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**PART 11: HOLDING ZONE PROVISIONS**

**Zone Designation: 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".

**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 the 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 designation 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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<b>7.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>8.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>9.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>10.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>11.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>12.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>13.</b>	<b>Map</b>	<b>Resolution:</b>	
<b>14.</b>	<b>H-UCR1-74</b>	<b>Map 24</b>	<b>Resolution: PD-103-94</b>

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

- (a) Submission of a marketing study satisfactory to the Director of Planning for the City, substantiating the increase in retail commercial floor space, having regard for the existing and potential commercial needs of the City, and in particular, the commercial needs of the northeast urban area of the City, and any other conditions a future Council may impose.
- (b) Prior to the presentation of a by-law removing the "H" symbol to the Community Development Committee of Council, Markborough Properties Inc. will be consulted by the City.

<b>15.</b>	<b>H-UCR2-75</b>	<b>Map 24</b>	<b>Resolution: PD-103-94</b>
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Prior to the removal of the "H" symbol, the applicant must submit a marketing study. The marketing study will take into consideration the current market data and retail commercial floor space entitlements on the lands at the northwest corner of the Upper Middle Road and the Appleby Line and the southeast corner of Upper Middle Road and Walker's Line.

<b>16.</b>	<b>Map</b>	<b>Resolution:</b>
<b>17.</b>	<b>Map</b>	<b>Resolution:</b>
<b>18.</b>	<b>Map</b>	<b>Resolution:</b>

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<b>19.</b>		<b>Map</b>	<b>Resolution:</b>
<b>20.</b>		<b>Map</b>	<b>Resolution:</b>
<b>21.</b>	<b>H-R2.1-214 H-RM2-215 H-R5-216</b>	<b>Map 1</b>	<b>Resolution: CD-150-99-3</b>

- (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.

<b>22.</b>	<b>H-RM2-145</b>	<b>Map 14</b>	<b>Resolution: PH-35-96</b>
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Prior to the removal of the "H" holding symbol, the following conditions shall be satisfied pursuant to Section 41 of the Planning Act:

- (1) enter into an agreement with the City of Burlington to include the following conditions:
  - (a) complete the following to the satisfaction of the Director of Planning:
    - (i) land assembly of the property with 2051 and 2055 Ghent Avenue.
  - (b) complete the following to the satisfaction of the City's Director of Engineering:
    - (i) prior to the issuance of a building permit, submit a tree saving plan which identifies existing location of trees and hedges and proposed building envelopes to the satisfaction of the City Forester;

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- (ii) prior to the issuance of a building permit, install tree protection barriers to the satisfaction of the City Forester. Tree protection barriers are to remain in place during all phases of construction;
  - (iii) prior to the issuance of a building permit, submit grading and drainage plan;
  - (iv) pay park dedication in an amount to be determined by the Senior Coordinator - Property;
  - (v) submit driveway locations for approval. The existing hydro pole and anchor located in the front yard may have to be relocated at Owner's expense to accommodate driveway locations.
- (c) prior to issuance of a building permit, submit elevation plans to the Local Architectural Conservation Advisory Committee for review.

<b>23.</b>	<b>H-MXC-147</b>	<b>Map 10</b>	<b>Resolution: PH-53-96-1</b>
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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.

<b>24.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>25.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>26.</b>	<b>H-GE1-57</b>	<b>Map 3</b>	<b>Resolution: PH-31-97</b>
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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.

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- (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 watermain 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.

<b>27.</b>	<b>Map</b>	<b>Resolution:</b>
<b>28.</b>	<b>Map</b>	<b>Resolution:</b>
<b>29.</b>	<b>Map</b>	<b>Resolution:</b>
<b>30.</b>	<b>Map</b>	<b>Resolution:</b>
<b>31.</b>	<b>Map</b>	<b>Resolution:</b>
<b>32.</b>	<b>Map</b>	<b>Resolution:</b>
<b>33.</b>	<b>Map</b>	<b>Resolution:</b>

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<b>34.</b>	<b>H-RNA1 H-RNA2-193 H-RNA3-194</b>	<b>Map 3 &amp; 4</b>	<b>Resolution:</b>
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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 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

<b>35.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>36.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>37.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>38.</b>	<b>H-GE1-315</b>	<b>Map 30 - W</b>	<b>Resolution: CD-93-04</b>
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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:

Extension of full water, wastewater and storm sewer services to the subject lands.

<b>39.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>40.</b>		<b>Map</b>	<b>Resolution:</b>
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<b>41.</b>	<b>H-BC1-320</b>	<b>Map 25 - W</b>	<b>Resolution: CD-11-05 CD-44-06, CD-189-05, CD-182-05, CD-172-05, CD-114-04</b>
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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.

## Part 11 - Holding Zone Provisions

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**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.

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## Part 11 - Holding Zone Provisions

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**48. H-01-374 H-03-375 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 deemed width as follows:
  - Snake Road: 1.8m x 24m +/- and an irregular widening of 1.4 m x 35 m+/-.
  - Old York Road: 4.9 m along entire frontage.

**49. H-RH1-392 Map 23 - W Resolution: CD-15-08**

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following information and fees are submitted to the satisfaction of Council:

Submission of a parking study to the satisfaction of the Director of Engineering and the Director of Planning which demonstrates the adequacy of the existing parking and establishes the appropriate parking requirement for the remaining phases of seniors apartment and retirement home development on the property.

Payment of per unit fees for the additional retirement home and seniors apartment units permitted following the removal of the 'H' Holding Symbol.

**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.

## Part 11 - Holding Zone Provisions

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

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

The Regional Municipality of Halton has notified the City that it is satisfied that an acceptable well has been proven and that a septic system can be established on the proposed lot in accordance with Regional By-laws and Servicing Guidelines, together with being in accordance with Provincial legislation and guidelines and has confirmed such satisfaction in writing to the City of Burlington. Should the Region not provide such confirmation, the “H” shall not be lifted.

- until such time as the “H” symbol is removed, only the following uses shall be permitted on the subject lands:
- all existing uses, buildings or structures;
- a home occupation in an existing single – detached dwelling;
- a public or private park, provided no permanent buildings or structures are built;
- an agricultural or farming use’
- conservation uses, save and accept any buildings, and accessory structures and uses to the foregoing permitted use, including signs, benches and interpretive displays; and
- accessory flood, storm water and erosion control structures

### 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 from Waterdown Road to King Road has received all applicable approvals to permit its construction; and



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## Part 11 - Holding Zone Provisions

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<b>58.</b>	<b>H-DI</b>	<b>Map 8, 9-A</b>	<b>Resolution: PB-39/10</b>
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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.

<b>59.</b>	<b>H-</b>	<b>Map</b>	<b>Resolution:</b>
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*Hold for pending by-law*

<b>60.</b>	<b>H-MXC-423</b>	<b>Map 10</b>	<b>Resolution: PB-18/11</b>
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Prior to removal of the 'H' Holding 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.