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, create a new lot, erect a new **building** or **structure**, or expand or replace 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 were legally established or permitted in the applicable underlying **zone** immediately prior to the effective date of this By-law;

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) The following interim **uses** are permitted, and must comply with the regulations of this By-law including applicable regulations of the underlying zone and Parts 5 and 6, prior to the removal of the (H) holding provision:

i) **Uses** that were legally established or permitted in the applicable underlying **zone** immediately prior to the effective date of this By-law;

ii) Replacement of a legally established existing **use**, provided the replacement does not result in an increase in the number of dwelling units, except for **additional residential units** subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

iii) **Accessory uses**, including the erection of **accessory buildings or structures**, in accordance with Section 5.1 and Section 5.2, respectively;

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.

b) An addition or alteration to a legally established **building** or **structure** is permitted, provided the addition or alteration itself does not result in an increase in the number of dwelling units, except for additional residential units subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

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

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) The following interim **uses** are permitted, and must comply with the regulations of this By-law including applicable regulations of the underlying zone and Parts 5 and 6, prior to the removal of the (H) holding provision:

i) **Uses** that were legally established or permitted in the applicable underlying **zone** immediately prior to the effective date of this By-law;

ii) Replacement of a legally established existing **use**, provided the replacement does not result in an increase in the number of dwelling units, except for **additional residential units** subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

iii) **Accessory uses**, including the erection of **accessory buildings or structures**, in accordance with Section 5.1 and Section 5.2, respectively;

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.

b) An addition or alteration to a legally established **building** or **structure** is permitted, provided the addition or alteration itself does not result in an increase in the number of dwelling units, except for additional residential units subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

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) The following interim **uses** are permitted, and must comply with the regulations of this By-law including applicable regulations of the underlying zone and Parts 5 and 6, prior to the removal of the (H) holding provision:

i) **Uses** that were legally established or permitted in the applicable underlying **zone** immediately prior to the effective date of this By-law;

ii) Replacement of a legally established existing **use**, provided the replacement does not result in an increase in the number of dwelling units, except for **additional residential units** subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

iii) **Accessory uses**, including the erection of **accessory buildings or structures**, in accordance with Section 5.1 and Section 5.2, respectively;

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.

b) An addition or alteration to a legally established **building** or **structure** is permitted, provided the addition or alteration itself does not result in an increase in the number of dwelling units, except for additional residential units subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

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) The following interim **uses** are permitted, and must comply with the regulations of this By-law including applicable regulations of the underlying zone and Parts 5 and 6, prior to the removal of the (H) holding provision:

i) **Uses** that were legally established or permitted in the applicable underlying **zone** immediately prior to the effective date of this By-law;

ii) Replacement of a legally established existing **use**, provided the replacement does not result in an increase in the number of dwelling units, except for **additional residential units** subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

iii) **Accessory uses**, including the erection of **accessory buildings or structures**, in accordance with Section 5.1 and Section 5.2, respectively;

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.

b) An addition or alteration to a legally established **building** or **structure** is permitted, provided the addition or alteration itself does not result in an increase in the number of dwelling units, except for additional residential units subject to the regulations of Section 5.14, and it complies with the **lot** and **building** requirements of the underlying **zone** or is authorized by a Section 45 *Planning Act* minor variance;

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

d) 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.

8.6 Holding Provision (H5) - 2105 Headon Rd.

a) The (H) holding symbol shall be removed when the following condition has been completed to the satisfaction of the **City**:

i) That the Owner is required to submit a revised Functional Servicing Report that includes analysis and/or calculations that demonstrate that the existing water system in the area can accommodate the proposed development to the satisfaction of Halton Region.