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# PART 11: HOLDING ZONE PROVISIONS

**ZONE DESIGNATIONS: H (Holding Symbol)**

## 1. H ZONE (HOLDING)

### 1.1 PERMITTED USES

Notwithstanding any other provision of this By-law, where the zone designation includes an 'H' Holding symbol prefix, no person shall use such lands or erect any building or structure for any purpose, except in accordance with the following permitted uses and regulations:

(a) Part 1: General Conditions and Provisions
Part 14: Exceptions to Zone Designations

(b) Minor additions to existing detached dwelling subject to R2.3 zone regulations.

(c) Existing uses, buildings and structures lawfully permitted on the date the amending By-law creating the 'H' zoning was enacted.

(d) A Home-Based Business in an existing detached dwelling.

(e) A public or private park, provided no permanent buildings or structures are erected.

(f) An agricultural use and one detached dwelling in conjunction with each agricultural operation, subject to Part 1, Subsection 2.21, "Uses Permitted in All Zones".

(g) An Additional Residential Unit in an existing building lawfully permitted on the date the amending By-law creating the 'H' zoning was enacted, subject to Part 1, Section 2.21, Subsection (u).

### 1.2 REMOVAL OF "H" HOLDING SYMBOL

1.2.1 Where a zone designation contains the prefix "H" the lands identified shall not be developed or redeveloped until the City enacts an amending By-law removing the "H" holding symbol. The amending By-law will not be enacted until the following matters have been addressed to the satisfaction of City Council:

(a) Certain "H" zoned lands identified on the Zoning Maps in Part 15 include a reference to "Part 11, Appendix A", indicating that site-specific requirements for the removal of the "H" Holding symbol apply to these lands and have been adopted by resolution of City Council.

**Appendix 'A'** does not constitute a part of this By-law and is provided for reference only. Please refer to the appropriate Council resolution for Council approved requirements for "H" removal.

(b) Other "H" zoned lands which are not specifically referenced to Appendix A shall be subject to the following general requirements for "H" removal:

(i) Water supply, sanitary sewers, stormwater management facilities, parks, and schools are sufficient for the development.

(ii) Transportation facilities are adequate and appropriate for the development.

(iii) The number and location of access points to the development are adequate and safe.

(iv) Consolidation of land ownership has been completed to the City's satisfaction.

(v) Studies relating to traffic, soil, natural and heritage features, environmental constraints, design features, and market impact analysis have been completed to City's satisfaction.

1.2.2 When the amending By-law removing the "H" Holding symbol from a zone designation is enacted, the permitted uses and regulations of that zone shall apply, except where amended by exception.

## Appendix 'A'
## Site-Specific Requirements for Removal of an "H" Holding Symbol

**(Note: Appendix 'A' is for reference purposes only and does not constitute part of this By-law)**

**1. H-GE1-52 Map 27 Resolution: PD-128-93-2**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the Region of Halton is satisfied with the adequacy of water supply and waste water services for this property.

**2. Map Resolution:**

**3. Map Resolution:**

**4. H-GE1, H-GE2 Map 28 Resolution: PD-378-94-2 & 4**

(a) The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

(i) Satisfactory completion of the Master Servicing Agreement for the lands bounded by Upper Middle Road, Burloak Drive, Mainway and the Sheldon Creek;
(ii) Satisfactory completion of an agreement pursuant to Section 41 of *The Planning Act*;
(iii) Payment of outstanding fees;
(iv) Registration of the whole or the appropriate phase of the subdivision for the lands.

(b) In the event the plan of subdivision does not proceed the Holding symbol shall be removed following:
(i) Completion of the Master Servicing Agreement for the lands bounded by Upper Middle Road, Burloak Drive, Mainway and the Sheldon Creek;
(ii) Where at least 60 ha of the lands bounded by Upper Middle Road, Burloak Drive, Mainway, and the Sheldon Creek is developed as one use under one ownership, the Master Servicing Agreement shall be between the owner and the City and shall require the owner to install services to the satisfaction of the City;
(iii) Payment of outstanding fees;
(iv) Completion of an Agreement with the City which shall include the appropriate conditions approved by Council for the subdivision of the lands.

(c) In the event lands zoned H-GE1, H-GE2 are developed as one entity under one ownership the uses permitted in those zones are permitted without the "H" being removed.

**5. Map Resolution:**

**6. Map Resolution:**

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| **7.** | | **Map** | **Resolution:** |
| **8.** | | **Map** | **Resolution:** |
| **9.** | | **Map** | **Resolution:** |
| **10.** | | **Map** | **Resolution:** |
| **11.** | | **Map** | **Resolution:** |
| **12.** | | **Map** | **Resolution:** |
| **13.** | | **Map** | **Resolution:** |
| **14.** | | **Map** | **Resolution:** |
| **15.** | | **Map** | **Resolution:** |
| **16.** | | **Map** | **Resolution:** |
| **17.** | | **Map** | **Resolution:** |
| **18.** | | **Map** | **Resolution:** |
| **19.** | | **Map** | **Resolution:** |
| **20.** | | **Map** | **Resolution:** |
| **21.** | **H-R2.1-214**<br>**H-RM2-215**<br>**H-R5-216** | **Map 1** | **Resolution: CD-150-99-3** |

(a) The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law following:

(1) Sufficient assembly or consolidation of any required lands occurs in order to ensure orderly development and to permit development in accordance with the zoning by-law;

(2) For the H-R2.1-214 exception zone, enter into an Agreement that will allow any additional dwelling in any existing housing that existed on the date of the passage of the zoning by-law;

(3) Enter into a Residential Development Agreement or any other required Agreement prior to the removal of the Holding provision;

(4) Completion of the following to the satisfaction of the City's director of Engineering:
   (i) provision of a satisfactory driveway access location on Plains Road;
   (ii) completion and implementation of any required comprehensive servicing studies, including stormwater studies.

| 22. | Map | Resolution: |
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Removed by By-law 2020.430

| 23. | H-MXC-147 | Map 10 | Resolution: PH-53-96-1 |
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Prior to the removal of the "H" Holding symbol assemble adjoining surplus lands to the west owned by the Ministry of Transportation and surplus portions of Plains Road to the north owned by the City of Burlington. The assembled lands shall be rezoned to match the subject property prior to development proceeding, to the satisfaction of the City's Directors of Planning and Engineering.

| 24. | Map | Resolution: |
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| 25. | Map | Resolution: |
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| 26. | H-GE1-57 | Map 3 | Resolution: PH-31-97 |
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The Holding Symbol shall be removed from the zoning designation by way of an amending zoning by-law when either (a) or (b) following has been completed to the satisfaction of the City's Director of Engineering:

(a)
   (i) Where lands front onto Waterdown Road, the land owner shall contribute to the construction of the collector roads;

   (ii) Make the necessary arrangements with the abutting owner to the north for the dedication of lands required to construct the northerly embankment of the east/west collector road;

(iii) Submit a conceptual site plan showing the building envelope, top of slope on the south side of the east/west collector road and the west side of Waterdown Road and driveway locations with supporting sightline analysis.

(b) Design and construct the collector roads, including left turn lanes at Plains Road and Waterdown Road, storm sewers and appurtenances, underground hydro, streetlights, curb and gutter, sidewalks, boulevard trees, traffic signal conduits, and complete the following:

(i) Provide an irrevocable letter of credit for 100% of the estimated cost of the work to guarantee performance and pay administration and inspection fees, each in the amount of 5% of the cost of the works;

(ii) Guarantee the said works against all defects of materials and workmanship to a period of twelve months from the completion and provide security in accordance with the City's standards;

(iii) Indemnify and save harmless the City and Burlington Hydro, its officers, employees, servants, or agents from all costs, damages, claims, actions, demands, losses, causes, or action, interest and suits that it or they may incur or be put to as a result of, or in any connection with, the construction and use of the proposed road until it is fully assumed by the City;

(iv) Submit 'as constructed' information on digital format or reproducible drawings when the works are completed. All elevations are to be referred to Geodetic Datum;

(v) Enter into an agreement with the Region of Halton for the construction of the water main and the sanitary sewer within the road allowance;

(vi) Phasing of road construction shall be to the satisfaction of the Director of Engineering;

(vii) Roadwork as established by agreed upon phasing, shall be substantially complete prior to issuance of a building permit.

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| **27.** | **Map** | **Resolution:** |
| **28.** | **Map** | **Resolution:** |
| **29.** | **Map** | **Resolution:** |
| **30.** | **Map** | **Resolution:** |
| **31.** | **Map** | **Resolution:** |
| **32.** | **Map** | **Resolution:** |

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| **33.** | | **Map** | **Resolution:** |

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| **34.** | **H-RNA1**<br>**H-RNA2-193**<br>**H-RNA3-194** | **Map 3 & 4** | **Resolution:** |

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the City and Region of Halton.

(1) Approval by the City of subdivision and/or condominium applications
(2) Completion of a signed Site Plan Agreement if required by the City
(3) Completion of a signed Residential Development Agreement for cluster development
(4) Signing of agreements with any other public agencies as required
(5) Payment of any outstanding costs to public agencies
(6) Provision of adequate services
(7) Approval of access

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| **35.** | | **Map** | **Resolution:** |

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| **36.** | | **Map** | **Resolution:** |

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| **37.** | | **Map** | **Resolution:** |

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| **38.** | | **Map** | **Resolution:** |

Removed by By-law 2020.410

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| **39.** | | **Map** | **Resolution:** |

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| **40.** | | **Map** | **Resolution:** |

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| **41.** | **H-BC1-320** | **Map 25-W** | **Resolution: CD-11-05**<br>**CD-44-06, CD-189-05, CD-182-05,**<br>**CD-172-05, CD-114-04** |

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when a building permit application has been submitted for development within all building envelopes ‘A’, ‘B’, and ‘C’ in accordance with the “BC1-320” zone provisions.

**42. H-CN1-321 Map 25-W Resolution: CD-11-05**

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when a building permit application has been submitted for development within all building envelopes 'A', 'B', and 'C' in accordance with the "CN1-321" zone provisions.

**43. Map Resolution:**

**44. H-BC1-333 Map 18-W Resolution: CD-65-06**

The Holding symbol shall be removed from all or part of the zoning designation by way of an amending zoning by-law upon execution by the landowners of a Master Servicing/Cost Sharing Agreement with the City and Region for future creek, floodplain, servicing, traffic, and streetscaping improvements to the area.

**45. H-BC1-338 Map 18-W Resolution: CD-65-06**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law upon completion of the following:

- Submission of engineering studies assuring Conservation Halton and the City of Burlington that development on this property will not negatively impact the City's stormwater easement or the floodplain;
- dedication of a 9 metre wide strip of land along the south lot line of this parcel to provide vehicular access between the relocated Laurentian Drive and lands at the southeast corner of Guelph Line and Harvester Road.

**46. H-RH4-378 Map 23-W Resolution: CD-06-07-2**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law(s), and when the following information is completed to the satisfaction of Council:

- Payment of the rezoning per unit fees and per site fees in accordance with the fee schedule in effect at the time of the removal of the specific Holding Zone
- Submission of a parking study to the satisfaction of the Directors of Engineering and Planning for each phase of development, which demonstrates the adequacy of the existing parking and establishes parking requirements for the seniors' apartment building use in the context of the seniors' village

**47. H-BC1-383 Map 25-E Resolution: CD-2-08**

The holding zone shall be removed from the zoning designation for the land required for each subsequent building phase when a site plan application has been made showing enhanced building elevations which address the Urban Design Study and Guidelines for the Alton Central East Community and are to the satisfaction of the Director of Planning.

**48. H-O1-374 H-O3-375 Map 2-E Resolution: CD-61-07-2**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law upon completion of the following to the satisfaction of the Region of Halton for Conditions 1 and 2 and the City's Director of Engineering for Condition 3:

(1) The owner is to develop a well on the property to confirm that sufficient water is available for the proposed use.
(2) The applicant shall confirm the minimum separation distance is maintained between the bottom of in-ground casket burials and the water table.
(3) Dedicate to the City free of charge lands for widenings of Snake Road and Old York Road to bring them up to the deemed width as follows:
Snake Road: 1.8 m x 24 m +/- and an irregular widening of 1.4 m x 35 m +/-
Old York Road: 4.9 m along entire frontage

**49. Map Resolution:**

**50. H-RNA1 Map 7 Resolution: CD-53-08-01**

The Holding Symbol shall be removed from the zone designation by way of an amending zoning by-law when:

(a) the proponent of new development has demonstrated compatibility with existing and proposed mineral extraction and processing activities in terms of noise, vibration, odour, and dust, in accordance with Provincial guidelines, to the satisfaction of the Region of Halton and the City of Burlington;
(b) the proponent of new development has submitted a detailed hydrogeological study conducted in accordance with the Halton Region Rural Servicing Guidelines, demonstrating that the development can be satisfactorily serviced and accommodated with acceptable impacts on ground and surface water resources, to the satisfaction of the Region of Halton and the City of Burlington; and
(c) the provisions of Part II, Section 2.9, Waste Disposal Sites, of the Official Plan have been met to the satisfaction of the City of Burlington, in consultation with the Ministry of the Environment.

**51. H-RA-367 Map 31 Resolution: CD-53-08-1**

Removed by By-law 2020.516

**52. H-GE1-400 Map 30 Resolution: PB-39-09**

The Holding symbol shall be removed from all or part of the zoning designation by way of an amending zoning by-law when the following is completed to the satisfaction of the City's Director of Engineering and the Region of Halton:

The extension of full water, wastewater, and storm sewer services to the subject lands;

The conveyance free of charge of any land to the City required to facilitate the northerly extension of Harrison Court.

## 53. H-GE1-410 Map 6 Resolution: N/A

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law to permit a recreation or entertainment facility when the following has been completed to the satisfaction of the City:

(i) the submission of a parking and access study which demonstrates that site access and parking will be adequate to meet the demands of the recreation or entertainment facility;

(ii) the proposed service road extending Waterdown Road to King Road has received all applicable approvals to permit its construction; and

(iii) adequate securities have been posted with the City to ensure that the construction of the service road will be completed concurrent with the completion of the recreation or entertainment facility.

## 54. H-MXE-411 Map 6 Resolution: N/A

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the City:

Draft approval of a plan of subdivision which shows the organization of land uses to the south of the proposed service road between Falcon Creek and Indian Creek, and the access to the employment lands to the south.

## 55. H-MXC-414 Map 22 Resolution: N/A

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law to permit a supermarket/grocery store when the following has been completed to the satisfaction of the City:

Submission of a market impact study which demonstrates that there will be no unacceptable adverse impact on the planned function of any existing or designated retail commercial area and existing supermarkets/grocery stores in the primary trade area.

## 56. H-CR-408 Map 30 Resolution: N/A

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed:

(a) submission of an engineering study to the satisfaction of the City's Director of Engineering which indicates that the lands are not required for stormwater management purposes; and

(b) arrangements being made to the satisfaction of the City's Director of Engineering for the accommodation of storm water runoff from the subject lands and the expansion of Appleby Line, at an alternative location(s).

| 57. | Map | Resolution: |
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| 58. H-DI | Map 8, 9-A | Resolution: PB-39/10 |
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The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the City:

(1) The owner shall obtain consent of the Ministry of Culture, in accordance with Part VI of *The Ontario Heritage Act*, R.S.O. 1990, c. O.18 including obtaining a licensed archaeologist and an Aboriginal monitor to mitigate the site through a Stage 4 Assessment and/or Excavation;

(2) The owner agree that it shall not use the identified lands for any purpose that does not comply with Part VI of *The Ontario Heritage Act*, R.S.O. 1990, c.O.18;

(3) The owner shall undertake a complete Stage 4 mitigation to address any potential development impacts on the lands, including avoidance and long-term protection as the preferred option. Any archaeological assessment or activity shall be performed in accordance with the requirements of *The Ontario Heritage Act*, R.S.O. 1990, c.O. 18, and shall be conducted by a licensed archaeologist and an Aboriginal monitor. If avoidance cannot be achieved, the owner shall undertake a full site excavation as part of a Stage 4 assessment, in accordance with the requirements of *The Ontario Heritage Act*, R.S.O. 1990, c.O.18, and the Standards and Guidelines for Consultant Archaeologists by the Ministry of Culture.

| 59. H- | Map | Resolution: |
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*Hold for pending by-law*

| 60. H-MXC-423 | Map 10 | Resolution: PB-18/11 |
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Prior to the removal of the 'H' symbol, residential uses listed in Part 5, Section 2.0 'Permitted Uses – Mixed Use Corridor' shall be prohibited, until a noise and vibration study has been completed to the satisfaction of the City and Halton Region.

**61. H-R01 Map 29 Resolution: PB-08-15**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the City, Region of Halton and Conservation Halton:

- Approval to extend Valleyhigh Drive, including full water, wastewater and storm sewer services to the subject lands;
- Payment of subdivision per lot fees to Conservation Halton in accordance with the fee schedule in effect at the time of removal of the holding zone.

**62. H-BC1-319 Map 25 Resolution: PB-06-16**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the City, Region of Halton and Conservation Halton:

- Establishment of a revised creek block to the satisfaction of Conservation Halton.

**63. Map Resolution:**

**64. Map Resolution:**

Removed by By-law 2020.389

**65. H-DC-489 Map 9A Resolution: PB-67-18**

Removed by By-law 2020.519.

**66. H-MXG-494 Map 10E Resolution: PB-15-19**

Removed by By-Law 2020.449

**67. H-RH4-503 Map 14E Resolution: PB-32-19**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed:

- The Owner satisfies the Region of Halton's Protocol for Reviewing Contaminated or Potentially Contaminated sites, by submitting a Ministry of the Environment,

Conservation and Parks acknowledged Record of Site Condition; alternatively, that the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which is to the satisfaction of the Region of Halton and the City of Burlington's Executive Director of Environment, Infrastructure and Community Services

- The Owner submits an updated noise study to the satisfaction of the City of Burlington's Executive Director of Environment, Infrastructure and Community Services

- The Owner submits an updated geotechnical report to the satisfaction of the City of Burlington's Executive Director of Environment, Infrastructure and Community Services

**68. H-CN1-510 Map 13 Resolution: PB-32-19**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed to the satisfaction of the Region of Halton and City of Burlington:

- A Record of Site Condition has been filed with and acknowledged by the Ministry of Environment; and,
- All environmental site condition requirements related to the Record of Site Condition have been met.

**68. H-RM3-513 Map 14W & 14-E Resolution: PL-31-22**

a) The owner submits a Letter of Reliance for the Phase 1 and Phase 2 ESA, (as per O. Reg 153/04) and a Record of Site Condition or a MOECP approved Risk Assessment, to demonstrate the lands are suitable for the intended use, to the satisfaction of Halton Region and the City Director of Engineering Services;

Notwithstanding subsection a) above, this Holding provision does not prevent the issuance of a building permit necessary to authorize:

i) the removal of soil rock or fill for the purpose of making an excavation; or
ii) the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a record of site condition.

**69. H-RH3-508 Map 24-W Resolution: PL-42-22**

The Owner dedicates the lands associated with Shoreacres Creek and its associated buffer, as identified in Report PL-42-22 and shown on "B" on Schedule "A" attached hereto, to the City of Burlington, to the satisfaction of the City Director of Community Planning.

**70.**

Prior to the removal of the 'H' Holding Symbol, the following must be completed to the satisfaction of the City of Burlington:

An Environmental Noise Impact Study stamped by a Professional Engineer that:

- Analyzes the impacts of neighbouring rooftop mechanical and/or ventilation (stationary noise sources) on any proposed mid-rise or high-rise development on site; and,
- Analyzes the impacts of any proposed mid-rise or high-rise development on existing nearby residential uses; and,
- Identified any mitigation measure required to be implemented.

**71. H-CC1-515 Map 27 Resolution: PL171234**

The owner submits a Letter of Reliance for the Phase 1 and Phase 2 Environmental Site Assessment, (as per O. Reg 153/04) and a Record of Site Condition or a Ministry of Environment, Conservation and Parks (MECP) approved Risk Assessment, to demonstrate the lands are suitable for the intended use, to the satisfaction of Halton Region and the City Director of Capital Works;

Notwithstanding the above, this Holding Provision does not prevent the issuance of a building and/or site alteration permit necessary to authorize:

i) the removal of soil, rock or fill for the purpose of making an excavation; or
ii) the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a record of site condition.

**72. H-MXG-522 Map 9 Resolution: PL-44-23**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) The owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region;
b) The owner submits a Functional Servicing Report to the satisfaction of Halton Region;
c) The owner submits a Waste Management Plan to the satisfaction of Halton Region;
d) The owner demonstrates the replacement of the six (6) rental housing units within the subject property in accordance with Part 3, Subsection 2.3.2 f) of the Official Plan (1997, as amended) to the satisfaction of the Director of Community Planning and Halton Region.

**73. H-DRM-511 Map 13 Resolution: PL200648**

Prior to the removal of the 'H' Holding Symbol, the following must be completed to the satisfaction of the City of Burlington:

An Environmental Noise Impact Study stamped by a Professional Engineer that:

- Analyzes the impacts of neighbouring rooftop mechanical and/or ventilation (stationary noise sources) on any proposed mid-rise or high-rise development on site; and,
- Analyzes the impacts of any proposed mid-rise or high-rise development on existing nearby residential uses; and,
- Identified any mitigation measure required to be implemented.

**74. H-GE1-486 Map 9 Resolution: PL200648**

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. A revised Traffic Impact Study has been submitted and reviewed to the satisfaction of Transportation Planning;
ii. The comments from the Land Use Compatibility peer review of Halton Region have been completed and submitted to the City and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning;

**75. H-RH1-530 Map 18E Resolution:**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law following:

a. A Residential Development Agreement is registered on title to the satisfaction of the Director of Community Planning;
b. The owner submits an Arborist Report and Tree Preservation Plan to consider the preservation of trees and provide justification, when necessary, for the removal of trees to the satisfaction of the Director of Engineering Services; and
c. The owner completes the consolidation of land ownership to the satisfaction of the City.

**# H-RH3-506 Map 3-E Resolution:**

Removed by By-law 2020.477

**77. H-MXC-531 Map 3-E Resolution:**

Prior to the removal of the ‘H’ Holding Symbol, the following must be completed to the satisfaction of the Region of Halton:

1. The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.

**78. H-MXT-532 Map 27-W Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been obtained/completed:

a) Issuance of all necessary permits and completion of creek and hazard alterations and Fairview Street crossing upgrades such that the following is completed to the satisfaction of Conservation Halton and the City of Burlington:

   i. all hazards and their associated regulatory allowances are contained within Block D of Diagram 532 to this by-law, with the exception of the 7.5 m regulatory allowance from the floodplain that follows the drainage ditch along the northwest edge of the site, which extends into Block C; and

   ii. safe access and egress to the subject lands is available under regulatory storm conditions.

b) The submission of a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition (RSC). The RSC may be phased to apply to all or only a portion of the subject lands; or registration of the whole or the appropriate phase of the subdivision with appropriate conditions within the related subdivision agreement regarding the RSC, to the satisfaction of the City of Burlington and Region of Halton. The Holding provision may be lifted on a phased basis, over all or only a portion of the subject lands for which the RSC applies. In the event that the H is lifted on only a portion of the subject lands, the H otherwise continues to be in effect on the remaining lands to which it applies.

   Notwithstanding subsections (a) or (b) above, this Holding Provision does not prevent the issuance of a building permit and/or municipal consent by-law permit and/or site alteration by-law permit necessary to authorize:

   i. the demolition of an existing building, installation of servicing works along Oval Court, or activities, including the removal of soil, rock or fill, excavation and shoring, necessary to accommodate site remediation for the purpose of filing a Record of Site Condition.

**79. H-R4-533 Map 21-E & 26-W Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

a) The owner obtains a Tree Permit for all work proposed around City and private trees.

**80. H-REV3 Map 30-E Resolution:**

That prior to the lifting of the H, the Owner shall have addressed the following requirements for all the units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:

a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;

c) The Owner shall have made all required payments associated with the Allocation Program; and,
d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter.

**81. H-MXG-535 Map 30-E Resolution:**

That prior to the lifting of the H, the Owner shall have addressed the following requirements for all the units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:

a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
c) The Owner shall have made all required payments associated with the Allocation Program; and,
d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter.

**82. H-D-538 Map 30-E Resolution:**

That prior to the lifting of the H, the Owner shall submit a Risk Assessment acceptable to the City of Burlington confirming that the lands are suitable, or will be made suitable, for the proposed purposes.

**83. H-MXG-534 Map 3-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending Zoning By-law following:

a) The owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region;

b) The owner submits a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of Halton Region;

c) That the owner enters into a Development Agreement, Regional Servicing Agreement and/or Special Finance Agreement, if required, to finance the construction of the required off-site infrastructure upgrades prior to development, to the satisfaction of Halton Region;

| Exception | Zone | Map | Amendment | Enacted |
|---|---|---|---|---|
| 534 | H-MXG | 3-E | 2020.470 | |

d) The owner submits a revised Land Use Compatibility Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;

e) The owner submits a revised Noise Impact Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;

f) The owner submits a revised Sun Shadow Study and Sun Access Factor calculations in accordance with the City's Shadow Study Guidelines and Terms of Reference, dated June 2020 and all mitigation measures shall be incorporated into the site plan, to the satisfaction of the Director of Community Planning;

g) The owner submits a revised Pedestrian Level Wind Study in accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of Reference, dated March 2020 and all mitigation measures shall be incorporated into the site plan, to the satisfaction of the Director of Community Planning

**84. H-CN1-48 Map 27-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending Zoning By-law following:

a) The owner submits a Record of Site Condition, files with the Ministry of Environment, Conservation and Parks, that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region and Director of Engineering Services;

b) The owner submits copies of the final Phase One and Phase Two Environmental Site Assessment, which support the Record of Site Condition filing, to the satisfaction of the Region of Halton and Director of Engineering Services; and,

c) The owner submits an updated Functional Servicing Report to the satisfaction of the Region of Halton and Director of Engineering Services.

**85. H-MXG-542 Maps 3-E, 5-W & 6-W Resolution:**

Removed by By-law 2020.509.

**#86. H-RM2-543 Map 5-W Resolution: PL-93-24**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) The owner submits a revised Arborist Report and Tree Preservation Plan outlining the mitigative work around trees 2, 3, 12-21, including, but not limited to, foundation excavation, proposed noise wall/ fencing (including construction detail and post location), retaining walls, and degree of canopy clearing/raising requirements to the satisfaction of the Director of Roads, Parks & Forestry to be reviewed within 7 business days.

b) The revised Arborist Report of (a) above must include and reference a supplementary Pre-Construction Exploratory Root Investigation Report as an appendix. This report must document roots to be affected by the proposed project, the expected impacts and clear indication of requested permit type (i.e., permit to injure or permit to destroy), and mitigative and treatment measures for Tree 1 (City tree); Trees 2, 3, and 21 (along east side); and Trees 12, 13, and 14 (along south side) as a result of the proposed project works to the satisfaction of the Director of Roads, Parks & Forestry to be reviewed within 7 business days to confirm permit requirements and conditions.

c) The owner submits a letter certified by an Ontario Land Surveyor confirming the location and ownership of trees 2, 3 & 21 relative to the existing property line to verify ownership any trunk encroachment on the neighbouring property to the satisfaction of the Director of Roads, Parks & Forestry to be reviewed within 7 business days.

d) The owner submits a salvage plan for the following materials from the existing circa 1940 dwelling at 236 Plains Road East to the satisfaction of the Director of Community Planning to be reviewed within 7 business days:
    a. The cut stone sills and aluminum window shutters;
    b. The front door with leaded glass sidelights;
    c. Interior doors and hardware, including wood doors and French door with etched glass;
    d. Oak flooring, baseboards, and staircase components; and,
    e. Cast iron radiators.

**#87. H-MXG-371 Map 14-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) Prior to any site alteration, except those mentioned in Section 12 of O.REG. 153/04, the Owner satisfies the Region of Halton's Protocol for Reviewing Contaminated or Potentially Contaminated site by submitting a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC) that indicates the site is suitable for the proposed lands use. The Owner is also required to submit all environmental documentation used for filing the RSC to the satisfaction of the City of Burlington. The author of the environmental reports must extend third party reliance to Halton Region and the City of Burlington using the Regional reliance letter template.

| 2020.490 | H-MXG-539 | Map 3E | Resolution: October 2, 2024<br>OLT-23-000415 |
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The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following is completed to the satisfaction of the Region of Halton:

a) The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.

**#90 H-BC2-547 Map 3-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) The owner shall submit confirmation from the Ministry of Environment, Conservation and Parks (MOECP) that the proposed development satisfies the provisions of the Environmental Protection Act and that all studies have been carried out to the satisfaction of the MOECP, to the satisfaction of the Director of Community Planning.

b) The owner shall submit correspondence from the Ministry of Environment, Conservation and Parks (MOECP) confirming that the proposed tree removals for snag do not need to be protected as part of the Natural Heritage System for significant habitat of endangered and threatened species, to the satisfaction of the MOECP, to the satisfaction of the Director of Community Planning.

c) The owner shall submit for review and approval a draft reference plan identifying the deemed right of way widening dedications for review and approval prior to depositing at the Land Registry Office, to the satisfaction of the Director of Transportation Planning

**#93 H-RM2-546 Map 9-W & 9-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

a) A pre-construction exploratory root exercise by a qualified tree professional and submit a pre-construction exploratory root investigation report to the satisfaction of the Manager of Urban Forestry.
b) A written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees 7 to 10 following completion of the pre-construction exploratory root investigation exercise and report to the satisfaction of the Manager of Urban Forestry.
c) Confirmation from the Ministry of Citizenship and Multiculturalism - Heritage Branch on whether an archaeological assessment is required is to be provided to the satisfaction of the City of Burlington Director of Planning

| #94 | H-RM3-558 | Map 24-W and 24-E | Resolution: |
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| The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed: | | | |

1. The Owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use, to the satisfaction of the Director of Community Planning.
2. That the Owner enters into a Regional Servicing Agreement for the design, construction and financing for the extension and connection of and to municipal services to the subject lands, to the satisfaction of Halton Region.

**#96 H-RM2-560 Map 14-E/W Resolution:**

Removed by By-law 2020.515.

**#97 H-RM2-559 Map 18-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

a) The following is required with respect to neighbouring and boundary trees, including but not limited to, trees 3N, 4W, 5W and 6W as shown on the Tree Protection Plan, prepared by Lakeshore Tree Services Inc., dated December 2024, to the satisfaction of the Manager of Design and Construction – Parks:

   a. a letter from the neighbouring property owners consenting to any proposed injury and/or removal of the Offsite Trees; or

   b. a letter from a certified arborist confirming the Offsite Trees will not be injured or removed.

b) The owner completes a pre-construction exploratory root exercise for trees 1S, 2S, 3S and 4S as shown on the Tree Protection Plan, prepared by Lakeshore Tree Services Inc., dated December 2024, by a qualified tree professional and submits a pre-construction exploratory root investigation report for the above noted trees, to the satisfaction of the Manager of Design and Construction – Parks.

c) A written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees 1S, 2S, 3S and 4S as shown on the Tree Protection Plan, prepared by Lakeshore Tree Services Inc., dated December 2024, following completion of the pre-construction exploratory root investigation exercise and report to the satisfaction of Manager of Design and Construction – Parks."

**#98 H-R1.2-561 Map 14-W & 14-E Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following have been completed:

a) Conservation Halton accepts as-constructed drawings from the Applicant, in coordination with Conservation Halton Permit #8813, or any subsequent Conservation Halton Permit to complete the Lake Ontario shoreline works required to facilitate the Lake Ontario shoreline protection and confirmation of the Engineering Development Setback (EDS).

b) Conservation Halton issues a permit and accepts as-constructed drawings from the Applicant, for all works relating to the culvert replacement, channel rehabilitation and drainage feature works along the east side lot line.

c) The owner obtain a Tree Permit for all work (including tree removal) proposed around City and private trees, with specific regard for:

    a. A written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #690 is provided, to the satisfaction of the Manager of Urban Forestry; or a letter from a certified arborist confirming the neighboring tree will not be injured or removed is provided, to the satisfaction of the Manager of Urban Forestry.
    b. A legal survey prepared by an Ontario Land Surveyor is submitted to the satisfaction of the Manager of Urban Forestry, confirming the exact location and ownership of tree #521 relative to the existing property line to verify ownership and any trunk encroachment on the neighboring property.
    c. Depending on the ownership of tree #521 as established through subsection (b) immediately above, a written consent letter from the neighboring property owner confirming any required injury and/or removal of tree #521, to the satisfaction of the Manager of Urban Forestry; or a letter from a certified arborist confirming the neighboring tree will not be injured or removed, to the satisfaction of the Manager of Urban Forestry
    d. Supporting documentation from the Ministry of Environment, Conservation, and Parks (MECP) to confirm exemptions from the Provisions of the Endangered Species Act for the two (2) Butternut trees proposed for removal

d) The Owner submits the following with respect to the Channel Rehabilitation and Culvert Replacement works as outlined in the Water's Edge Preliminary Hydrology and Hydraulics Report dated December 17, 2024 to the satisfaction of the Director of Engineering Services (defined as the "Channel Rehabilitation and Culvert Works" in #98 of Part 11- Holding Zone Provisions, Appendix 'A'):

a. A letter from the neighbouring property owners of 113 Avondale Court, 136 Avondale Court and 4324 Blue Water Place, consenting to the Channel and Culvert Works to be completed on their properties or a revised Channel Rehabilitation and Culvert Replacement report and drawings from a qualified person redesigning the works to be entirely on the Owner's Property;

b. The final Channel Rehabilitation and Culvert Replacement report and drawings for staff's review and approval,

c. provide as-constructed certification from a Qualified Person for the Channel Rehabilitation and Culvert Works; and,

d. After construction and certification of the shoreline protection works and channel rehabilitation and culvert works a draft reference plan identifying the regulated shoreline hazard and setback to be zoned open space, and part(s) containing the drainage feature, up to the stable top of bank and including a 5.0m wide maintenance access easement along the east side of the property within the limits of 105 Avondale Court, from the north side lot line to Lake Ontario, prior to depositing such draft reference plan at the Land Registry Office.

e) Complete construction of the proposed Channel and Culvert Works to the satisfaction of the Director of Engineering Services;

f) The owner fulfils the following requirements to extend a private force main on Avondale Court to the satisfaction of the Region of Halton:
   a. Provide a detailed engineering submission
   b. Enter into a Regional servicing agreement
   c. Obtain a Regional Services Permit
   d. Obtain approval from the City of Burlington to allow private infrastructure in their roadway including obtaining all municipal consents, agreements, and permits

| #99 | H-DL-A-562 | Map 9A-E | Resolution: |
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The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. A revised Sun Shadow Study has been submitted and reviewed to the satisfaction of the City of Burlington;
ii. A Draft Reference Plan has been submitted identifying the required land conveyances in accordance with the City's Streetscape and Right of Way Design for Lakeshore Road;
iii. All plans, drawings and reports implementing designs within the new developable limits have been reissued.

iv. The capacity of the existing downstream Bridgeview Wastewater Pumping Station, that is required to service the proposed development, be confirmed by the Region and, if required, be increased by upgrading the station and its associated infrastructure. If required, the necessary upgrades must be implemented, and operational or alternative provisions are made by the Owner to the satisfaction of the Region of Halton.

**#100 H-MXC-565 Map 3-E & 3-W Resolution:**

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

a) A written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees following completion of the pre-construction exploratory root investigation exercise (if required) and report to the satisfaction of the Manager of Parks, Design and Construction.
b) A trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational to the satisfaction of Halton Region.
c) A revised Functional Servicing Report is submitted to the satisfaction of Halton Region.

**101. H-RM3-563 Map 2-W Resolution:**

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. The capacity of the existing downstream Bridgeview Wastewater Pumping Station, that is required to service the proposed development, be confirmed and if required, increased by upgrading the station and its associated infrastructure. If required, the necessary upgrades must be implemented, and operational or alternative provisions are made by the Owner to the satisfaction of the Region of Halton.

**102. H-RM3-564 Map 2-W Resolution:**

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. The capacity of the existing downstream Bridgeview Wastewater Pumping Station, that is required to service the proposed development, be confirmed and if required, increased by upgrading the station and its associated infrastructure. If required, the necessary upgrades must be implemented, and operational or alternative provisions are made by the Owner to the satisfaction of the Region of Halton.

ii. No development shall occur in the lands located in the Parkway Belt West Plan until such time that a Minister's Zoning Order Amendment has been approved to revoke the lands from the MZO.

**#103 and #104 H-CE-33 and H-CE-34 Map 15W Resolution:**

The Holding symbol shall allow for all permitted uses within Part 2 of H-CE-33 and CE-34 and Part 4, Commercial Zones, and only apply to the Recreational Establishment and be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

A. The submission of a Phase 1 ESA in accordance with O.reg 153/04 and a Record of Site Condition to address the Recreational Establishment Use to the satisfaction of the Director of Community Planning.

**#105 H-DL-A-566 Map 9A-E Resolution:**

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. A Draft Reference Plan has been submitted identifying the required land conveyances in accordance with the City's Streetscape and Right of Way Design for Lakeshore Road;

ii. All plans, drawings and reports implementing designs within the new developable limits have been reissued;

iii. A revised Noise Feasibility Study has been submitted and approved by the City, to the satisfaction of the Director of Community Planning;

iv. The Qualified Person confirms in the Phase Two Environmental Site Assessment that one or more criteria exceed the applicable Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act or property specific standards determined via risk assessment conducted in accordance with Schedule C or Ontario Regulation 153/04, as amended. If the Qualified Person indicates that samples contain contaminants at concentrations that exceed the applicable standards, remediation and/or risk assessment works will be required prior to change in land use

v. That sufficient wastewater services are available to the satisfaction of the Regional Municipality of Halton and the City of Burlington. In this regard, downstream sewer constraints that include the sanitary sewer pumping

station shall be addressed and any upgrades and/or replacement for the station be constructed and in operation, or other arrangements, satisfactory to Halton Region, have been made for the provision of wastewater services.