of By-law Number 2019-051 is amended to read as follows:
- “(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:
 - a. *Golf course*
 - b. Curling Rink or Arena (1)
 - c. Swimming Facility (1)
 - d. 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 with a *low-rise residential zone*.
- (1) Shall be subordinate to and located on the same premises as a *golf course*.”
41. Section 19, Specific Provision (159) of By-law Number 2019-051 is amended to read as follows:
- “(159) - Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, an attached *private garage* or detached *private garage* shall be located 5.5 metres behind the front *façade* of the *principal building*.”

42. Section 19, Specific Provision (160) of By-law Number 2019-051 is amended to read as follows:

“(160) - Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, a *new single detached dwelling or new semi-detached dwelling* shall include a porch on at least one *street line façade* and in accordance with Subsection 4.14.7.”

Maps

43. By-law Number 2019-051 is amended by adding “Appendix C” included herein within Attachment 1.

44. By-law Number 2019-051 is amended by adding “Appendix D” included herein within Attachment 2.

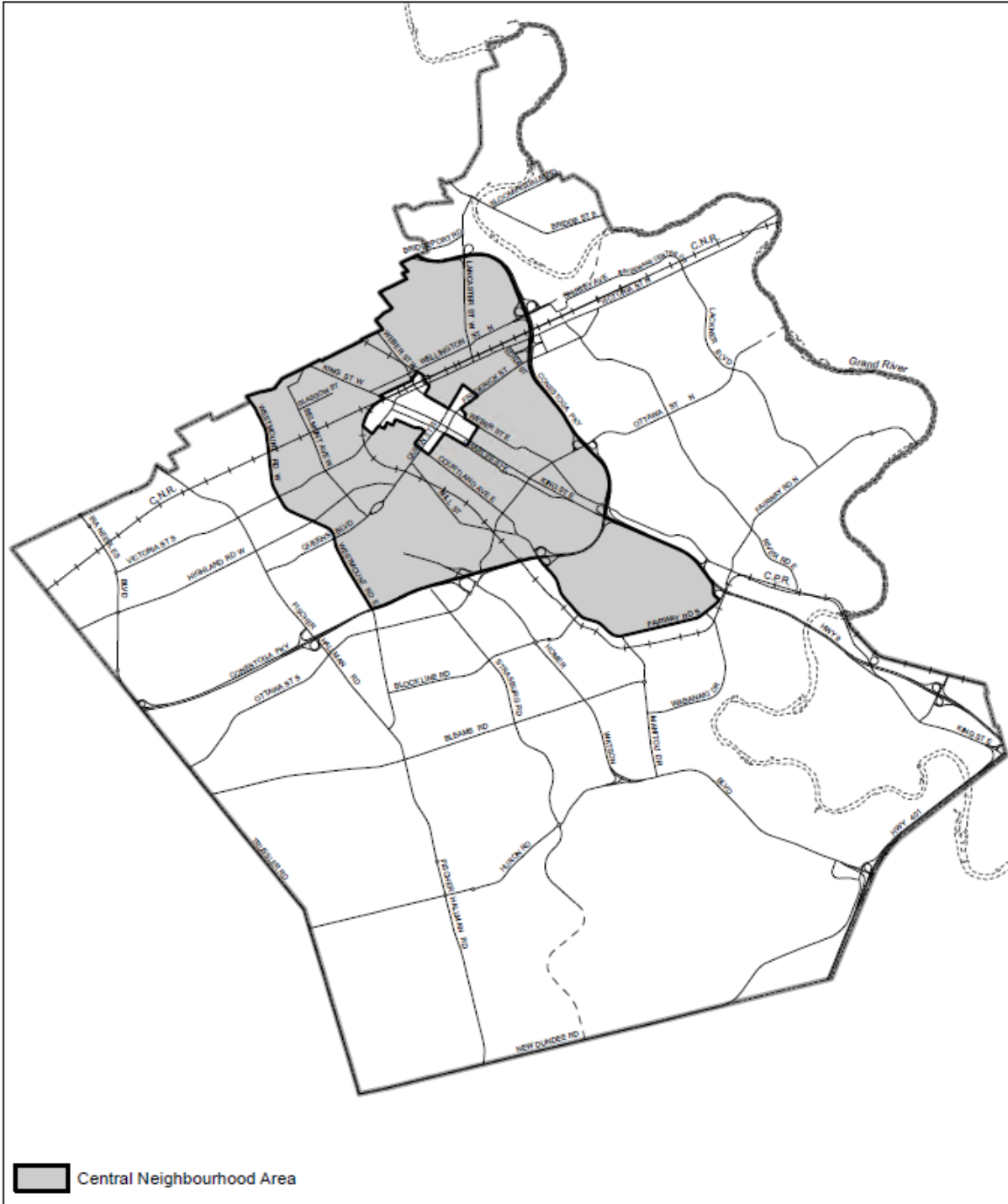
PASSED at the Council Chambers in the City of Kitchener this day of , 2021.

Mayor

Clerk

Attachment 1

Appendix C: Central Neighbourhood Area



Attachment 2

Appendix D: Established Neighbourhood Area

