

## SECTION 4 – General Regulations

### 4.1 ACCESSORY BUILDINGS AND STRUCTURES

- a) *Accessory buildings and structures* shall comply with the regulations of the zone and unless otherwise provided for in this By-law, no *accessory building or structure* shall be used for human habitation. (Amended: By-law 2024-204, S.3 – December 2, 2024)
- b) Despite subsection a) *Accessory buildings or structures to dwelling units* having a maximum *gross floor area* of 15 square metres or less and a maximum *building height* of 3 metres are permitted within a required *rear yard* or a required *interior side yard*, provided, however, no parts thereof may project beyond the lot line. (Amended: By-law 2024-204, S.3 – December 2, 2024)
- c) Despite subsection a) *accessory buildings and structures to dwelling units* with a *gross floor area* greater than 15 square metres, and/or *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*. (Amended: By-law 2024-204, S.3 – December 2, 2024)
- d) *Despite subsection a) accessory buildings and structures to single detached dwellings, semi-detached dwellings, and street townhouse dwellings*, with or without *additional dwelling unit(s) (attached)* or *additional dwelling unit(s) (detached)*, and to multiple dwellings, shall be a maximum of one storey with a maximum *building height* of:
  - i) 5.5 metres for a hip, gable, mansard, gambrel, or shed roof, measured to the peak of the roof, provided that the underside of at least one fascia does not exceed 3 metres directly above the ground and that for a shed roof, the lower exterior wall shall face the nearest *lot line*, except where the *lot line* is a *street line*; and
  - ii) 3 metres for a flat roof.(Amended: By-law 2026-024, S.3 – March 2, 2026)
- e) Despite subsection a) *accessory buildings or structures to dwelling units* shall not be located in a *front yard* or *exterior side yard*. (Amended: By-law 2024-204, S.3 – December 2, 2024)

### 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 INCLUSIONARY ZONING

- a) For the purposes of this Section 4.3,

**Affordable Unit** - means a *dwelling unit* where the maximum rent is in accordance with subsections 4.3 e) and is occupied by an *eligible tenant* in accordance with subsection 4.3 d) of this By-law.

**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*.

**Development** - means the construction, erection or placing of one or more *buildings* or structures on land or the making of an addition or alteration to a *building* or structure that has the effect of substantially increasing the size or usability thereof.

**Eligible Tenant(s)** - means a tenant is eligible to occupy *affordable units* in accordance with subsection 4.3 f)

**Gross Leasable Residential Floor Area** - means the aggregate horizontal area of *dwelling units* in a building measured from the exterior faces of the exterior walls of all *storeys* of a *building*. For greater clarity, Gross Leasable Residential Floor Area does not include common or parking areas or storage lockers.

**Non-profit housing provider** - means

- i) A corporation to which the Not-for-Profit Corporations Act, 2010 applies that is in good standing under that Act and whose primary objective is to provide housing;
- ii) A corporation without share capital to which the Canada Business Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;
- iii) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act; or
- iv) An organization that is a registered charity within the meaning of the Income Tax Act (Canada) or a non-profit organization exempt from tax under paragraph 149(1)(l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing.

**Purpose-Built Rental Housing** - means all or part of a *multiple dwelling* or *mixed use building* where *dwelling units* are not a unit within a registered plan of condominium per section 2 of the Condominium Act, and which is intended for use as rented residential premises."

**Regional Market Area** - means the real estate market within the geographical boundary of the Region of Waterloo.

- b) The following regulations shall apply to Protected Major Transit Station Areas identified on Appendix F to this By-law. (Amended: By-law 2025-049, S.2 – May 5, 2025)
- c) Section 4.3 of this By-law does not apply to the following developments:
  - i) *Existing buildings* except where any addition or change in use would result in 50 or more *new dwelling units*;
  - ii) Development that would add fewer than 50 *dwelling units* to a *lot*;
  - iii) Development where a non-profit housing provider has an interest that is greater than 51 per cent;
  - iv) Development that, on or before the effective date of the zoning by-law amendment bringing this section 4.3 Inclusionary Zoning provisions into this By-law, is the subject of a complete application for:
    - a. A plan of subdivision under section 51 of the Planning Act;
    - b. A description or an amendment to a description under section 9 of the Condominium Act;
    - c. Building permit; and/or
    - d. Site plan control under section 41 of the Planning Act;
  - v) Development that is exempt in accordance with the Planning Act and associated regulations;
  - vi) *Large Residential Care Facility*;
  - vii) *Lodging House*;
  - viii) *Group Home*
  - ix) *Hospice*;
  - x) A student residence owned and/or operated by a *post-secondary school*; or
  - xi) The portion of any *development* that has received a 'shell' building permit prior to January 1, 2025.
- d) A percentage of *gross leasable residential floor area* shall be provided as *affordable units* in accordance with Table 4-1.

Table 4-1: Inclusionary Zoning Set-aside Requirements

| Market Area | Protected Major Transit Station Area | Minimum Percentage of Gross Leasable Residential Floor Area to be provided for affordable units |
|-------------|--------------------------------------|-------------------------------------------------------------------------------------------------|
|-------------|--------------------------------------|-------------------------------------------------------------------------------------------------|

|             |                                                                                                                                               |        |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Prime       | <ul style="list-style-type: none"> <li>• Central Station</li> <li>• Victoria Park/Kitchener City Hall</li> <li>• Queen/Frederick</li> </ul>   | 2<br>% |
| Established | <ul style="list-style-type: none"> <li>• Grand River Hospital</li> <li>• Kitchener Market</li> <li>• Borden</li> <li>• <b>Mill</b></li> </ul> | 1<br>% |
| Emerging    | <ul style="list-style-type: none"> <li>• Block Line</li> <li>• Fairway</li> <li>• Sportsworld</li> </ul>                                      | 0%     |

(The City intends to amend the zoning by-law periodically to adjust the rates in this table up to 5% by the year 2031 and according to market conditions as outlined in Official Plan Table 3 and policy 4.C.1.56.)

- e) The maximum rent that can be charged for *affordable units* will be determined annually by the *City*, in consultation with the *Region* and according to the following definition:
- i) Within *buildings* that are not purpose-built rental housing, the lesser of average market rent for the regional market area according to the number of bedrooms; or 30% of the 60<sup>th</sup> percentile household income for renter households for the regional market area; and
  - ii) Within purpose-built rental housing, the greater of the figure calculated in accordance with subsection 4.3 e) i) above or 30% of median renter household income for regional market area, as published from time to time by Canada Mortgage and Housing Corporation.
- f) Tenants of *affordable units* shall be pre-approved by the *City* in consultation with the *Region* and have a maximum household income of 3.5 times the unit's rent at the time the tenant first occupies the unit.
- g) *Affordable units* shall be similar to market units in terms of mix, type, size, and quality as further detailed in the agreements described in section 4.3 i).
- h) *Affordable units* shall not exceed the maximum rent set out in subsection 4.3 e) and will be provided to *eligible tenants* in accordance with subsection 4.3 f) for a minimum of 25 years after the date the unit is first occupied.
- i) Inclusionary Zoning requirements in Section 4.3 and related matters outlined in the *City's* Official Plan and Planning Act shall be secured by one or more legal agreements with the *City*, owner, and owner of offsite units if applicable, to the satisfaction of the *City* Solicitor, and registered on title of the lands.

(By-law 2024-068, S.1 – March 18, 2024)

#### **4.4 CONDOMINIUMS**

##### **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 4.12, 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. (Amended: By-law 2024-204, S.4 – December 2, 2024)

#### **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*. (Amended: By-law 2024-204, S.5 – December 2, 2024)

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*.

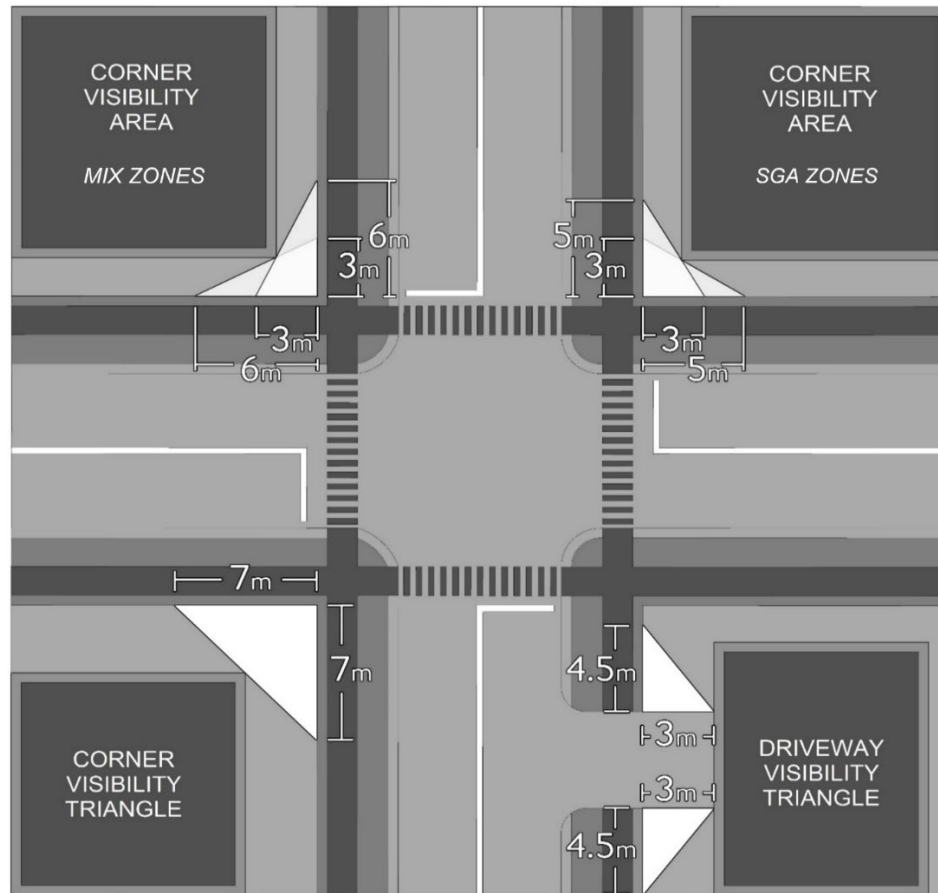
#### **4.5 CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES**

- 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, traffic signs shown on a site plan approved pursuant to Section 41 of the Planning Act or *motor vehicles* parked in a *parking space* on a legal *driveway*. (Amended: By-law 2026-024, S.4 – March 2, 2026)

- 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 the SGA-2, SGA-3, and SGA-4 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*. (Amended: By-law 2024-065, S.10 – March 18, 2024)
- d) A *corner visibility triangle* shall be required in all zones, except the SGA-2, SGA-3, and SGA-4 zones and the MIX zones, and shall be measured at 7 metres from the point of intersection of the *street lines*. (Amended: By-law 2024-065, S.10 – March 18, 2024)
- e) A *driveway visibility triangle* shall be required in all zones, except the SGA-2, SGA-3, and SGA-4 zones and the MIX zones, and shall be measured from the point of intersection of a *lot line* and the edge of a *driveway* a distance of 3 metres from the *lot line* and 4.5 metres from the edge of the *driveway*. (Amended: By-law 2024-074, S.3 – March 25, 2024)
- f) Despite Subsections a) through e), a *driveway visibility triangle* shall not be required for a *driveway* accessed only via a rear laneway for a *lot* without a *parking lot* or any non-residential *uses* except for a *home occupation*. (By-law 2026-024, S.6 – March 2, 2026)

**Illustration 1: Corner Visibility Triangle, Corner Visibility Area and Driveway Visibility Triangle Dimensions**

(Amended: By-law 2024-065, S.10 – March 18, 2024)



**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 *dwelling unit*. (Amended: By-law 2025-013, S.2 – January 20, 2025)
- b) A *home occupation* shall only locate in a *dwelling unit*. (Amended: By-law 2026-024, S.7 – March 2, 2026)
- 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**

**Permitted *home occupation* use on a *lot* containing a *single detached dwelling* or a *semi-detached dwelling unit* (without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*) (1)(2)(3)(4)**

| Home Occupation Use                                    | First Home Occupation Use | Second Home Occupation Use |
|--------------------------------------------------------|---------------------------|----------------------------|
| <i>Artisan's Establishment</i>                         | ✓                         |                            |
| <i>Bed and Breakfast</i> (5)(6)                        | ✓                         |                            |
| <i>Canine and Feline Grooming Establishment</i> (5)(7) | ✓                         |                            |
| <i>Catering Service Establishment</i>                  | ✓                         |                            |
| <i>Commercial School</i>                               | ✓                         |                            |
| <i>Health Office</i>                                   | ✓                         |                            |
| <i>Indirect Sales</i>                                  | ✓                         | ✓                          |
| <i>Light Repair Operation</i>                          | ✓                         |                            |
| <i>Office</i>                                          | ✓                         | ✓                          |
| <i>Personal Services</i> (8)                           | ✓                         |                            |
| <i>Private Home Day Care</i> (11)                      | ✓                         | ✓                          |

**Permitted *home occupation* use in any *dwelling unit* not within a *single detached dwelling* or *semi-detached dwelling* with any *additional dwelling units (attached or detached)* (9)(10).** (Amended: By-law 2026-024, S.8 – March 2, 2026)

| Home Occupation Use               | First Home Occupation Use | Second Home Occupation Use |
|-----------------------------------|---------------------------|----------------------------|
| <i>Artisan's Establishment</i>    | ✓                         |                            |
| <i>Commercial School</i>          | ✓                         |                            |
| <i>Office</i>                     | ✓                         |                            |
| <i>Indirect Sales</i>             | ✓                         |                            |
| <i>Private Home Day Care (11)</i> | ✓                         | ✓                          |

(Amended: By-law 2026-024, S.8 – March 2, 2026)

**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 to the premises at any one time. (Amended: By-law 2025-013, S.3 – January 20, 2025)
- (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*.
- (11) A maximum of 1 *private home day care* is permitted in a *dwelling unit* and *Additional Regulations (1), (2), (9) and (10) of Table 4-2 shall not apply*. (Amended: By-law 2026-024, S.9 – March 2, 2026)

**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 LODGING HOUSES (Amended: By-law 2024-136, S.2 – June 24, 2024)**

A *lodging house* shall be connected to full municipal services.

**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.
- c) A maximum of four (4) *dwelling units* are permitted on a lot which contains a *single detached dwelling*, *semi-detached dwelling unit* or *street townhouse dwelling unit*, subject to the regulations contained herein. The maximum number of units shall include the principal *dwelling unit*, *additional dwelling unit(s) (attached)* and *additional dwelling unit(s) (detached)*. (By-law 2024-074, S.5 – March 25, 2024)

- d) For the purposes of subsection 4.12.c) the area that is designed to be a separate *lot* for a *Semi-Detached Dwelling Unit* or a *Street Townhouse Dwelling Unit* shall be considered to be a *lot* as calculated by extending a straight line along the demising wall between dwelling units to the front and rear property lines. (By-law 2024-204, S.6 – December 2, 2024)

#### **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 subject 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.
- c) An *unobstructed walkway* shall be provided to each *new additional dwelling unit (attached)*, where the *principal* entrance is not located on a *street line façade*, in accordance with Section 4.12.5. (Amended: By-law 2026-024, S.10 – March 2, 2026)
- d) Despite the definition of *dwelling unit*, one *Additional Dwelling Unit (attached)* may have the required private entrance through the living space of the *principal* unit excluding a bathroom or bedroom, as may be permitted by the Ontario Building Code. (By-law 2025-013, S.4 – January 20, 2025)

Unless otherwise provided for in this By-law, in any *zone* where a *single detached dwelling* with one *additional dwelling unit (attached)* is permitted, a *new dwelling* with two *dwelling units* shall also be permitted and considered a *single detached dwelling* with an *additional dwelling unit (attached)* in accordance with regulations specified by the *zone* category and in this section.

(By-law 2024-074, S.6 – March 25, 2024)

#### **4.12.2 Two or Three Additional Dwelling Units (Attached)**

Two (2) or Three (3) *additional dwelling units (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 *additional dwelling unit(s) (attached)* are permitted, and the *dwelling* type in which the *additional dwelling unit(s) (attached)* are located and subject to and as amended by the following:

- a) *Additional dwelling unit(s) (attached)* shall only be located in the same *building* as a *single detached dwelling, semi-detached dwelling, or street townhouse dwelling*;
- b) *Additional dwelling unit(s) (attached)* shall be connected to full municipal services;
- c) A minimum of one pedestrian entrance to the *principal building* is required to face a *street line*. Despite the foregoing, where *additional dwelling unit(s) (attached)* are being added to an *existing dwelling* which does not have a pedestrian entrance facing a *street line*, the minimum number shall be zero; (Amended: By-law 2025-013, S.5 – January 20, 2025)
- d) A maximum of two pedestrian entrances shall be permitted to face each *street line*, except where more pedestrian entrances are *existing*. Despite the foregoing, pedestrian entrances located *below grade*, and those leading to a balcony which does not connect to the ground shall be excluded; (Amended: By-law 2025-013, S.6 – January 20, 2025)
- e) An *unobstructed walkway* shall be provided to each *new additional dwelling unit (attached)*, where the principal entrance is not located on a *street line façade, in accordance with Section 4.12.5*. (Amended: By-law 2026-024, S.11 – March 2, 2026)
- f) Deleted (By-law 2025-013, S.7 – January 20, 2025)
- g) Where a *lot* is located farther than 800 metres from a *Light Rail Transit (LRT)* station as shown on Appendix E, and outside the Central Neighbourhood Area as shown on Appendix C – Central Neighbourhood Area the minimum *lot width* shall be 10.5 metres or in accordance with Table 7-2, 7-3 or 7-4, as may be applicable for the *principal dwelling* type in which the *additional dwelling unit (attached)* is located, whichever is greater;
- h) The minimum *front yard landscaped area* shall consist of 20% soft *landscaping*, and which shall exclude hard-surfaces such as surface walkways, patios, decks or porches; (Amended; By-law 2024-204, S.7 – December 2, 2024)
- i) The minimum *rear yard landscaped area* shall be 30%.

Unless otherwise provided for in this By-law, in any *zone* where a *single detached dwelling* with two (2) or three (3) *additional dwelling units (attached)* are permitted, a *new dwelling* with three (3) or four (4) *dwelling units* shall also be permitted and considered a *single detached dwelling* with *additional dwelling units (attached)* in accordance with regulations specified by the *zone* category and in this section.

(By-law 2024-074, S.7 – 2024-03-25)

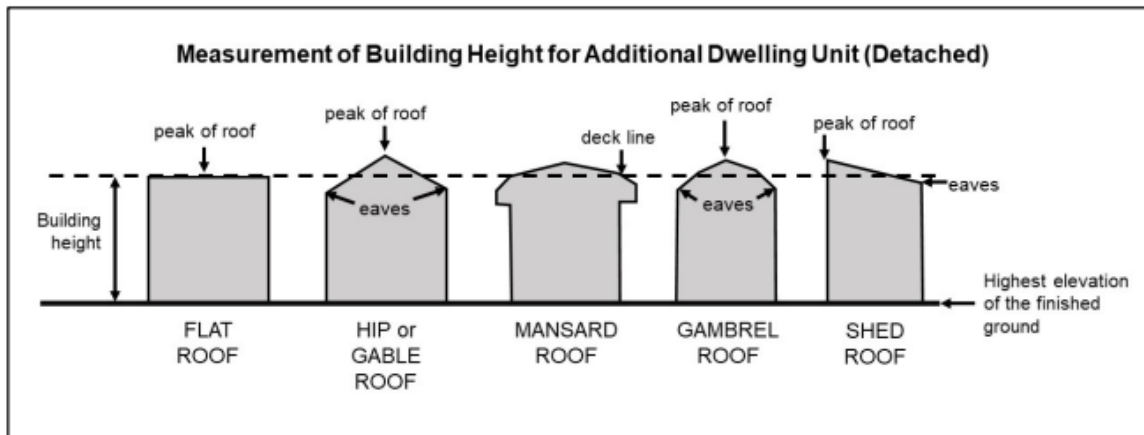
#### **4.12.3 Additional Dwelling (Detached)**

An *additional dwelling (detached)* with one (1) or two (2) *additional dwelling units (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 (detached)* is permitted, and as amended by the following:

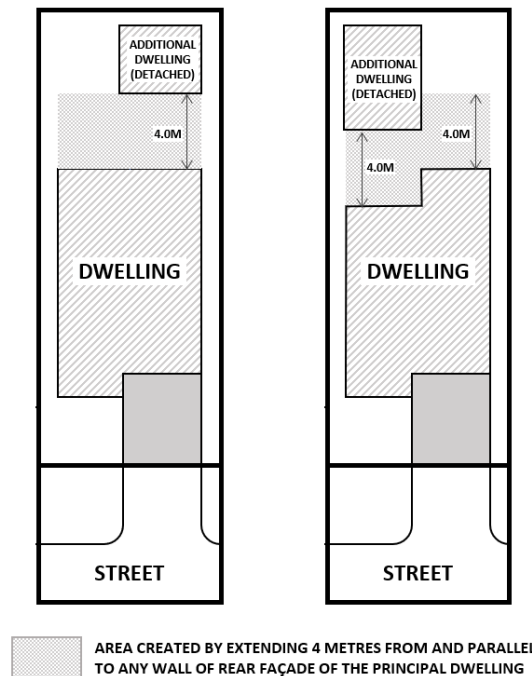
- a) For the purposes of Section 4.12.3, the area that is designed to be a separate *lot* for a *street townhouse dwelling* or *semi-detached dwelling* shall be considered to be a *lot* as calculated by extending a straight line along the demising wall between *dwelling units* to the front and rear property lines;
- b) An *additional dwelling (detached)* shall only be permitted on the same *lot* as a *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*;
- c) An *additional dwelling (detached)* shall not be severed from the *lot* containing the *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit*;
- d) *Additional dwelling units (detached)* shall be connected to full municipal services;
- e) The *building footprint* of the *additional dwelling (detached)* shall not exceed 80 square metres, and shall comply with the maximum *lot coverage* included in Table 7-2, 7-3 or 7-4;
- f) Deleted (By-law 2025-013, S.7 – January 20, 2025)
- g) Where a *lot* is located farther than 800 metres from a *Light Rail Transit (LRT)* station as shown on Appendix E, and outside the Central Neighbourhood Area as shown on Appendix C – Central Neighbourhood Area the minimum *lot width* shall be 10.5 metres or in accordance with Table 7-2, 7-3 or 7-4, as may be applicable for the *principal dwelling* type with which the *additional dwelling unit (detached)* is associated, whichever is greater;
- h) The maximum *building height* for an *additional dwelling (detached)* shall be:
  - i) 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;
  - i) For a shed roof the lower exterior wall shall face a *rear lot line* or the nearest *side lot line*, except where the *lot line* is a *street line* or *lane*;
  - ii) 4.5 metres for a mansard roof, measured to the deck line;
  - iii) 3 metres for a flat roof, measured to the peak of the roof.
- i) Despite subsection h), the maximum *building height* for an *additional dwelling (detached)* where the *principal dwelling* has a *building height* equal to or greater than 9.1 metres shall be:
  - i) 6.0 metres for a hip, gable, shed, or gambrel roof, measured to the midpoint between the eaves and the peak of the roof, excluding the eaves of any projections;

- i) For a shed roof the lower exterior wall shall face a *rear lot line* or the nearest *side lot line*, except where the *lot line* is a *street line* or *lane*;
- ii) 6.0 metres for a mansard roof, measured to the deck line;
- iii) 4.5 metres for a flat roof, measured to the peak of the roof.



- j) An *additional dwelling (detached)* which has a maximum *building height* of 4.5 metres shall have a minimum *setback* of 0.6 metres from a *rear lot line* and *interior side lot line*;
- k) An *additional dwelling (detached)* which exceeds a *building height* of 4.5 metres shall have a minimum *setback* of 0.9 metres from a *rear lot line* and *interior side lot line*; and notwithstanding the foregoing, where an *interior side lot line* or *rear lot line* abuts a *lane* the minimum *setback* shall be 0.6 metres;
- l) An *additional dwelling (detached)* shall not be located in the *front yard* of the *principal dwelling*, and shall not be located in the area created by extending 4 metres from and parallel to any wall of rear *façade* of the *principal dwelling*.  
(Amended: By-law 2024-204, S.8 – December 2, 2024)

**Illustration 4-2: Minimum Separation of Principal Dwelling and Additional Dwelling (detached)**  
(Amended: By-law 2025-125, S.3 – October 27, 2025)



- m) An *additional dwelling (detached)* may be located in an *exterior side yard* of the *principal dwelling*, and must be *setback* in accordance with the required *exterior side yard setback* of the *principal dwelling* in the applicable zone;
- n) An *unobstructed walkway* shall be provided to each *additional dwelling unit (detached)*, in accordance with Section 4.12.5; (Amended: By-law 2026-024, S.12 – March 2, 2026)
- o) For a *lot* containing three (3) or four (4) *dwelling units*, the minimum *front yard landscaped area* shall consist of 20% soft landscaping, and which shall exclude hard-surfaces such as walkways, patios, decks or porches; (Amended: By-law 2024-204, S.10)
- p) For a *lot* containing three (3) or four (4) *dwelling units*, the minimum *rear yard landscaped area* shall be 30%.

(By-law 2024-074, S.8 – 2024-03-25)

#### 4.12.3.1 Deleted (By-law 2024-074, S.9 – 2024-03-25)

#### 4.12.4 **Five to Ten Dwelling Units on a Lot**

Five (5) to ten (10) *dwelling units* on a *lot* without any non-residential *use* except permitted *home occupation uses* shall be permitted in accordance with the regulations specified by the zone category for the *dwelling(s)* and shall have:

- a) A minimum of 20% *street line façade opening* which includes at least one (1) pedestrian entrance to the *principal* building. This regulation shall not apply to



conversions of an *existing building* in the SGA-1 zone in accordance with Section 6.3.2.c); (Amended: By-law 2025-125, S.4 – October 27, 2025)

- b) A minimum 20% of the *front yard landscaped*, excluding surface walkways, patios, decks, playgrounds or pathways;
- c) A minimum *driveway* width of 2.6 metres;
- d) Despite section 4.12.4 c), where a *driveway* is immediately adjacent to any *building* or *structure* on a *lot*, the *driveway* including any curbing shall be a minimum 3.0 metres wide.

(By-law 2024-074, S.10 – 2024-03-25)

- e) An *unobstructed walkway* shall be provided to each *dwelling unit* or to a common entrance providing access to each *dwelling unit*, in accordance with Section 4.12.5. (Amended: By-law 2026-024, S.13 – March 2, 2026)

#### **4.12.5 Unobstructed Walkways**

- a) Where an *unobstructed walkway* is required, it shall have:
  - i) A direct connection from a sidewalk or travelled road, except from a *rear lot line*, to the principal entrance;
  - ii) A minimum width of 1.1 metres. Utility meters and downspouts may project a maximum of 0.2 metres into the *unobstructed walkway*;
  - iii) A minimum overhead clearance of 2.1 metres;
  - iv) A maximum slope of 8%;
  - v) A maximum cross slope of 4%; and
  - vi) A maximum length of 30 metres from the sidewalk, travelled road, or designated emergency access route to the principal entrance, or 60 metres from the travelled roadway or designated emergency access route to the most remote room within the *dwelling unit*.
- b) Despite the definition of *unobstructed walkway*, a window well with a metal grate which adheres to the Ontario Building Code and is designed to be walked upon may form part of the *unobstructed walkway* provided the metal grate is flush with the surrounding part of the *unobstructed walkway*.

(By-law 2026-024, S.14 – March 2, 2026)

#### **4.13 PERMITTED PROJECTIONS ABOVE HEIGHT RESTRICTIONS**

The maximum *building height* and maximum number of *storeys* 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. (Amended: By-law 2024-204, S.11 – December 2, 2024)

#### **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 SGA zone or MIX zone. (Amended: By-law 2024-065, S.11 – March 18, 2024)

##### **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 0.5 metres from a *street line*, *side lot line*, or *rear lot line*. (Amended: By-law 2024-204, S.12 – December 2, 2024)

##### **4.14.4 Porches and Decks**

Porches and decks, whether or not covered, shall meet the regulations required for the *building* with which it is associated in the applicable *zone*.

Despite the foregoing, in a *residential zone* or SGA zone:

- a) When located in a *front yard* or *exterior side yard*, an unenclosed porch or deck associated with a pedestrian entrance to a building, whether or not covered, may project into a required *front yard* or *exterior side yard* provided that the porch or deck:

- i. Is located a minimum of 3 metres from a *street line* and the floor of the porch or deck does not exceed 1 metre in height above the ground. A cold room, mechanical room, or storage room without windows may be located beneath the porch or deck. (Amended: By-law 2026-024, S.15 – March 2, 2026)
- ii. Has a minimum depth of 1.5m; or in the case of an existing porch or deck with a depth of less than 1.5 metres, the minimum depth shall be the existing depth.
- iii. Despite Subsection i) and ii), a porch or deck attached to the *principal building* of a *lot* or *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.

(Amended: By-law 2025-125, S.5 – October 27, 2025)

b) When located within a *rear yard*:

- i. An unenclosed and uncovered porch or deck that does not exceed 0.6 metres in height above the ground, may be located in the required *rear yard*.
- ii. An unenclosed and uncovered porch or deck that exceeds 0.6 metres in height above the ground, may be located in a required *rear yard* provided that it is located a minimum of 4 metres from the *rear lot line*, and meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* type with which it is associated.
- iii. A roof *structure* projecting from a *building* over an unenclosed porch or deck, shall be considered part of the *building* to which it is attached. A roof *structure* attached to the *principal building*, may project into a required *rear yard* provided that:
  - a. It is located a minimum of 4 metres from the *rear lot line*,
  - b. Meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and
  - c. The roof structure over the porch or deck has a maximum *building height* of 5.5 metres. (Amended: By-law 2026-029, S.13 – March 2, 2026)

- c) When located within an *interior side yard*, an unenclosed and uncovered porch or deck that does not exceed 0.6 metres in height above the ground shall be located a minimum of 0.5 metres from the closest lot line. Despite this regulation an unenclosed and uncovered porch or deck that does not exceed 0.6 metres above ground level and which permit drainage beneath the structure, may be

setback 0 metres from the interior lot line. (Amended: By-law 2026-024, S.16 – March 2, 2026)

- d) Despite subsections a), b) and c) for a *semi-detached dwelling* or *street townhouse dwelling* a porch or deck which is attached to the *principal dwelling*, and any permitted covering or roof *structure*, may be setback 0 metres from an *interior lot line* on which there is a shared *common wall*.

#### **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.

#### **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 Patios**

- a) Any required private patio shall be a minimum of 11 square metres in size.
- b) An uncovered and unenclosed patio is permitted in any *yard*.
- c) A roof *structure* projecting from a *building* over an unenclosed patio, shall be considered part of the *building* to which it is attached.
- d) Despite Subsection c), in a *residential zone* or SGA zone a roof *structure* over an unenclosed patio, which is attached to the *principal building*, may be located within a required *rear yard* provided that it is *setback* a minimum of 4 metres from the *rear lot line*, meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and the roof structure over the patio has a maximum *building height* of 5.5 metres. (Amended: By-law 2026-029, S. 14 – March 10, 2026)

#### **4.14.8 Restaurant 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 be located in a *yard* provided that: (Amended: By-law 2024-204, S.13 – December 2, 2024)

- 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 SGA or MIX zone, a patio, deck, and outdoor recreation associated with a restaurant may be located within a *front yard* or *exterior side yard*. (Amended: By-law 2024-065, S.12 – March 18, 2024)

**4.14.8.2 Private Patios**

Deleted (By-law 2025-013, S.12 – January 20, 2025)

**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**

Steps and *access ramps* may be permitted in any required *yard*, provided the maximum area of steps and *access ramps* located in a *front yard* or *exterior side yard* shall not exceed 40 percent of the area of the *front yard* or *exterior side yard*.

Despite the foregoing, in a *residential zone* or SGA zone the following shall apply:

- a) Within a *front yard* or *exterior side yard* steps and *access ramps*, shall be located a minimum of 3.0 metres from a *street line* and 0.5 metres from an *interior side lot line* or *rear lot line*.
  - i) Despite subsection a) uncovered steps and *access ramps* that are located at ground level may be *setback* a minimum of 0 metres to the *street line*.
  - ii) Despite subsection a) uncovered steps and *access ramps* that do not exceed 0.6 metres below ground level or 0.6 metres above ground level may be *setback* a minimum of 1 metre from the *street line*.
  - iii) Despite subsection a) steps and *access ramps* leading only to a *ground floor* entrance may be *setback* a minimum of 0 metres to the *street line* in an SGA zone.

(Amended: By-law 2025-125, S.7 – October 27, 2025)

- b) Within an *interior side yard* steps and *access ramps* located above ground level or below ground level shall be located a minimum of 0.5 metres from the closest *lot line*.
  - i) Despite subsection b) steps and *access ramps* that exceed 0.6 metres above ground level shall be located a minimum of 0.75 metres from the closest *lot line*, and portions of steps and *access ramps* that provide access above the *ground floor storey* shall be located a minimum of 1.2 metres from the closest *lot line*.
  - ii) Despite subsection b), steps and *access ramps* located above ground level and that do not exceed 0.6 metres above ground level and permit drainage beneath the *structure* may be setback 0 metres from the *interior side lot line*.

(Amended: By-law 2026-024, S.19 – March 2, 2026)

- c) Within a *rear yard* steps and *access ramps* that exceed 0.6 metres above ground level shall be located a minimum of 0.75 metres from the closest *lot line*, and portions of steps and *access ramps* that provide access above the *ground floor storey* shall be located a minimum of 1.2 metres from the closest *lot line*.
- d) Despite Subsections a) and b) steps and *access ramps* located in a *front yard* or *interior side yard* leading to a principal entrance of a *semi-detached dwelling* or a *street townhouse dwelling* may be set back 0 metres from the *interior lot line* on which there is a shared *common wall*.
- e) A roof *structure* projecting from a *building* over steps or *access ramps* shall be considered a part of the building to which it is attached.
  - i) Despite Subsection e), a roof *structure* may project into a required *interior side yard* provided that it is located no closer to the *side lot line* than the steps or *access ramp*, and the roof *structure* has a maximum *height* of 5.5 metres to the peak and 3.0 metres to the underside of any fascia measured from the ground immediately surrounding the roof *structure*.
  - ii) Despite Subsection e), a roof *structure* may project into a required *rear yard* provided that it is setback a minimum of 4 metres from the *rear lot line*, is located no closer to the *side lot line* than the steps or *access ramp*, meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and the roof *structure* has a maximum *height* of 5.5 metres to the peak and 3.0 metres to the underside of any fascia measured from the ground immediately surrounding the roof structure for any portion which projects into the required *side yard* or *rear yard*.

(Amended: By-law 2025-013, S.13 – January 20, 2025)

#### 4.14.11 Window Wells

- a) Window wells may project into any required *yard*, provided that in a *residential zone* or SGA zone they are located a minimum of 0.5 metres to the closest *lot line*.

- b) Despite subsection a) a window well associated with a *semi-detached dwelling* or a *street townhouse dwelling* may be *setback* 0 metres from an *interior side lot line* on which there is a shared common wall.

(Amended: By-law 2026-029, S.15 – March 10, 2026)

#### **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* or SGA zone. (Amended: By-law 2025-125, S.9 – October 27, 2025)
- 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* or SGA zone where a visual barrier is provided along the abutting *lot line*; and,
  - ii) 7.5 metres from an abutting *residential zone* or SGA 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.

(Amended: By-law 2025-125, S.10 – October 27, 2025)

- 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:

- 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*.

Despite the foregoing, for any *public use* containing *dwelling units* that qualify as affordable housing as defined in the Provincial Planning Statement:

- a. A *dwelling* or *dwelling unit* shall be permitted by the applicable *zone*;
- b. Despite the regulations of the applicable *zone* *residential uses* may occupy 100% of *gross floor area*, 100% of the *street line ground floor*, and no minimum or maximum number of dwelling units shall apply; and,
- c. Minimum *parking space* requirements of Table 5-5 shall not apply.

(Amended: By-law 2025-013, S.15 – January 20, 2025)



- 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* or SGA zone.
- b) Despite Subsection a), a *shipping container* may be permitted on a *driveway* within a *residential zone* or SGA 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*.

(Amended: By-law 2025-125, S.11 – October 27, 2025)

- 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 SGA, MIX, and COM zones; and in all *residential zones*, and shall be subject only to the *setback* regulations of the applicable zone.

(Amended: By-law 2024-065, S.13 – March 18, 2024)

#### **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.

#### **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*. Where the *low-rise residential zone* within 15 metres permits a *building height* of 14 metres, the *building height* shall not exceed 15 metres within 15 metres of a *lot* with a *low-rise residential zone*.

#### **4.20 REDUCTION IN REGULATIONS RESULTING FROM PARKLAND**

1. If the dedication of land, to the City of Kitchener, for the purpose of parkland dedication results in non-compliance with regulations existing on the date of the transfer of ownership, for *lot area*, *floor space ratio*, *lot width* or *yards*, a *building* or *use* shall be deemed to comply with such regulations only in the circumstances where a *building* or *use* is proposed to be developed in strict accordance with an approved site plan, which required the conveyance of land for parkland dedication; provided that no greater benefit shall be obtained than that which could be obtained based on the zoning in effect on the date of such land dedication.
2. If the dedication of land to satisfy parkland dedication requirements results in non-compliance with regulations not listed in 5.34.1 and existing on the date of the land transfer, the non-compliance with those regulations shall be deemed to comply where the *building* or *use* legally existed on the date of the land transfer.

#### **4.21 REDUCTIONS IN REGULATIONS RESULTING FROM STREET WIDENING**

- a. If the acquisition of land, by registration on title on or after the date of the passing of this by-law, to widen a street or to provide a corner visibility triangle results in non-compliance with regulations existing on the date of acquisition and respecting *lot area, floor space ratio, lot width or yards, a building or use* shall be deemed to comply with such regulations only in the circumstances which follow:
  - i. Where the *building or use* existed at the date of the acquisition;
  - ii. Where a *building or use* is proposed to be developed by the same owner who conveyed the land for *street widening or corner visibility triangle*; or
  - iii. Where a *building or use* is proposed to be developed in strict accordance with an approved site plan applied for by a previous owner, which required the conveyance of land for *street widening or corner visibility triangle*; and,
  - iv. Subsections i) through iii) shall only apply provided that:
    - i. Where the *lot* is rezoned after the acquisition of land for *street widening or corner visibility triangle*, no greater benefit shall be obtained than that which could be obtained based on the zoning in effect on the date of such acquisition; and,
    - ii. The provisions of this section shall not apply in circumstances where the conveyance of land for *street widening or corner visibility triangle* is a requirement of a subdivision of land approval.
- b. If the acquisition of land to widen a street or to provide a *corner visibility triangle* results in non-compliance with regulations not listed in subsection a) and existing on the date of acquisition, the non-compliance with those regulations shall be deemed to comply where the *building or use* legally existed on the date of the acquisition.

#### **4.22 MINIMUM DISTANCE SEPARATION**

All *buildings, structures, and uses* must comply with the minimum distance separation formulae of the Province of Ontario Ministry of Agriculture, Food and Agribusiness.

(By-law 2026-024, S.20 – March 2, 2026)

#### **4.23 REDUCTION TO SETBACKS (Ontario Regulations 257/25)**

Despite any regulation in this Zoning By-law, where a minimum *setback* is required, and where:

- a) A *lot* is not affected by the Reduction to Prescribed Setbacks Overlay, applying to *lots* located wholly or in part within:

- i) 300 metres of a railway right-of-way, excluding a railway right-of-way or section thereof solely used for *light rail transit*,
  - ii) 120 metres of lands regulated by the Grand River Conservation Authority;
  - iii) 120 metres of a 'Natural Conservation Zone (NHC-1)' or an 'Existing Use Floodplain Zone (EUF-1)'.
- b) A *lot* or *use* is not subject to site plan control pursuant to Section 41 of the Planning Act, or
- c) The *lot* is a 'parcel of urban residential land' (as defined by the Planning Act),
- the minimum *setback* requirements for these *lots* shall be 90% of the applicable *setback* regulation.

(By-law 2026-024, S.21 – March 2, 2026)

#### **4.24 WATER SERVICING**

Despite any regulation in this Zoning By-law, no person shall, within any *zone*, use or permit the use of any *lot*; or erect, alter, expand, or use any *building* or *structure* for any permitted *uses*, unless:

- a) A municipal water connection could be made available, or can be provided, to service the *building* or *structure* or *use* to the satisfaction of the City's Director of Engineering Services; and,
- b) Sufficient water supply and pressure is available, or will be available in accordance with subsection c) of this regulation below, to service the *building* or *structure* or *use* to the satisfaction of the City's Director of Engineering Services; and,
- c) A Water Allocation Confirmation Letter or a Forward Looking Servicing Agreement has been issued by the *City*, in accordance with the City's *Water Allocation By-law and Policy*.

(By-law 2026-090, S.2 – June 29, 2026)