

SECTION 48
(By-law 94-183, S.39)

EXISTING USE ZONE (E-1)

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 E-1 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)

48.1 PERMITTED USES

Only that use lawfully existing on and continually used for, since the date that the E-1 Zone was applied to the land.
(By-law 2003-163, S.45)

A use within the same type of use as the use lawfully existing on and continually used for, since the date that the E-1 Zone was applied to the land.
(By-law 2005-106, S.31) (Housekeeping Amendment)

A Residential use with less residential units than that lawfully existing on, and continually used for, since the date that the E-1 Zone was applied to the land in a residential dwelling that was lawfully existing on the date that the E-1 Zone was applied to the land. (By-law 2003-163, S.46)

Home Business (By-law 2003-163, S.46)

48.2 PROHIBITED USES

Those uses specified in Section 5.18 of this By-law.

Dwelling units other than those specified in Section 48.1 of this By-law.
(By-law 2003-163, S.47)

Notwithstanding Section 48.1, no person shall use any land in whole or in part within an E-1 Zone for outdoor storage, even as an accessory use. This shall not apply to the parking of motor vehicles where legally established, for any purpose including their display for sale or to the parking of the trailer component of a tractor trailer or semi-trailer. (Amended: By-law 2016-138, S.18)

Those uses prohibited on the date the E-1 Zone was applied to the land.
(By-law 2003-163, S.48)

48.3 REGULATIONS

.1 For All Uses

Minimum Lot Width

That lot width existing on the date that the E-1 Zone was applied to the land.
(By-law 95-106, S.35)

Location and Size of Accessory Retail

Not more than 25% of the gross floor area used for manufacturing or repair service.

Off-Street Parking	In accordance with Section 6.1 of this By-law.
Off-Street Loading	In accordance with Section 6.2 of this By-law.

.2 For Additions And Alterations To Buildings Existing On The Date That The E-1 Zone Was Applied To The Lands

Minimum Front Yard and Minimum Side Yard Abutting a Street	4.5 metres
Minimum Side Yard	i) 1.2 metres for a building less than 9.0 metres in height. ii) 2.5 metres for a building between 9.0 metres and 10.5 metres in height.
Minimum Side Yard (Cont'd)	iii) 6.0 metres for a building exceeding 10.5 metres in height.
Minimum Rear Yard	7.5 metres
Maximum Building Height	10.5 metres (By-law 2015-068, S.10)
Maximum Additional Building Floor Area	25% of the total ground floor area of that portion of a building located within the E-1 Zone and that existed on the date that the E-1 Zone was applied to the land (By-law 2003-163, S.49)
Location of New Floor Space and New Mechanical, Electrical and Heating Equipment	Above the elevation of the regulatory floodline or at or above the elevation of the ground floor existing on the date that the E-1 Zone was applied to the land, whichever is the lower elevation, or as authorized under Permit Requirements below. (Amended: By-law 2012-034, S.70)
Location of Basement or Cellar	None is permitted except as authorized under Permit Requirements, below.
Permit Requirements	A Fill, Construction and Alteration to Waterways Permit shall be obtained from the Grand River Conservation Authority in accordance with Regulation 149 of the R.R.O. 1990, as amended.

.3 For Buildings Accessory to Residential Uses

In accordance with Section 5.5 and Permit Requirements in Section 48.3.2.