

Final Draft – March 9, 2022



Kingston Zoning By-law Number XX



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. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.12.4.11. 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**.

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. The Holding Overlay only applies to ensure that a basement/cellar is not **used** for residential occupancy. All other permitted **uses** are not subject to the Holding Overlay. While the Holding Overlay is in place, a basement/cellar may only be **used** for the following **uses**: Mechanical, Shared storage, Shared laundry facilities, and Shared indoor amenity space. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) Utilities Kingston, or the authority having jurisdiction, determines that there is no longer a high risk of sewer surcharging.

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. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.13.2.5. 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**.

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.

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. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.13.2.5. 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**.

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. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.12.4.11. 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**.

- 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. Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.13.2.5. 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**.

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.** Interim permitted **uses**: Despite Clause 5.6.2., **uses** that are permitted in accordance with Subclause 12.12.4.11. 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**.
- 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 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.

- 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. 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.

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.** 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 well has been installed by a licensed well driller in accordance with Ontario Regulation 903 or its replacement and in accordance with the "Hydrogeological Assessment Proposed Duffe Lane Vacant Land Condominium – Part Lot 4 Con. IV, CITY OF KINGSTON (Pittsburgh), Ontario" report by Concord Engineering, dated June 10, 2010;
 - (iii)** That the water well complies with the current standards for potable water;
 - (iv)** That the sanitary septic system complies with current standards;
 - (b)** That the **development** proposal has completed a Heritage Impact Assessment in accordance with **City** requirements and prepared to the satisfaction of the **City** to address the impacts of new **development** on the adjacent heritage property; and
 - (c)** That the **development** location has completed a Stage Two Archaeological Assessment (under the terms recommended by 'An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh, CITY OF KINGSTON, County of Frontenac, Ontario' prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008) to the satisfaction of the **City** and the Ministry of Heritage, Sport, Tourism and Culture Industries, including the completion and acceptance of any further archaeological assessments deemed necessary by the licensed archaeologist/**City**/Ministry of Heritage, Sport, Tourism and Culture Industries.
- 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.

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 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) a memorandum from Utilities Kingston indicating that the Days Road Pumping Station project has reached substantial completion and that **development** may proceed under the regulations of the applicable Exception; from a sanitary servicing capacity perspective;
- (d) An access easement over the abutting lands known municipally as 2260 Princess Street is designed, approved and registered to the satisfaction of the Municipality; and
- (e) An updated servicing report respecting fire flows is submitted and reviewed to the satisfaction of Utilities Kingston and the Municipality.

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.