

SECTION 39
(By-law 94-1, S.9)

RESIDENTIAL FIVE ZONE (R-5)

No person shall erect, nor use any building in whole or in part, nor use any land, nor permit to use any land, in whole or in part, within an R-5 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

(Amended: By-law 2006-174, S.1) (City of Kitchener Housekeeping Amendment)

39.1 PERMITTED USES

Additional Dwelling Unit (Attached) (By-law 2023-102, S.16)

Additional Dwelling Unit (Detached) (By-law 2021-040, S.16)

Duplex Dwelling

Home Business

Hospice (By-law 2013-124, S.37)

Lodging House

Private Home Day Care

Residential Care Facility

Semi-Detached Duplex Dwelling (Amended: By-law 2021-040, S.22)

Semi-Detached Dwelling

Single Detached Dwelling

39.2 REGULATIONS

.1 For Single Detached Dwelling and Duplex Dwelling (By-law 94-183, S.21[b])

Minimum Lot Area	235.0 square metres
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Minimum Lot Width (By-law 2000-86, S.10)	9.0 metres
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Minimum Corner Lot Width (By-law 2000-86, S.9)	15.0 metres
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Minimum Front Yard and Minimum Side Yard Abutting a Street	4.5 metres, except no part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to the street line.
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Minimum Front Yard for lands identified on Appendix 'H', and any principal dwelling constructed after the effective date of this by-law on a lot containing an Additional Dwelling Unit (Detached) (Amended: By-law 2021-040, S.19)

a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:

- i) The average of the front yards of the abutting lots, minus 1.0 metre;
- ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, minus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line;
- iii) In the case of a corner lot, the front yard, minus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street

Notwithstanding 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.

b) In all other cases, the minimum front yard shall be 4.5 metres. Notwithstanding 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.

(By-law 2018-094, S.4)

Maximum Front Yard for lands identified on Appendix 'H', and any principal dwelling constructed after the effective date of this by-law on a lot containing an Additional Dwelling Unit (Detached) (Amended: By-law 2021-040, S.20)

a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:

- i) The average of the front yards of the abutting lots, plus 1.0 metre;
- ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, plus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line;

- iii) In the case of a corner lot, the front yard, plus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street,

Notwithstanding 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.

- b) In all other cases there is no maximum front yard.

(By-law 2018-094, S.4)

Minimum Side Yard

- a) 1.2 metres, or

- b) 0 metres to a maximum of 0.2 metres on one side, and a minimum of 1.5 metres on the other side for a Dwelling with a Building Height not exceeding 9.0 metres and subject to Section 5.20 of this by-law, or
Amended: (By-law 2009-105, S.15)

- c) 0 metres to a maximum of 0.2 metres on one side, and a minimum of 2.5 metres on the other side for a Dwelling with a Building Height exceeding 9.0 metres and subject to Section 5.20 of this by-law.
Amended: (By-law 2009-105, S.15)

- d) 3.0 metres on one side where a driveway leading to a required parking space is situated between the main building and the side lot line.

Minimum Rear Yard

7.5 metres

Maximum Building Height

10.5 metres

Maximum Lot Coverage
(By-law 2003-163, S.38)

A total of 55 percent, of which the habitable portion of the dwelling shall not exceed 45 percent and the accessory buildings or structures, whether attached or detached, shall not exceed 15 percent.
(By-law 2003-163, S.38)

Off-Street Parking

In accordance with Section 6.1 of this By-law.

.2 **For Semi-Detached Dwelling and Semi-Detached Duplex Dwelling**

(Amended: By-law 2021-040, S.23)

Minimum Lot Area (By-law 94-183, S.22) 235.0 square metres for each semi-detached house.

Minimum Lot Width (By-law 94-183, S.22) 7.5 metres for each semi-detached house.

Minimum Corner Lot Width
(By-law 2000-86, S.11) a) 20 metres for each dwelling; and
b) 12.5 metres for each dwelling unit.

Minimum Front Yard
and
Minimum Side Yard
Abutting a Street 4.5 metres, except no part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to the street line.

Minimum Front Yard for lands identified on Appendix 'H', any Semi-Detached Duplex Dwelling in a building constructed after the effective date of this by-law, and any principal dwelling constructed after the effective date of this by-law on a lot containing an Additional Dwelling Unit (Detached) (Amended: By-law 2021-040, S.24) a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:

- i) The average of the front yards of the abutting lots, minus 1.0 metre;
- ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, minus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line;
- iii) In the case of a corner lot, the front yard, minus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street

Notwithstanding 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.

b) In all other cases, the minimum front yard shall be 4.5 metres. Notwithstanding 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.

(By-law 2018-094, S.4)

Maximum Front Yard for lands identified on Appendix 'H', any Semi-Detached Duplex Dwelling in a building constructed after the effective date of this by-law, and any principal dwelling constructed after the effective date of this by-law on a lot containing an Additional Dwelling Unit (Detached) (Amended: By-law 2021-040, S.25)

a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:

- i) The average of the front yards of the abutting lots, plus 1.0 metre;
- ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, plus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line;
- iii) In the case of a corner lot, the front yard, plus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street,

Notwithstanding 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.

b) In all other cases there is no maximum front yard.

(By-law 2018-094, S.4)

Minimum Side Yard

1.2 metres, except in the case of a driveway leading to a required parking space situated between the main building and the side lot line, in which case the minimum side yard shall be 3.0 metres.

Minimum Rear Yard

7.5 metres

Maximum Building Height

10.5 metres

Maximum Lot Coverage (By-law 2003-163, S.38)	A total of 55 percent, of which the habitable portion of the dwelling shall not exceed 45 percent and the accessory buildings or structures, whether attached or detached, shall not exceed 15 percent. (By-law 2003-163, S.38)
Off-Street Parking Pedestrian Entrance (By-law 2021-040, S.26)	In accordance with Section 6.1 of this By-law. A maximum of one pedestrian entrance for each semi-detached house or semi-detached duplex house may be located on each street line façade.
.3 Omitted (By-law 94-183, S.18)	
.4 <u>For Hospice and Lodging House</u> (Amended: By-law 2023-102, S.22)	
Minimum Lot Area	495.0 square metres for each dwelling.
Minimum Lot Width	15.0 metres
Minimum Front Yard and Minimum Side Yard Abutting a Street	4.5 metres, except no part of any building used to accommodate off-street parking shall be located closer than 6.0 metres to the street line.
Minimum Front Yard for lands identified on Appendix 'H'	<p>a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:</p> <ul style="list-style-type: none"> i) The average of the front yards of the abutting lots, minus 1.0 metre; ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, minus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line; iii) In the case of a corner lot, the front yard, minus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street
	Notwithstanding 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.

- b) In all other cases, the minimum front yard shall be 4.5 metres. Notwithstanding 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.

(By-law 2018-094, S.4)

Maximum Front Yard for lands identified on Appendix 'H'

- a) For dwellings and additions to dwellings that project into the existing front yard constructed after the effective date of this by-law:

- i) The average of the front yards of the abutting lots, plus 1.0 metre;
- ii) In the case where there is a vacant lot abutting the affected lot, the average of the front yards, plus 1.0 metre, of the closest building on the next adjacent lot, which must be no more than 30 metres from the affected lot's closest side lot line;
- iii) In the case of a corner lot, the front yard, plus 1.0 metre, of the abutting lot on which the dwelling faces the same side of the street,

Notwithstanding 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.

- b) In all other cases there is no maximum front yard.

(By-law 2018-094, S.4)

Minimum Side Yard

- a) 1.2 metres, or
- b) 0 metres to a maximum of 0.2 metres on one side and a minimum of 1.5 metres on the other side for a Dwelling with a Building Height not exceeding 9.0 metres, or

- c) 0 metres to a maximum of 0.2 metres on one side and a minimum of 2.5 metres on the other side for a Dwelling with a Building Height exceeding 9.0 metres.
- d) 3.0 metres on one side where a driveway leading to a required parking space is situated between the dwelling and the side lot line.

Minimum Rear Yard	7.5 metres
Maximum Building Height Maximum Lot Coverage (By-law 2003-163, S.38)	10.5 metres A total of 55 percent, of which the habitable portion of the dwelling shall not exceed 45 percent and the accessory buildings or structures, whether attached or detached, shall not exceed 15 percent. (By-law 2003-163, S.38)
Maximum Size of Lodging House (By-law 94-183, S.24[c])	8 residents
Off-Street Parking	In accordance with Section 6.1 of this By-law.
Minimum Landscaped Area	20%
Size of Additions or Expansions to an Existing Building	The ground floor of any addition or any expansion of an existing building shall not exceed 25% of the ground floor of the building's ground floor area existing as of May 1, 2006.
Location of Additions or Expansions to an Existing Building	Any addition or any expansion of the existing building shall only be permitted to the rear of the existing building or the rear two thirds of the side of the existing building and prohibited in any front yard and any side yard abutting a street.
(Amended: By-law 2008-114, S.1)	

.5 **For Additional Dwelling Unit (Detached)**

In accordance with regulations set out in Section 5.22 of this By-law.
(Amended: By-law 2021-040, S.21)

.6 **For Residential Care Facility**

Maximum Size	8 residents
Other Regulations	In accordance with the regulations of the dwelling type in which such facility is located.
Off-Street Parking	In accordance with Section 6.1 of this By-law.

.7 **For Home Business**

In accordance with regulations set out in Section 5.13 of this By-law.

.8 **For Additional Dwelling Unit (Attached)** (By-law 2023-102, S.18)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

39.2A **FOR ALL USES**

Maximum Number of Dwellings Per Lot (Amended: By-law 2023-102, S.23)	One plus an Additional Dwelling Unit(s)
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