

## APPENDIX "C" - SPECIAL USE PROVISIONS FOR SPECIFIC LANDS

402. Notwithstanding Sections 53.1 and 54.1 of this By-law, within the lands shown as affected by this subsection on Schedule 73 of Appendix "A" any new building constructed after the date of passing of this By-law used for a residential dwelling, day care facility, residential care facility, educational establishment or tourist home shall not be permitted until:

- a) The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a noise study addressing railway noise and vibration impacts and any necessary agreement has been entered into, between the Region and the Owner, providing for the implementation of any recommended noise mitigation measures; and
- b) a 15 metre setback from the lot line abutting the rail right-of-way is provided.

(By-law 2010-108, S.24)