

Holding Zone Requirements

Part 8: Holding Zone Requirements

8.1 General Requirements for Lands Subject to a Holding Provision

- a) No person shall **use** the land to which the letter (H) symbol applies, erect any **building** or **structure**, or expand an **existing building** or **structure**, until the (H) symbol is removed in accordance Section 36 of the *Planning Act*, except:
 - i) **Uses, buildings, and structures** that legally existed on the date the By-law applying the holding provision came into effect;
 - ii) Interim **uses** permitted in the applicable holding provision; and
 - iii) Any other exceptions permitted in the applicable holding provision.

8.2 Holding Provision (H1) - Lands within 75 metres of a railway right-of-way

- a) An alteration or a minor addition to an **existing building** is permitted provided:
 - i) It does not exceed 25% of the **existing gross floor area**;
 - ii) It does not result in an increase in the number of **dwelling units**, except for **additional residential units**, in accordance with Section 5.14; and
 - iii) It complies with the **lot** and **building** requirements of the underlying **zone**.
- b) The following interim **uses** are permitted prior to the removal of the (H) holding provision:
 - i) **Accessory uses**, in accordance with Section 5.1;
 - ii) **Accessory buildings and structures**, in accordance with Section 5.2;
 - iii) Replacement of **existing uses**, in accordance with the **lot** and **building** requirements of the underlying **zone**;
 - iv) **Home occupations**, excluding **home day cares**, in accordance with Section 5.11;
 - v) **Office uses**, in accordance with Section 5.12;
 - vi) **Utilities, agricultural uses, model homes, temporary sales offices, and infrastructure**, in accordance with Section 5.13;
 - vii) **Additional residential units**, in accordance with Section 5.14; and
 - viii) Non-residential **uses** permitted in the underlying **zone**, in accordance with Section 7.2.
- c) The (H) holding provision shall be removed when the following conditions have been completed to the satisfaction of the **City**:
 - i) Submission of a noise and vibration study that assesses the potential adverse effects of nearby railway operations on any proposed new **use** and identifies any recommended mitigation measures for the new **use** to ensure land use compatibility to the satisfaction of the Director of Community Planning; and

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- ii) Submission of a letter of undertaking from the owner agreeing to undertake the study's recommended mitigation measures and incorporate them into the building permit plans and as part of any applicable *Planning Act* application to the satisfaction of the Director of Community Planning.

8.3 Holding Provision (H2) - Lands between 75 metres and 300 metres of a railway right-of-way

- a) An alteration or a minor addition to an **existing building** is permitted provided:
 - i) It does not exceed 25% of the **existing gross floor area**;
 - ii) It does not result in an increase in the number of **dwelling units**, except for **additional residential units**, in accordance with Section 5.14; and
 - iii) It complies with the **lot** and **building** requirements of the underlying **zone**.
- b) The following interim **uses** are permitted prior to the removal of the (H) holding provision:
 - i) **Accessory uses**, in accordance with Section 5.1;
 - ii) **Accessory buildings** and **structures**, in accordance with Section 5.2;
 - iii) Replacement of **existing uses**, in accordance with the **lot** and **building** requirements of the underlying **zone**;
 - iv) **Home occupations**, excluding **home day cares**, in accordance with Section 5.11;
 - v) **Office uses**, in accordance with Section 5.12;
 - vi) **Utilities, agricultural uses, model homes, temporary sales offices, and infrastructure**, in accordance with Section 5.13;
 - vii) **Additional residential units**, in accordance with Section 5.14; and
 - viii) Non-residential **uses** permitted in the underlying **zone**, in accordance Section 7.2.
- c) The (H) holding provision shall be removed when the following conditions have been completed to the satisfaction of the **City**:
 - i) Submission of a noise study that assesses the potential adverse effects of nearby railway operations on any proposed new **use** and identifies any recommended mitigation measures for the new **use** to ensure land use compatibility to the satisfaction of the Director of Community Planning; and
 - ii) Submission of a letter of undertaking from the owner agreeing to undertake the study's recommended mitigation measures and incorporate them into the building permit plans and as part of any applicable *Planning Act* application to the satisfaction of the Director of Community Planning.

8.4 Holding Provision (H3) - Lands within 75 metres of a railway yard

- a) An alteration or a minor addition to an **existing building** is permitted provided:

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- i) It does not exceed 25% of the **existing gross floor area**;
 - ii) It does not result in an increase in the number of **dwelling units**, except for **additional residential units**, in accordance with Section 5.14; and
 - iii) It complies with the **lot** and **building** requirements of the underlying **zone**.
- b) The following interim **uses** are permitted prior to the removal of the (H) holding provision:
- i) **Accessory uses**, in accordance with Section 5.1;
 - ii) **Accessory buildings and structures**, in accordance with Section 5.2;
 - iii) Replacement of **existing uses**, in accordance with the **lot** and **building** requirements of the underlying **zone**;
 - iv) **Home occupations**, excluding **home day cares**, in accordance with Section 5.11;
 - v) **Office uses**, in accordance with Section 5.12;
 - vi) **Utilities, agricultural uses, model homes, temporary sales offices, and infrastructure**, in accordance with Section 5.13;
 - vii) **Additional residential units**, in accordance with Section 5.14; and
 - viii) Non-residential **uses** permitted in the underlying **zone**, in accordance with Section 7.2.
- c) The (H) holding provision shall be removed when the following conditions have been completed to the satisfaction of the **City**:
- i) Submission of a noise, vibration, and air quality study that assesses the potential adverse effects of nearby railway operations on any proposed new **use** and identifies any recommended mitigation measures for the new **use** to ensure land use compatibility to the satisfaction of the Director of Community Planning; and
 - ii) Submission of a letter of undertaking from the owner agreeing to undertake the study's recommended mitigation measures and incorporate them into the building permit plans and as part of any applicable *Planning Act* application to the satisfaction of the Director of Community Planning.

8.5 Holding Provision (H4) - Lands between 75 metres and 1,000 metres of a railway yard

- a) An alteration or a minor addition to an **existing building** is permitted provided:
- i) It does not exceed 25% of the **existing gross floor area**;
 - ii) It does not result in an increase in the number of **dwelling units**, except for **additional residential units**, in accordance with Section 5.14; and
 - iii) It complies with the **lot** and **building** requirements of the underlying **zone**.
- b) The following interim **uses** are permitted prior to the removal of the (H) holding provision:

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- i) **Accessory uses**, in accordance with Section 5.1;
 - ii) **Accessory buildings and structures**, in accordance with Section 5.2;
 - iii) Replacement of **existing uses**, in accordance with the **lot** and **building** requirements of the underlying **zone**;
 - iv) **Home occupations**, in accordance with Section 5.11;
 - v) **Office uses**, in accordance with Section 5.12;
 - vi) **Utilities, agricultural uses, model homes, temporary sales offices, and infrastructure**, in accordance with Section 5.13;
 - vii) **Additional residential units**, in accordance with Section 5.14; and
 - viii) Non-residential **uses** permitted in the underlying **zone**, in accordance with Section 7.2.
- c) The (H) holding provision shall be removed when the following conditions have been completed to the satisfaction of the **City**:
- i) Submission of a noise and air quality study that assesses the potential adverse effects of nearby railway operations on any proposed new **use** and identifies any recommended mitigation measures for the new **use** to ensure land use compatibility to the satisfaction of the Director of Community Planning; and
 - ii) Submission of a letter of undertaking from the owner agreeing to undertake the study's recommended mitigation measures and incorporate them into the building permit plans and as part of any applicable *Planning Act* application to the satisfaction of the Director of Community Planning.