

Appendix F - Holding Provisions for Specific Land

PROVISION #	WORDING OF EXISTING PROVISION	WORDING OF NEW/MODIFIED PROVISION
PROPOSED NEW PROVISIONS		
2015	*1H	Notwithstanding Section 10.2 of this By-law, within the lands zoned EMP-1 shown as affected by this subsection on Schedule 123 of Appendix 'A', a Daycare Facility shall not be permitted until such time as: <ul style="list-style-type: none"> a) The Regional Municipality of Waterloo is in receipt of a Record of Site Condition prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for sensitive land uses; and b) The holding symbol affecting these lands has been removed by By-law
PROVISION PROPOSED TO BE MODIFIED		
2015	65H(M) <p>Notwithstanding Section 53.1 of this By-law, within the lands zoned MU-1 on Schedule 126 of Appendix 'A', the following uses and uses accessory thereto may be permitted in accordance with the regulations of Section 8.2 of this By-law until such time as the holding symbol affecting the lands has been removed by By-law:</p> <ul style="list-style-type: none"> • Canine or Feline Grooming • Day Care Facility • Educational Establishment • Financial Establishment • Health Clinic • Office • Personal Services • Religious Institution • Repair Service • Restaurant • Retail • Studio <p>The holding symbol shall not be removed until such time as the lands have been consolidated with lands fronting Lancaster Street West and a site plan including site access from Lancaster Street West and appropriate site buffering measures has been approved by the City's Director of Planning.</p>	Notwithstanding Section 8.2 of this By-law, within the lands zoned MIX-1 shown as affected by this subsection on Schedule 126 of Appendix 'A', the following uses and uses accessory thereto shall not be permitted: <ul style="list-style-type: none"> a) Canine and Feline Grooming b) Day Care Facility c) Commercial School d) Financial Establishment e) Health Clinic f) Light Repair Operation g) Office h) Personal Services i) Place of Worship j) Restaurant k) Retail l) Studio <p>The above uses and uses accessory thereto shall not be permitted until such time as:</p> <ul style="list-style-type: none"> i) The holding symbol shall not be removed until such time as the lands have been consolidated with lands fronting Lancaster Street West and a site plan including site access from Lancaster Street West and appropriate site buffering measures has been approved by the City's Director of Planning, and; ii) The holding symbol affecting these lands has been removed by By-law
D-2017	69H(M) <p>Within the lands zoned M-3 shown as affected by this subsection on Schedule No. 139 of Appendix 'A', a Religious Institution may be permitted in accordance with the regulations in Section 21.3.1 of this By-law until such time as the holding symbol affecting the lands has been removed by By-law. The holding symbol shall not be removed until such time as:</p> <ul style="list-style-type: none"> i) The Regional Municipality of Waterloo is in receipt of a Record of Site Condition and a letter of acknowledgement from the Ministry of the Environment or its delegate advising that a Record of Site Condition has been completed in accordance with the Environmental Protection Act, as amended; and ii) The holding symbol affecting these lands has been removed by by-law 	Despite Section 9 (COM Zones), within the lands zoned COM-2 and shown as affected by this subsection on Schedule 139 of Appendix 'A', a religious institution shall not be permitted until such time as: <ul style="list-style-type: none"> a) The Regional Municipality of Waterloo is in receipt of a Record of Site Condition prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for sensitive land uses; and b) The holding symbol affecting these lands has been removed by By-law
PROVISION PROPOSED TO BE RETAINED		
D-2017	11H <p>Notwithstanding Sections 24.1 and 13A.1 of this By-law, within the lands zoned B-2 and C-8 on Schedules 295 and 296 of Appendix "A", described as Part of Lot 22, 23 and 24, Beasley's Broken</p>	Despite Section 9 (COM Zones), within the lands zoned COM-4 and shown as affected by this subsection on Schedules 295 and 296 of Appendix 'A', only agriculture excluding the use or erection of

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Component E (May 2017) first draft

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PROVISION #	WORDING OF EXISTING PROVISION	WORDING OF NEW/MODIFIED PROVISION
	Front Concession, only agriculture excluding the use or erection of any building shall be permitted until such time as the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning and Culture advising of Regional Council's decision on the future need for these lands in relation to road projects identified in the Cambridge Area Transportation Study and the holding symbol affecting these lands has been removed by By-law.	any building shall be permitted until such time as: a) the City is in receipt of a letter from the Regional Municipality of Waterloo advising of decision on the future need for these lands in relation to road projects identified in the Cambridge Area Transportation Study and b) The holding symbol affecting these lands has been removed by By-law
D-2017	55H Notwithstanding Section 13A of this By-law, within the lands zoned C-8 on Schedules 4, 5, 12 and 13 of Appendix 'A' and legally described as Part of Lot 39, German Company Tract, an outdoor patio associated with a restaurant and at which service is provided shall not be permitted within 500 metres of the limits of the Regional Landfill site located to the west until such time as: a) A Land Use Compatibility Study which includes an Odour Impact Study, prepared to the satisfaction of Region's Commissioner of Planning, Housing and Community Services and has been approved by the Region's Commissioner of Planning, Housing and Community Services. b) The holding symbol affecting these lands, or portion thereof, has been removed by By-law.	Despite Section 9 (COM Zones), within the lands zoned COM-4 and shown as affected by this subsection on Schedules 4, 5, 12 and 13 of Appendix 'A', an outdoor patio associated with a restaurant and at which service is provided shall not be permitted within 500 metres of the limits of the Regional Landfill site located to the west until such time as: a) A Land Use Compatibility Study which includes an Odour Impact Study, prepared to the satisfaction of Region's Commissioner of Planning, Housing and Community Services and has been approved by the Region's Commissioner of Planning, Housing and Community Services. b) The holding symbol affecting these lands, or portion thereof, has been removed by By-law.
B-2016	68H Within the lands zoned D-6 and shown as affected by this subsection on Schedule 84 of Appendix 'A', the following uses and uses accessory thereto may be permitted in accordance with the regulations of sections 6 and 17 of this By-law until such time as the holding symbol affecting the lands has been removed by By-law: - commercial parking facility not requiring building permit(s) - transportation depot not requiring building permit(s); - wayside pit; - construction trailer; - sales office and/or office of up to 500 square metres of gross floor area on each property (unless located within a building existing on the date of passing of this By-law and in accordance with the regulations of section 6, in which case no maximum gross floor area shall apply). The holding symbol shall not be removed until such time as: i) The City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition and a letter of acknowledgement from the Ministry of the Environment or its delegate advising that a Record of Site Condition has been completed in accordance with the Environmental Protection Act, as amended; ii) A detailed Servicing Capacity Study for all phases of development has been completed to the satisfaction of the City's Director of Engineering and Director of Utilities; and iii) The holding symbol affecting these lands has been removed by by-law. (By-law 2013-030, S.8) (Regional Municipality of Waterloo)	Within the lands zoned UGC-3 and shown as affected by this subsection on Schedule 84 of Appendix 'A', the following uses and uses accessory thereto may be permitted in accordance with the regulations of Section 5 (Parking) and Section 6 (UGC Zones) of this By-law until such time as the holding symbol affecting the lands has been removed by By-law: - commercial parking facility not requiring building permit(s) - transportation depot not requiring building permit(s); - wayside pit; - construction trailer; - sales office and/or office of up to 500 square metres of gross floor area on each property (unless located within a building existing on the date of passing of this By-law and in accordance with the regulations of section 6, in which case no maximum gross floor area shall apply). The holding symbol shall not be removed until such time as: i) The City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition and a letter of acknowledgement from the Ministry of the Environment or its delegate advising that a Record of Site Condition has been completed in accordance with the Environmental Protection Act, as amended; ii) A detailed Servicing Capacity Study for all phases of development has been completed to the satisfaction of the City's Director of Engineering and Director of Utilities; and iii) The holding symbol affecting these lands has been removed by by-law.
A-2015	71H Notwithstanding Sections 32.1 and Special Use Provision 436U of this By-law, within the lands zoned C-2 and shown as affected by this subsection on Schedule Numbers 89, 90, 115 and 116 of Appendix "A": a) No residential uses, religious institution, day care facility or educational establishment shall be permitted until such time as The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a detailed stationary and traffic noise assessment, based on the proposed site plan, to address compatibility; and this holding provision has been removed by By-law; and b) No uses shall be permitted until such time as the City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for residential and	Notwithstanding Section 8.2 and Special Use Provision 436U(M) of this By-law, within the lands zoned MIX-1 shown as affected by this subsection on Schedules 89, 90, 115 and 116 of Appendix 'A', residential uses, place of worship and day care facility shall not be permitted until such time as: a) the City is in receipt of a letter from the Regional Municipality of Waterloo advising that the Region's requirements have been satisfied with respect to the submission of a detailed stationary and traffic noise assessment, based on the proposed site plan, to address compatibility, and; b) The holding symbol affecting these lands has been removed by By-law. Additionally, notwithstanding Section 8.2 and Special Use Provision 436U(M) of this By-law, within the lands zoned MIX-1 shown as affected by this subsection on Schedules 89, 90, 115, 116 of Appendix 'A' no uses shall be permitted until such time as: c) The Regional Municipality of Waterloo is in receipt of a Record of Site Condition, prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and

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Component E (May 2017) first draft
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	other sensitive land uses; and this holding provision has been removed by By-law.	acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for residential and other sensitive land uses, and; d) The holding symbol affecting these lands has been removed by By-law.
PROVISIONS PROPOSED TO BE REMOVED (from parcels within CRoZBy – Component A, B, C and D as shown on Appendix A)		
C-2016	<p>3H</p> <p>Notwithstanding Section 32.1 of this By-law, within the lands zoned I-2 and described in the subsections listed below, a health office, health clinic, multiple dwelling, residential care facility of more than 8 residents, social service establishment, street townhouse dwelling and veterinary services shall not be permitted until such time as the City Clerk is in receipt of a letter from the Ministry of Education giving final approval to the school closing and a site plan for the development of such lands for any such use has been approved by City Council, and the holding symbol affecting these lands has been removed by By-law:</p> <ul style="list-style-type: none"> a) Lots 39, 40 and 82 to 85 inclusive and Part Lots 41 and 86 and Part of Closed Lane, all according to Registered Plan 377, as shown on Schedule 74 of Appendix "A". (709 King St. W.) b) Part Lot 5, Registered Plan 364, as shown on Schedule 121 of Appendix "A". (171 Frederick St.) c) Part Lots 1 and 2, Registered Plan 395, Lot 22 and Part Lot 21, Registered Plan 404, as shown on Schedule 119 of Appendix "A". (160 Courtland Ave. E.) d) Lots 4 to 9 inclusive and Part Lots 10 and 11, Registered Plan 419 and Lot 277, German Company Tract, as shown on Schedules 86 and 119 of Appendix "A". (107 Courtland Ave. E.) e) Part Lot 59, German Company Tract, as shown on Schedules 126 and 127 of Appendix "A". (59 Bridge St. W.) f) Part Block G, Registered Plan 1240, as shown on Schedules 67 and 68 of Appendix "A". (777 Westmount Rd. E.) g) Part Lot 285, Registered Plan 378, Lots 16 to 22 inclusive, Lot A and Part Lot 23, all according to Registered Plan 34, as shown on Schedules 83 and 122 of Appendix "A". (325 Louisa St./128 Margaret Ave.) h) Block B and Part Block C, Registered Plan 1182, as shown on Schedules 43, 44, 70 and 71 of Appendix "A". (21 Westmount Rd. W.) i) Block D, Registered Plan 1170 and Part Block A, Registered Plan 1152, as shown on Schedule 192 of Appendix "A". (39 Midland Dr.) j) Lots 15 to 64 inclusive and Lot 113, Registered Plan 307, as shown on Schedule 194 of Appendix "A". (1042 Weber St. E.) 	
B-2016	<p>8H</p> <p>Notwithstanding Section 16.1 of this by-law, within the lands zoned D-4 shown on Schedule 84 of Appendix "A" and described as Part of Lots 6 and 7 south of Weber Street and west of Young Street, Part of Lots 5 and 6 north of Duke Street and west of Young Street, and Lot 6 and Part of Lots 5 and 7 north of Duke Street, Registered Plan 401, only an educational establishment shall be permitted until such time as a heritage easement is registered to ensure conservation of the significant heritage features of the St. Jerome's school buildings and the land upon which said buildings are situate is designated under the Ontario Heritage Act, and the holding symbol affecting these lands has been removed by by-law. (By-law 92-232, S.10)</p>	
B-2016	<p>9H</p> <p>Notwithstanding subsection 138 to Appendix 'C' of this By-law, within the lands zoned D-6 " , shown as affected by this subsection on Schedule 84 of Appendix 'A', multiple dwellings shall not be permitted until such time as:</p> <ul style="list-style-type: none"> i) The City is in receipt of a letter from the Ministry of the Environment advising that the Ministry is satisfied with allowing residential use, having considered the potential adverse environmental 	Replaced with new *9U

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Previously tabled. No additional changes proposed at this time.

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	<p>conditions or constraints caused by adjacent industrial uses, transportation corridors and site decommissioning requirements.</p> <p>ii) The industrial processes permitted by subsection 138.(a)(i) of Appendix "C" cease to exist and have been deleted by final approval of an amendment to this by-law.</p> <p>iii) The holding symbol affecting these lands has been removed by by-law. (By-law 92-232, S.10) (Amended: By-law 2005-150, S.3) (King Street West) (Amended: By-law 2012-034, S.92)</p>	
B-2016	<p>10H Notwithstanding subsection 116. to Appendix "C" of this by-law, within the lands zoned D-6, described in the clauses listed below:</p> <p>a) Lot 71, Registered Plan 374 as shown on Schedule 84 to Appendix "A";</p> <p>b) Part of Lots 65 and 66, Registered Plan 376 as shown on Schedule 84 to Appendix "A";</p> <p>c) Lots 63 and 64, Registered Plan 374 as shown on Schedule 84 to Appendix "A";</p> <p>d) Lots 110 to 116 inclusive, 131 to 138 inclusive, and Part of Charles Street, Registered Plan 375, more particularly described as Part 1, Plan 58R-6449 as shown on Schedule 84 to Appendix "A";</p> <p>e) Part Lot 69 and Lot 70, Plan 374 as shown on Schedule 84 of Appendix "A" (87 and 91 Victoria Street North).</p> <p>Multiple dwellings shall not be permitted until such time as the City is presented with documentation from the Ministry of the Environment advising that the Ministry is satisfied with respect to the potential adverse environmental conditions or constraints caused by adjacent industrial uses, transportation corridors and site decommissioning requirements; and the holding symbol affecting the particular lands affected has been removed by By-law. (By-law 92-232, S.10) (Amended: By-law 2010-114, S.5) (Housekeeping Amendment)</p>	Replaced with new *9U
A-2015	<p>27H Notwithstanding Sections 28.1 and 29.1 of this By-law, within any lands zoned P-2 or P-3 on Schedules 165, 175, 176, 177, 189, 190, 191, 192, 194, 202, 203, 212, 221, 222, 223, 233, 234, 235, 236, 237, 241, 242, 245, 246, 254, 255, 260, 266, 267, 268, 283 and 284 of Appendix "A" as affected by this subsection, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo advising that the Region's requirements have been satisfied regarding the submission of an Environmental Impact Statement pertaining to development within, or adjacent to, an Environmentally Sensitive Policy Area:</p> <p>Campground Cemetery, Crematorium or Mausoleum Active Recreation Flood Protection Works</p>	
B-2016	<p>42H Notwithstanding Section 17.1 of this By-law, within the lands zoned D-6 on Schedules 74 and 84 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario:</p> <p>Conference or Convention Facility Exhibition Facility Laboratory Manufacturing Museum Sale and Storage of Heating Fuel Sale of Monuments</p>	Replaced with new *9U

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	Social Service Establishment (By-law 2001-64, S.8) (Downtown boundary expansion)	
B-2016 43H	Notwithstanding Section 17.1 of this By-law, within the lands zoned D-6 on Schedules 73, 74 and 84 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario: Conference or Convention Facility Convenience Retail Exhibition Facility Funeral Home Museum Personal Services Restaurant Sale or Rental of Furniture and Electric or Electronic Appliances or Electric or Electronic Equipment Social Service Establishment Studio (By-law 2001-64, S.8) (Downtown boundary expansion)	Replaced with new *9U
B-2016 50H	Notwithstanding Section 17.1 of this By-law, within lands zoned D-6 on Schedules 73, 74, 84 and 85 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgement from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario: Conference or Convention Facility Exhibition Facility Museum Monuments Social Service Establishment (By-law 2001-64, S.8) (Downtown Boundary Expansion) Amended: (By-law 2005-106, S.38) (Housekeeping Amendment)	Replaced with new *9U

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