



Kingston Zoning By-law Number 2022-62



Part 4 of 5: Section 22

Section 22: Holding Conditions

22.1. Provisions of Holding Overlays

22.1.1. In accordance with Clauses 5.6.1. to 5.6.4., the following provisions apply to all lands that are subject to a Holding Overlay with the corresponding Holding Number on Schedule F:

- H1.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** A drainage plan satisfactory to the **City** and the Cataraqui Region Conservation Authority have been completed and approved; and **(b)** a Site Plan Agreement has been registered on title.
- H2.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H3.** Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.10.3.5. do not require the removal of the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**; and
 - (b)** A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the **City**.

- H4.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H5.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** Submission of confirmation from a qualified professional that the **development** site (condominium unit) complies with the following:
 - (i)** That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
 - (ii)** That the water well complies with the current standards for potable water; and
 - (iii)** That the sanitary septic system complies with current standards.
- H6.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H7.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H8. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) All applicable municipal *Planning Act* requirements and financial arrangements have been completed to the satisfaction of the Municipality;
- (b) The required services are available or can be made available;
- (c) Any identified constraints can be addressed to the satisfaction of the Municipality; and
- (d) A Section 37 Agreement has been executed and registered on the title of the lands to secure community benefits in the amount of \$188,244.65 for 347, 349, and 351 Alfred Street and 507, 521, 523, 525, 527, and 531 Princess Street, which will be allocated to the acquisition of Princess Street fronting public parkland in Williamsville.

(By-Law Number 2022-62; 2022-89)

H9. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H10.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands;
 - (b)** A Hydrogeological Report outlining the methods of servicing the site with sufficient private water capacity and sewage disposal systems has been approved by the applicable approval authority; and
 - (c)** The **City** has received a copy from the Ministry of Environment, Conservation, and Parks, or its successor, of all required Ministry approvals for the permitted **uses**, as determined by the Ministry.
- H11.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H12.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H13.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H14. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H15. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H16. The Holding Overlay only applies to a **day care centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a Phase I Environmental Site Assessment and any subsequent assessment as necessary, including a Record of Site Condition, prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

H17. Part 1: The Holding Overlay Part 1 only applies to a **day care centre** and a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay Part 1, the following conditions must be satisfied:

- (a) A satisfactory noise impact study prepared by a qualified person (as defined by the **City**) and which adheres to all applicable municipal and provincial requirements has been submitted and completed to the satisfaction of the **City**; and
- (b) a Record of Site Condition (RSC) signed by the qualified person who prepared it, along with a copy of all supporting studies, and which meets the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**, as applicable.

Part 2: The Holding Overlay Part 2 applies to all **development** and site alteration on the eastern undisturbed portion of the site. Prior to the removal of the Holding Overlay Part 2, the following conditions must be satisfied:

- (c) An archaeological assessment has been submitted and approved by the **City** and the Ministry of Heritage, Sport, Tourism and Culture Industries.

H18. The Holding Overlay applies to all **development** except for a **single detached house, semi-detached house, duplex, triplex, townhouse, apartment building or group home**. Prior to the removal of the Holding Overlay for all other **development**, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H19. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H20. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H21. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and
- (b) an executed Site Plan Control Agreement.

- H22.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H23.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** A traffic signalization analysis, satisfactory to the **City** and/or the Ministry of Transportation, has been provided;
 - (b)** Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority;
 - (c)** All other applicable municipal requirements have been complied with; and
 - (d)** A Site Plan Agreement (or Agreements) has been executed by the **City**.
- H24.** Reserved
- (By-Law Number 2022-62; 2023-151)
- H25.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H26.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) Written clearance provided by the Ministry of Heritage, Sport, Tourism and Culture Industries.
- H27.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) Written clearance provided by the Ministry of Heritage, Sport, Tourism and Culture Industries.
- H28.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H29.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) Submission of a Record of Site Condition to the satisfaction of the **City** is required for any conversion of a commercial school to a residential or day nursery **use**;
 - (b) All applicable Municipal and Agency requirements have been complied with; and
 - (c) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title.
- H30.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) Confirmation of sufficient servicing capacity for the **development** to the satisfaction of the **City** and Utilities Kingston;

- (b) Submission of a Record of Site Condition for the entirety of the subject lands to the satisfaction of the **City** and any applicable Agency and/or Provincial Ministry;
- (c) Confirmation from the Ministry of Natural Resources that the existing adjacent quarry has surrendered its license or confirmation that the appropriate assessment has been completed to demonstrate that impact from adjacent re-development work involving rock drilling, blasting, excavation or crushing on the lands to the south has been completed to a stage that potential impact on **residential uses** on the **lots** is mitigated; and
- (d) That all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner.

H31. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H32. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H33.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H34.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate; and
 - (c)** Despite 5.6.2. to the contrary, the Holding Overlay does not prevent the issuance of a demolition permit and building permit provided said permit does not require additional excavation and / or upgrading of services outside of the building envelope. If additional excavation and/or upgrading of services is required, then an Archaeological Assessment, Stage 2 must be completed for the areas to be disturbed to the satisfaction of the **City** and the Ministry of Heritage, Sport, Tourism and Culture Industries and the Holding Overlay must be removed.
- H35.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H36. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) An archaeological assessment has been submitted and accepted by the **City**;
- (b) All additional necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (c) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H37. Prior to the removal of the Holding Overlay and the issuance of a building permit for a **day care centre**, **place of worship**, and/or a **hotel**, the following conditions must be satisfied:

- (a) A noise impact study which assesses the potential impact on future employment **uses** on surrounding properties, prepared by a qualified person has been completed to the satisfaction of the **City**; and
- (b) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H38. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H39. The Holding Overlay only applies to **uses** that are permitted in the Neighbourhood Commercial Zone (CN), separately or in combination. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The Holding Overlay may be removed for any one of the above listed **uses** or any combination of the above **uses** at such time as a Parking Study, prepared by a qualified person as defined by the **City**, is completed to the satisfaction of the **City**, justifying a reduction in the Minimum Parking Space requirement to 3 parking spaces for which the application for the holding provision is applied for. The "H" Holding Zone provision will only be removed for the specified uses for which the parking study is applicable. All other listed **uses** will remain subject to the holding provision. Separate parking studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed **uses**.

H40. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H41. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) All applicable municipal *Planning Act* requirements and financial arrangements have been completed to the satisfaction of the Municipality;
- (b) The required services are available or can be made available;

- (c) Any identified constraints can be addressed to the satisfaction of the Municipality; and
- (d) A Section 37 Agreement has been executed and registered on the title of the lands to secure community benefits in the amount of \$116,508.57 for 555, 557 and 559 Princess Street, which will be allocated to the acquisition of Princess Street fronting public parkland in Williamsville.

(By-Law Number 2022-62; 2022-89)

- H42.** Prior to the removal of the Holding Overlay and the issuance of a building permit for a **day care centre**, **place of worship**, and/or a **hotel**, the following conditions must be satisfied:
- (a) A noise impact study which assesses the potential impact on future employment **uses** on surrounding properties, prepared by a qualified person has been completed to the satisfaction of the **City**; and
 - (b) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.
- H43.** The Holding Overlay applies to all **development** and no site alterations such as vegetation or tree removal or grading are permitted to take place until the Holding Overlay has been removed. Any alterations must be restored to their pre-existing state before any required studies are conducted. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) A hydrogeological study that satisfactorily demonstrates that an adequate supply of potable water is available for the existing and proposed development;
 - (b) An environmental impact assessment that is prepared in accordance with the Official Plan and is satisfactory to the **City** and the Cataraqui Region Conservation Authority is submitted to the **City**;
 - (c) An archaeological study acceptable to the Ministry of Heritage, Sport, Tourism and Culture Industries is provided; and
 - (d) The owner has entered in to a Site Plan Control Agreement that satisfactorily implements these studies.
- H44.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H45. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H46. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H47. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not

limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H48. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) All necessary studies as defined by the **City** staff are completed to the satisfaction of **City** staff. Required studies include but are not limited to: a Heritage Impact Statement, a Noise Impact Study, a View Plane Analysis, and an Archaeological Assessment.

H49. Part 1: The Director under the Mining Act (Ontario) must accept the closure plan prior to the removal of the Holding Overlay to permit the following **uses**:

- (a) Mine for the extraction of minerals and ancillary materials;
- (b) **Outdoor storage** associated with any of the **uses** permitted herein;
- (c) Crushing, screening and processing of minerals and ancillary materials, including **use** of a mineral and ancillary materials processing plant; and
- (d) **Accessory uses** and **accessory buildings** ancillary to any of the **permitted uses** set out herein.

Part 2: Once complete extraction of the mineral resource has occurred and full rehabilitation of the lands has been completed in accordance with the approved closure plan and the requirements of the Mining Act (Ontario), the Holding Overlay may be removed to permit **agricultural uses** and **agriculture-related uses**, subject to the following provisions:

- (e) Minimum **lot area**: 2 hectares;
- (f) Minimum **lot frontage**: 0 metres;
- (g) Minimum **front setback**: 10.5 metres;
- (h) Minimum **rear setback**: 10.5 metres;
- (i) Minimum **interior setback** and **exterior setback**: 12 metres; and
- (j) Minimum **lot coverage**: 10%.

- H50.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H51.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H52.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H53.** The Holding Overlay applies to all **development** and the addition of fill, clearing of vegetation (with the exception of conducting a stage 4

archaeological study) and excavation (with the exception of conducting a stage 4 archaeological study). Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A Stage 4 archaeological Study has been completed to the satisfaction of the **City**, the Ministry of Heritage, Sport, Tourism and Culture Industries and/or applicable approval authority.

H54. The Holding Overlay only applies to a **day care centre** and a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) a noise impact study is completed by a qualified person, as defined by the **City**, in accordance with all applicable municipal and provincial requirements and to the satisfaction of the **City**.

H55. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H56. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H57. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H58. The Holding Overlay applies to all **development** beyond 178 dwelling units. 178 **dwelling units** are permitted while the Holding Overlay applies to the subject lands. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Submission of a Traffic Impact Study to the satisfaction of the **City** and any applicable Agency and/or Provincial Ministry;
- (b) All additional necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (c) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H59. The Holding Overlay applies to all **development** and no site alterations such as vegetation or tree removal or grading are permitted to take place until the Holding Overlay has been removed. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) A stage 1 & 2 archaeological assessment completed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries;
- (b) A hydrogeology study verifying adequate water quantity and quality will be completed to the satisfaction of the municipality and any other regulatory body;
- (c) A Heritage Impact Statement will be completed to the satisfaction of the municipality and any other regulatory body; and
- (d) An Environmental Impact Study will be completed to the satisfaction of the municipality and any other regulatory body.

- H60.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H61.** The Holding Overlay only applies to a **day care centre** and a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** a noise impact study is completed by a qualified person, as defined by the **City**, in accordance with all applicable municipal and provincial requirements and to the satisfaction of the **City**.
- H62.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H63.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H64. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H65. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H66. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H66.A Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints;
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate;
- (c) The watermain loop connecting Old Mill Road to Sydenham Road is constructed and commissioned;
- (d) Downstream wastewater capacity has been confirmed to the satisfaction of the **City** and any necessary upgrades have been completed;
- (e) Confirmation of sufficient servicing capacity for the development;
- (f) A road linking Old Mill Road with Sydenham Road, by way of a further northward extension of Old Mill Road and an eastward extension of Cataraqui Woods Drive has been provided to the satisfaction of the **City**; and
- (g) All necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner.

(By-Law 2022-62; 2025-88)

H67. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All site servicing issues have been addressed to the satisfaction of the **City**; and
- (b) A Record of Site Condition has been registered in accordance with Provincial regulations.

H68. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H69.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H70.** The Holding Overlay applies to all **development** and site alterations. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) Submission of a Tree Inventory Study, Tree Preservation Report, Environmental Site Evaluation or Environmental Impact Study, Archeological Assessment and, Record of Site Condition to the satisfaction of the **City** and any applicable Agency and/or Provincial Ministry; and
- (b) All applicable Municipal and Agency requirements have been complied with.
- H71.** The Holding Overlay applies to all **development** and site alterations. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) Submission of a Tree Inventory Study, Tree Preservation Report, Environmental Site Evaluation or Environmental Impact Study, Archeological Assessment and, Record of Site Condition to the satisfaction of the **City** and any applicable Agency and/or Provincial Ministry; and
- (b) All applicable Municipal and Agency requirements have been complied with.
- H72.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H73. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H74. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H75. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H76. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H77. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H78. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H79. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H80. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H81. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A Record of Site Condition has been approved by the Ministry of Environment and a copy received by the **City**; and
- (b) That, if necessary, any remediation required to make the subject property safe for human habitation has been completed to the satisfaction of the Ministry of Environment and the **City**.

H82. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H83. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H84. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H85. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H86. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not

limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate; and
- (c) An Environmental Compliance Approval (ECA) and all supporting studies and the approved MNRF amended site plan for the proposed asphalt and /or concrete batching plant must be submitted and reviewed to the satisfaction of the **City** and the Cataraqui Region Conservation Authority (CRCA).

H87. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H88. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H89. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed development.

H90. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H91. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H92. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H93. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H94. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H95. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H96. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H97. The Holding Overlay applies to all **development** and no site alterations such as vegetation or tree removal or grading are permitted to take place until the Holding Overlay has been removed. Any alterations must be restored to their pre-existing state before any required studies are conducted. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) A hydro-geological study that satisfactorily demonstrates that an adequate supply of potable water is available for the proposed **development**; and
- (b) A noise and vibration impact study that satisfactorily demonstrates compliance with the guidelines for sensitive uses near a quarry.

H98. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H99. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H100. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H101. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H102. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H103. Reserved

H104. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H105. Reserved

(By-Law 2022-62; 2022-160; 2023-98)

H106. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not

limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H107. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H108. The Holding Overlay only applies to Type B land uses. All other permitted Type A land uses are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied to the satisfaction of the **City**:

- (a) A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
- (b) A minimum distance separation study demonstrates, to the **City's** satisfaction, that any buildings proposed comply with the MDS formulae;
- (c) A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit; and
- (d) The **City** has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands.

H109. The Holding Overlay only applies to the following public **uses**: public **parks**, playgrounds, playlots, buildings required by any public authority or Bell

Canada (other than a business office of Bell Canada) for the provision of electrical, gas, water, sanitary, transportation, telephone and like services and utilities to the general public; fire halls, police stations, municipal administration offices, municipally operated **day care centers**, municipal parking lots/structures. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition, is prepared by a qualified person and is completed to the satisfaction of the **City**.

H110. The Holding Overlay only applies to the following **uses**: **day care centre**, public **parks**, playgrounds, playlots, buildings required by any public authority or Bell Canada (other than a business office of Bell Canada) for the provisions of electrical, gas, water, sanitary, transportation, telephone and like services and utilities to the general public, fire halls, police stations, municipal administration offices, municipally operated day care centers, municipal parking lots/structures, education centre, education facility. Prior to the removal of the Holding Overlay for any one of the above listed **uses** or any combination thereof, the following conditions must be satisfied:

- (a) A Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is prepared by a qualified person as defined by the **City** and is completed to the satisfaction of the **City** and adherence to all municipal and provincial requirements; and
- (b) The Holding Overlay will only be removed for the specified **uses** for which the Phase I Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is applicable. All other listed **uses** will remain subject to the holding provision. Separate assessments and a record of Site Condition and associated clearances must be submitted for all subsequent requests to remove the holding provision to permit additional listed **uses**.

H111. The Holding Overlay only applies to the **development** of a second **principal use** on the **lot**. The **lot** is permitted to be used for one **principal use**, which is not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H112. Part 1: The Holding Overlay Part 1 only applies to a **restaurant**. Prior to the removal of the Holding Overlay Part 1, the following conditions must be satisfied:

- (a) a Municipal-Industrial Strategy for Abatement (MISA) manhole is installed on the property; and
- (b) completion of a Traffic Impact Study to the satisfaction of the **City**, and implementation of any required mitigation measures.

Part 2: The Holding Overlay Part 2 only applies to **wellness centre**, a **personal service shop**, or a **laundry store**. Prior to the removal of the Holding Overlay Part 2, the following conditions must be satisfied:

- (c) a Municipal-Industrial Strategy for Abatement (MISA) manhole is installed on the property.

Part 3: The Holding Overlay Part 3 only applies to a convenience store. Prior to the removal of the Holding Overlay Part 3, the following conditions must be satisfied:

- (d) completion of a Traffic Impact Study to the satisfaction of the **City**, and implementation of any required mitigation measures.

H113. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H114. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H115. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands;
- (b) A minimum distance separation study demonstrates, to the **City's** satisfaction, that any buildings proposed comply with the MDS formulae;
- (c) All approvals have been received and permits issued from the Cataraqui Region Conservation Authority under its regulations for new development near the unevaluated wetland;
- (d) A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit;
- (e) A Development Agreement has been executed and registered on the title of the lands to implement the groundwater monitoring program; and
- (f) The **City** has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands.

H116. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H117. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.11.2.5. do not require the removal of the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**; and
- (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the **City**.

H118. The Holding Overlay only applies to the second storey or higher of a **residential building**. The **first storey** of a **residential building** is not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate;
- (c) the Owner of the Lots have coordinated with Hydro One in order to:
 - (i) Enclose the shed/canopy in the Hydro Works Yard with 20-gauge steel panels damped with sprayed-on sound insulation, in accordance with the detail provided in the Noise Impact Study

prepared by J.E Coulter Associates Limited dated August 21, 2007.
Copies of which are available for review during normal working
hours at the office of the Municipal Engineer;

- (ii) Correct the sound generated by the braking system of the propane powered forklift that operates in the yard;
- (iii) Replace, relocate or incorporate an acoustic silencer on the exhaust fan on the maintenance garage at the south end of the Hydro One property; and
- (iv) The Owner of the Lots must provide to the **City** a certificate from an acoustical engineer certifying that the required mitigation measures on the Hydro One Property have been undertaken in order to meet the applicable noise criteria.

H119. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H120. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H121.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H122.** The Holding Overlay only applies to a **day care centre** and a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** a noise impact study is completed by a qualified person, as defined by the **City**, in accordance with all applicable municipal and provincial requirements and to the satisfaction of the **City**.
- H123.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H124.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H125. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H126. The Holding Overlay only applies to a **day care centre** and a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) a noise impact study is completed by a qualified person, as defined by the **City**, in accordance with all applicable municipal and provincial requirements and to the satisfaction of the **City**.

H127. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H128.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H129.** **Part 1:** The Holding Overlay Part 1 only applies to a **day care centre**. Prior to the removal of the Holding Overlay Part 1, the following conditions must be satisfied:
- (a)** The submission of a Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition for the entire site is prepared by a qualified person as defined by the Municipality and is completed to the satisfaction of the Municipality, with adherence to all municipal and provincial requirements.
- Part 2:** The Holding Overlay Part 2 only applies to future **development** that is a maximum of 5,000 additional square metres of **gross floor area** beyond the initial maximum of 15,000 square metres of **gross floor area** for Phase I. Prior to the removal of the Holding Overlay Part 2, the following conditions must be satisfied:
- (b)** The submission of a Traffic Impact Study prepared by a qualified person as defined by the **City** to the satisfaction of the **City** and the Ministry of Transportation.
- H130.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H131. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H132. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H133. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Submission of a Stage 3 Archaeological Assessment approved by the Ministry of Heritage, Sport, Tourism and Culture Industries.

H134. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) An application for Zoning By-Law Amendment, which is consistent with Site-Specific Policy Area Number 71 of the Official Plan, has been submitted, processed by municipal staff and approved by Council;

- (b) Confirmation of servicing capacity by Utilities Kingston;
- (c) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of the municipality;
- (d) All necessary agreements, such as the Subdivision Agreement, Site Plan Control Agreement and Heritage Easement Agreement, have been registered on title;
- (e) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained; and
- (f) In addition to other required supporting studies, the Zoning By-Law Amendment application, Site Plan Control application and application for approval under the *Ontario Heritage Act* each include a Heritage Impact Assessment, scoped and reviewed to the satisfaction of the City.

(By-Law 2022-62; 2022-181)

H135. The Holding Overlay only applies to a **day care use**. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a Phase I Environmental Site Assessment and any subsequent assessment as necessary, including a Record of Site Condition, prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

H136. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H137. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H138. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H139. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of Council for the construction of Fray Street.

H140. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not

limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H141. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate;
- (c) The holding symbol for the permitted **uses** of apartment dwelling house and seniors residence can only be removed if it can be demonstrated through a servicing report prepared by a Professional Engineer to the satisfaction of the **City** that adequate servicing and sanitary capacity is available; and
- (d) A MISA manhole is required to be included on the site for all non-residential **uses** to the satisfaction of Utilities Kingston.

H142. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H143.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H144.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H145.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H146.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H147. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H148. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H149. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H150. Prior to the removal of the Holding Overlay for a residential use, the following conditions must be addressed to the satisfaction of the City:

- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of the municipality;

- (b) Confirmation of servicing capacity by Utilities Kingston;
- (c) All necessary agreements, such as the Subdivision Agreement, Site Plan Control Agreement and Heritage Easement Agreement, have been registered on title;
- (d) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained; and
- (e) In addition to other required supporting studies, the Site Plan Control application and application for approval under the *Ontario Heritage Act* includes a Heritage Impact Assessment, scoped and reviewed to the satisfaction of the City.

Prior to the removal of the Holding Overlay for a park, outdoor gallery and/or museum, the following conditions must be addressed to the satisfaction of the City:

- (a) All necessary agreements, such as the Subdivision Agreement, and Heritage Easement Agreement, have been registered on title; and
- (b) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained.

(By-Law 2022-62; 2022-181)

H151. The Holding Overlay only applies to ensure that a basement/cellar dwelling unit does not proceed until the combined sewer system is separated and municipal services are developed to the satisfaction of the **City**. While the Holding Overlay is in place, permitted interim **uses** include: existing **uses**, all permitted commercial **uses**, permitted **residential uses** on the ground floor and upper floors. Prior to the removal of the Holding Overlay, the following conditions must be satisfied to the satisfaction of the **City**:

- (a) the construction of a separated sewer system to replace the existing combined sewer system.

H152. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H153. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) While the property is classified as Class 4, as defined in the Ontario Ministry of the Environment Publication NPC-300 Environmental Noise Guideline, all reasonable efforts must be made to reduce noise to the level of Class 1, to the satisfaction of the **City**.
- (b) Execution of any required agreements, to the satisfaction of the **City**, to secure off-site noise mitigation measures associated with the existing stationary noise source located at the property municipally known as 834-854 Gardiners Road, or any alternative to such agreement as approved by the Director of Planning Services.
- (c) Execution of any required agreements, to the satisfaction of the **City**, in order to establish the future condominium corporation's maintenance and repair obligations in respect of the public highway known as Bigham Court, including, but not limited to, garbage pickup, snow clearing and street clearing.

(By-Law 2022-62; 2023-148)

H154. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H155. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H156. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A hydro-geological study verifying adequate water quantity and quality; and (b) A Stage 1 Archaeological Assessment.

H157. The Holding Overlay only applies to the following **uses**: **day care centre**, public **parks**, playgrounds, playlots, **buildings** by any public authority or Bell Canada (other than a business office of Bell Canada) for the provisions of electrical, gas, water, sanitary, transportation, telephone and like services and

utilities to the general public, fire halls, police stations, municipal administration offices, municipally operated **day care centers**, municipal parking lots/structures, education centre, education centre and education facility. Prior to the removal of the Holding Overlay for any one of the above listed **uses** or any combination thereof, the following conditions must be satisfied:

- (a) A Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is prepared by a qualified person as defined by the **City** and is completed to the satisfaction of the **City** and adherence to all municipal and provincial requirements;
- (b) The Holding Overlay will only be removed for the specified **uses** for which the Phase I Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is applicable. All other listed **uses** will remain subject to the holding provision. Separate assessments and a record of Site Condition and associated clearances must be submitted for all subsequent requests to remove the holding provision to permit additional listed **uses**.

H158. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H159. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H160. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A traffic signalization analysis, satisfactory to the **City** and/or the Ministry of Transportation, has been provided;
- (b) Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority;
- (c) All other applicable municipal requirements have been complied with;
and
- (d) Site Plan Agreements have been executed by the **City**.

H161. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H162. The Holding Overlay only applies to a **day care centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) A Record of Site Condition (RSC) signed by the Qualified Person who prepared it, along with a copy of all supporting studies, and which meet the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**.

- H163.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H164.** Prior to the removal of the Holding Overlay and the issuance of a building permit for a **day care centre**, **place of worship**, and/or a **hotel**, the following conditions must be satisfied:
- (a)** A noise impact study which assesses the potential impact on future employment **uses** on surrounding properties, prepared by a qualified person has been completed to the satisfaction of the **City**; and
 - (b)** Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.
- H165.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H166.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H167. The Holding Overlay only applies to Type B land uses. Farm uses and **accessory buildings** are permitted in accordance with the provisions outlined in the applicable exception. Prior to the removal of the Holding Overlay, the following conditions must be satisfied to the satisfaction of the **City**:

- (a) A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
- (b) A minimum distance separation study demonstrates, to the **City's** satisfaction, that any buildings proposed comply with the MDS formulae; and
- (c) The **City** has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands, if required.

H168. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H169. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H170. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H171. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) a Stage 1 Archaeological Assessment must be submitted and approved by the **City**.

H172. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H173.** The Holding Overlay only applies to a **day care centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a)** Submission of a Record of Site Condition to the satisfaction of the **City**;
 - (b)** All applicable Municipal and Agency requirements have been complied with; and
 - (c)** All necessary Agreements, including the Site Plan Control Agreement, have been registered on title.
- H174.** Reserved
- (By-Law Number 2022-62; 2024-162)
- H175.** Prior to the removal of the Holding Overlay and the issuance of a building permit for any new **development** of a **lot**, the following conditions must be satisfied:
- (a)** The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H176.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** Submission of confirmation from a qualified professional that the **development** site (condominium unit) complies with the following:
 - (i)** That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
 - (ii)** That the water well complies with the current standards for potable water; and
 - (iii)** That the sanitary septic system complies with current standards.
- H177.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H178. Reserved

(By-Law Number 2022-62; 2023-161)

H179. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H180. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H181. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H182. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H183. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H184. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H185. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H186. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.9.2.5. do not require the removal of the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**; and
- (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the **City**.

H187. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.9.2.5. do not require the removal of the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**; and
- (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the **City**.

H188. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.9.2.5. do not require the removal of the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed **development**; and
- (b) A Transportation Impact Study is completed that includes micro-simulation scoped to the satisfaction of the **City**.

H189. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H190. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) confirmation of sufficient servicing capacity for the **development** to the satisfaction of the **City** and Utilities Kingston;

- (b) submission of a Record of Site Condition for the entirety of the subject lands to the satisfaction of the **City** and any applicable Agency and/or Provincial Ministry;
- (c) confirmation from the Ministry of Natural Resources and Forestry that the existing adjacent quarry has surrendered its license or confirmation that the appropriate assessment has been completed to demonstrate that impact from adjacent re-development work involving rock drilling, blasting, excavation or crushing on the lands to the south has been completed to a stage that potential impact on **residential uses** on the **lots** is mitigated; and
- (d) that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner.

H191. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H192. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

- H193.** The Holding Overlay only applies to the following **uses**: **day care centre** and an **accessory dwelling unit** in the upper portion of a **non-residential building** located at 607 Gardiners Road. Prior to the removal of the Holding Overlay for any one of the above listed **uses** or any combination thereof, the following conditions must be satisfied:
- (a)** A Record of Site Condition and all required supporting studies, prepared by a qualified person as defined by the **City**, is completed to the satisfaction of the **City** and adhering to all municipal and provincial requirements; and
 - (b)** The Holding Overlay will only be removed for the specified **uses** for which an approved Record of Site Condition and supporting studies are applicable. All other listed **uses** will remain subject to the holding provision. A separate Record of Site Condition and supporting studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed **uses**.
- H194.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b)** All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H195.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a)** All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H196. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- (c) A condition of the subdivision agreement executed by the City must require the owner to provide a homeowner's handbook with the sale of the residential buildings containing ARU Ready Spaces, which includes conceptual floor plan(s) illustrating how the ARU Ready Space can be converted to establish and function as an additional residential unit. Such conceptual floor plan(s) can be used to inform the application for building permit(s) required to support the development of an additional residential unit in the future.

OLT Ordered amendment to be done OLT File Number 22-003936

H197. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Conveyance of a parkette to the **City** must be secured in the applicable Subdivision Agreement in accordance with Official Plan policy 10D.6.2.;
- (b) The owner must demonstrate, through the plan of subdivision application(s), that a minimum of 25% of the total number of dwelling units in the Cataraqui West neighbourhood will qualify as affordable units, as required by Official Plan policy 10D.3.2.c.;
- (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (d) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H198. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Conveyance of a parkette to the **City** must be secured in the applicable Subdivision Agreement in accordance with Official Plan policy 10D.6.2.;
- (b) The owner must demonstrate, through the plan of subdivision application(s), that a minimum of 25% of the total number of dwelling units in the Cataraqui West neighbourhood will qualify as affordable units, as required by Official Plan policy 10D.3.2.c.;
- (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (d) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H199. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Conveyance of a parkette to the **City** must be secured in the applicable Subdivision Agreement in accordance with Official Plan policy 10D.6.2.;
- (b) The owner must demonstrate, through the plan of subdivision application(s), that a minimum of 25% of the total number of dwelling units in the Cataraqui West neighbourhood will qualify as affordable units, as required by Official Plan policy 10D.3.2.c.;
- (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (d) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H200. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Conveyance of a parkette to the **City** must be secured in the applicable Subdivision Agreement in accordance with Official Plan policy 10D.6.2.;
- (b) The owner must demonstrate, through the plan of subdivision application(s), that a minimum of 25% of the total number of dwelling units in the Cataraqui West neighbourhood will qualify as affordable units, as required by Official Plan policy 10D.3.2.c.;
- (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (d) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H201. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Conveyance of a parkette to the **City** must be secured in the applicable Subdivision Agreement in accordance with Official Plan policy 10D.6.2.;
- (b) The owner must demonstrate, through the plan of subdivision application(s), that a minimum of 25% of the total number of dwelling units in the Cataraqui West neighbourhood will qualify as affordable units, as required by Official Plan policy 10D.3.2.c.;
- (c) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact

assessments, environmental constraints or a Record of Site Condition;
and

- (d) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H202. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition;
and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H203. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H204. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation from the Chief Building Official that a Record of Site Condition has been completed to the satisfaction of the **City**, or that no Record of Site Condition is required for the proposed **development**.

H205. The Holding Overlay only applies to **dwelling units** and/or **habitation units**. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity for the proposed **development**; and
- (b) A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands.

- H206.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) Completion and peer review (at the expense of the owner) of a Detailed Noise Study by a qualified person (as defined by the municipal requirements). The Detailed Noise Study must include any necessary mitigation measures resulting from Council's approval of the site as a Class 4 designation under NPC-300. The mitigation measures must be secured in any required agreements, including a Site Plan Control Agreement prior to the removal of the Holding Symbol;
 - (b) Completion of a detailed Servicing Report (at the expense of the owner) that includes an evaluation of the existing water service and its adequacy for firefighting water, factoring in building size, design and use in accordance with the Water Supply for Public Firefighting, Fire Underwriters Survey. The Servicing Report must also include data with respect to existing fire flows measured through accurate testing of flowing hydrants on existing water mains; and
 - (c) Approval on all elements of the site plan (including but not limited to design elements, bicycle parking, and storage) and elevations by the Frontenac Heritage Foundation and Building Kingston's Future Inc.; and
 - (d) A Heritage Easement is established by the **City** related to the retention and protection of the Princess Street facade and marquee.
- H207.** The Holding Overlay only applies to the construction of any building requiring water or sanitary services. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) the owner must submit a functional servicing report prepared by a qualified professional engineer that confirms the capacity to accommodate the proposed **development** and is completed to the satisfaction of the municipality and in accordance with all municipal and provincial regulations.
- H208.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the City:
- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of the municipality;
 - (b) Confirmation of servicing capacity by Utilities Kingston;

- (c) All necessary agreements, such as the Subdivision Agreement, Site Plan Control Agreement and Heritage Easement Agreement, have been registered on title;
- (d) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained; and
- (e) In addition to other required supporting studies, the Site Plan Control application and application for approval under the *Ontario Heritage Act* include a Heritage Impact Assessment, scoped and reviewed to the satisfaction of the City.

(By-Law 2022-62; 2022-181)

H209. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H210. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H211. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H212. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

H213. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.

- H214.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H215.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H216.** Prior to the removal of the Holding Overlay, the following conditions must be satisfied:
- (a) The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed **development**.
- H217.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.
- H218.** Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:
- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and

- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H219. The Holding Overlay only applies to residential **development** that has the effect of adding more **dwelling units** to a **lot** and all non-residential **development**, including change of use of existing **buildings**. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (b) All agreements required by the **City**, including development, site plan control and subdivision agreements, have been executed and registered on title, as appropriate.

H220. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) the owner has provided confirmation to the **City** that an easement has been established for access to the lands from Centennial Drive, in a form satisfactory to the **City**; and
- (b) the owner has completed the required upgrades to the sanitary sewer along Bath Road in accordance with the Off-Site Works Agreement, to the satisfaction of the **City** and Utilities Kingston.

H221. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of the municipality;
- (b) Confirmation of servicing capacity by Utilities Kingston;
- (c) All necessary agreements, such as the Subdivision Agreement, Site Plan Control Agreement and Heritage Easement Agreement, have been registered on title;
- (d) The **hotel** requires a Market Justification and Impact Assessment prepared and reviewed to the satisfaction of the **City**;

- (e) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained; and
- (f) In addition to other required supporting studies, the Site Plan Control application and application for approval under the *Ontario Heritage Act* includes a Heritage Impact Assessment, scoped and reviewed to the satisfaction of the City.

(By-Law 2022-62; 2022-181)

H222. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the City:

- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of the municipality;
- (b) All necessary agreements, such as the Subdivision Agreement, Site Plan Control Agreement and Heritage Easement Agreement, have been registered on title;
- (c) In respect of the development of Block 5, public consultation has been completed to the satisfaction of the City;
- (d) Approval under the *Ontario Heritage Act* in the form of a Heritage Permit from the City has been obtained; and
- (e) In addition to other required supporting studies, the Site Plan Control application and application for approval under the *Ontario Heritage Act* include a Heritage Impact Assessment, scoped and reviewed to the satisfaction of the City.

(By-Law 2022-62; 2022-181)

H223. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the City:

- (a) All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies include, but may not be limited to, an updated traffic impact study, servicing study, stormwater management study, pedestrian level wind study, and detailed noise study; and
- (b) The City is satisfied that there is adequate servicing capacity for the proposed development”

(By-Law 2022-62; 2023-221)

H224. “H224. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) Confirmation that the stormwater management design for the proposal is acceptable to the satisfaction of CN Rail and the City.
- (b) Confirmation that a vibration impact report demonstrates compliance with guidelines for sensitive uses near railway tracks to the satisfaction of CN Rail and the City.

(By-Law 2022-62; 2023-163)

H225. While the H225 Holding Symbol is in place, the lands may be used in accordance with the permitted uses and regulations contained in subsections 22(1), 22(2), and 22(3)(b) of By-Law Number 76-26, as amended, for Zone ‘C5-2’, subject to the following modification:

- **Parking** shall be provided at a minimum ratio of 3.4 **parking spaces** per 100 square metres of **gross leasable area**.
- The minimum **interior setback** is 6 metres.
- The minimum **rear setback** is 8 metres.

Prior to the removal of the Holding Overlay, the following condition must be addressed to the satisfaction of the **City**:

- (a) An application for a zoning by-law amendment, which is consistent with Site-Specific Policy Area Number 74 of the Official Plan, has been submitted and approved by Council.

(By-Law 2022-62; 2023-157)

H226. While the H226 Holding Symbol is in place, the lands may be used in accordance with the permitted uses and regulations contained in Section 22(1), 22(2), and 22(3)(b) of By-Law 76-26, as amended for Zone ‘C5-2’, subject to the following modifications:

- The minimum Interior Side Yard Width is 6 metres.
- The minimum Rear Yard Width is 8 metres.

Prior to the removal or partial removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Confirmation from Utilities Kingston of adequate servicing capacity to accommodate development;
- (b) Submission of a satisfactory detailed noise and vibration study prepared by a qualified person, including a review of whether a Class 4 classification under MECP’s NPC-300 Guidelines is appropriate and required;

- (c) Confirmation from CN Rail that any required agreements between the property owner and CN Rail related to the proposed development have been finalized;
- (d) Submission of a satisfactory detailed transportation impact study prepared by a qualified person;
- (e) Submission of a satisfactory detailed stormwater management report prepared by a qualified person; and
- (f) Registration of a Site Plan Control Agreement which implements, among other items, the following to a satisfaction of the City:
 - a. Direct and convenient barrier-free mid-block connections from Bath Road and Centennial Drive through the site in a grid-like pattern, commensurate with development;
 - b. Where development coincides with the Conceptual Enhanced Pedestrian Driveway location shown in Figure E132, the introduction of a pedestrian-enhanced connection running east-west on the site which prioritizes pedestrians and provides opportunity for well-designed commercial spill-out spaces;
 - c. Locating of primary residential and non-residential entrances directly facing driveways and/or prominent pedestrian connections and providing well defined entry features; and
 - d. Appropriate measures, as required, to mitigate adverse wind and shadow impacts on outdoor amenity areas and pedestrian pathways, demonstrated by a Shadow Study and Wind Study prepared by qualified persons.

(By-Law Number 2022-62; 2023-206)

H227. Reserved

H228. The Holding Overlay only applies to a **hotel** or a **day care centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

(By-Law Number 2022-62, 2023-208)

H229. Prior to the removal of the Holding Overlay the following conditions must be addressed to the satisfaction of the City:

(a) The following uses will require execution and registration of a site plan control agreement on title:

- **Community Centre;**
- **Creativity Centre;**
- **Day Care Centre;**
- **Financial Institution;**
- **Fitness Centre;**
- **Grocery Store;**
- **Laundry Store;**
- **Library;**
- **Museum;**
- **Personal Service Shop;**
- **Place of Worship;**
- **Restaurant;**
- **Retail Store;** and
- **Wellness Clinic.**

(By-Law 2022-62; 2024-2)

H230. The Holding Overlay only applies to a **day care centre** or a **place of worship**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

(a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

(By-Law 2022-62; 2024-105)

H231. Confirmation from Utilities Kingston of adequate servicing capacity to accommodate the development by way of substantial completion of the Days Road Pumping Station upgrades or an acceptable alternative.

(By-Law 2022-62, 2024-113)

H232. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- (b) All necessary studies, as determined by the **City** through the pre-consultation process, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (c) All agreements required by the **City** through the pre-consultation process, including site plan control, have been executed and registered on title, as appropriate.

(By-Law Number 2022-62; 2024-332)

H233. Reserved

H234. Prior to the removal of the Holding Overlay, studies and agreements including, but not limited to, the following must be addressed to the satisfaction of the City:

- (a) Archaeological Assessment;
- (b) Heritage Impact Statement;
- (c) Environmental Impact Assessment;
- (d) Hydrogeological Assessment;
- (e) Noise Study;
- (f) Aggregate Impact Assessment;
- (g) Sanitary confirmation; and / or
- (h) Development Agreement.

(By-Law 2022-62; 2023-220)

H234A. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The **City** has received confirmation that noise mitigation measures have been installed on the Bell Utility Building or that alternative noise mitigation measures have been implemented, as specified and approved by a qualified acoustical consultant, to the satisfaction of the **City**.
- (b) The **City** is satisfied that there is adequate water servicing capacity for the proposed development and the applicant has obtained the required approvals from the **public authority** having jurisdiction for the water service to cross the CN rail line, if applicable.
- (c) The applicant has demonstrated to the **City** that the initial proposed development phases and units proposed are in general accordance with the sanitary capacity review undertaken by Utilities Kingston in November of 2024.
- (d) Mutual execution of a Site Plan Control Agreement, which includes a condition requiring a future condominium corporation to be responsible for matters such as maintenance of private service connections, snow removal, and garbage pick-up.

- (e) The Stage 3 archaeological assessment report has been accepted by the **public authority** having jurisdiction and associated agreements regarding protection and avoidance of the McGuin Millrace archaeological site recommended in the report have been executed to the satisfaction of the **City**.

H234B. Prior to the removal of the Holding Overlay, the following condition must be satisfied:

- (a) The **City** is satisfied that there is adequate sanitary service capacity for the final development phases including through required upgrades to the Bath-Collins Bay Sewage Pump Station that may be deemed necessary.

(By-Law Number 2022-62; 2024-408)

H235. The Holding Overlay only applies to the following: a **dwelling unit** within a **mixed use building**; a **day care centre**; an **institutional use**; a **library**; and a **special needs facility**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

(By-Law 2022-62; 2024-174)

H236. Prior to the removal of the Holding Overlay, the following condition must be addressed to the satisfaction of the **City**:

- (a) The **City** is satisfied that there is adequate servicing capacity for the proposed **development**, including, but not limited to, adequate fire flow capacity, adequate electrical servicing capacity, and adequate gas servicing capacity.

(By-Law Number 2022-62; 2024-343)

H237. The Holding Overlay applies only to a **day care centre** or a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following condition must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.

(By-Law 2022-62; 2024-329)

H238. Prior to the removal of the Holding Overlay for a new **single detached house**, the following conditions must be satisfied:

- (a) The submission of a hydrogeological assessment to the satisfaction of the **City** and any other regulatory body; and
- (b) The submission of a satisfactory noise study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City**, and which adheres to all applicable municipal and provincial requirements.

(By-Law 2022-62; 2024-330)

H239. The Holding Overlay applies only to a **Day Care Centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) A Record of Site Condition (RSC) signed by the qualified person who prepared it, along with a copy of all supporting studies, and which meets the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**, as applicable.

(By-Law 2022-62; 2024-342)

H240. Prior to the removal of the Holding Overlay for new **development** on the airport lands in the location subject to H240, the following condition must be addressed to the satisfaction of the **City**:

- (a) A community meeting must be held at Planning Committee to present the new **development** and obtain feedback from the public. Notice must be provided for the community meeting as though it is a statutory public meeting in accordance with the **Planning Act**.

(By-Law Number 2022-62; 2024-332)

H241. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory stormwater management study prepared by a qualified person and completed to the satisfaction of the **City**; and
- (b) The submission of satisfactory grading and serving plans prepared by a qualified person and completed to the satisfaction of the **City**.

(By-Law 2022-62; 2025-91)