

## **SECTION 20 – Holding Provisions**

### **20.1 HOLDING PROVISIONS**

No person shall *use* or permit the land to be *used* to which the hold applies for the *uses* specified in the appropriate clause in the holding provision, erect a *new building* or *structure*, or expand or replace an *existing building* or *structure* until the holding provision is removed in accordance with Section 36 of the Planning Act.

**(21H)** – Within the lands zoned RES-1 and RES-2 and shown as affected by this provision on Zoning Grid Schedules 127, 128, 134, and 135 of Appendix A, no development on the lands shall occur until such time as the *City's* Director of Planning is in receipt of a letter from the *City's* Director of Engineering and/or the Director of Transportation advising that an adequate public street is 'available' to provide frontage and safe access for the lot(s) or that "acceptable arrangements" have been made therefor, and this holding provision has been removed by by-law.

**(22H)** – Within the lands zoned RES-1 as shown on Zoning Grid Schedules 216 of Appendix A and shown as affected by this provision, no *new buildings* or *structures* are permitted on the lands until such time as:

- a) the *City's* Director of Planning is in receipt of a clearance letter from the *City's* Director of Engineering advising that adequate *City* services are "available" or that "acceptable arrangements" have been made therefor;
- b) an Environmental Impact Study has been approved by the *City's* Director of Planning; and,
- c) this holding provision has been removed by by-law.

**(23H)** – Within the lands zoned RES-1 and shown as affected by this provision on Zoning Grid Schedule 254 of Appendix A, no development shall occur on the lands until the City's Director of Planning is in receipt of a letter from the *Region* advising that the *Region's* requirements have been satisfied regarding the submission of an Environmental Impact Assessment pertaining to development within or adjacent to an Environmentally Sensitive Policy Area, and this holding provision has been removed by by-law.

**(25H)** – Within the lands shown as affected by this provision on a Zoning Grid Schedule of Appendix A the following *uses* shall not be permitted unless existing at the date of passing of this By-law until the *Region* has received acknowledgement from the Ministry of the Environment, Conservation, and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:

- a) *any residential use;*
- b) *day care facility; and,*
- c) *hospice, lodging house, small residential care facility, and large residential care facility.*

**(26H)** – Within the lands zoned RES-7 and shown as affected by this provision on Zoning Grid Schedules 240 and 266 of Appendix A, no development on the lands shall occur until such time as the City's Director of Planning is in receipt of a letter from the City's Director of Engineering advising that adequate Regional services and/or roadworks are "available" or that "acceptable arrangements" have been made therefor, and this holding provision has been removed by by-law.

**(27H)** – Within the lands zoned RES-7 and shown as affected by this provision on Zoning Grid Schedule 11 of Appendix A, no development on the lands shall occur until such time as the City's Director of Planning is in receipt of a clearance letter is required from the City of Kitchener's Director of Engineering advising the City's Director of Planning that adequate City services and/or roadworks are "available" or that "acceptable arrangements" have been made therefor, and this holding provision has been removed by by-law.

**(28H)** – Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 250 of Appendix A, no development shall be permitted until such time as the *City* is in receipt of a letter from the *Region*, advising that the *Region's* requirements have been satisfied with respect to the submission and clearance of an Archeological Assessment, and this Holding Provision has been removed by By-law.



**(29H)** – Within the lands zoned RES-5, OSR-2 and NHC-1 and shown as affected by this subsection on Zoning Grid Schedules 153, 154, 163 and 164 of Appendix A, no *residential uses* or private *day care facility* shall be permitted until such time as *the City* is in receipt of a letter from the *Region*, advising that the *Region's* requirements have been satisfied with respect to the submission of a detailed noise impact assessment for traffic noise, based on the proposed site plan, to address compatibility; and this holding provision has been removed by By-law.

**(30H)** – Within the lands zoned RES-5 and OSR-2 and shown as affected by this provision on Zoning Grid Schedules 8, 23 and 24 of Appendix A, the holding provision will not be removed unless development within the identified area complies with the Minimum Distance Separation Formulae for any *equestrian establishment* located west of Trussler Road in Wilmot Township.

**(31H)** – Within the lands zoned RES-2 as shown on Zoning Grid Schedules 153 and 154 of Appendix A and shown as affected by this provision, no development on the lands shall occur until such time as the City's Director of Planning is in receipt of a clearance letter is required from the City of Kitchener's Director of Engineering advising the City's Director of Planning that adequate City services and/or roadworks are "available" or that "acceptable arrangements" have been made therefor, and this holding provision has been removed by by-law.

**(32H)** – Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 250 of Appendix A, no building permits shall be issued until such time as:

- a) the *City's* Director of Planning is in receipt of a letter from the *City's* Director of Engineering that adequate water services are "available" to the lands or that "acceptable arrangements" have been made therefor; and,
- b) this holding provision has been removed by by-law.

(33H) – Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedule 82 of Appendix A, *day care facility* and any form of *residential use* shall not be permitted until such time as:

- a) the *City* and the *Region* are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for Use at Contaminated Sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for *day care facility* or residential purposes;
- b) the *City* is in receipt of a letter from the *Region*, advising that the Region's requirements have been satisfied with allowing *residential use*, having considered the potential adverse environmental condition or constraints caused by nearby industrial uses; and,
- c) the holding symbol affecting these lands has been removed by By-law.

**(34H)** – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 86 and 124 of Appendix A, *day care facility*, and any *new dwelling units* shall not be permitted until such time as:

- a) the *City* and the *Region* are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for Use at Contaminated Sites in Ontario and acknowledged by the Ministry of the Environment, for this property or the adjacent former industrial property, confirming that the subject property is suitable for *day care facility* or *residential use*; and,
- b) the holding symbol affecting these lands has been removed by By-law.