

## APPENDIX “F” - HOLDING PROVISIONS FOR SPECIFIC LANDS

89. Since the lands are classified as a Class 4 Area as defined in the Ministry of the Environment Conservation and Parks Noise Guideline NPC-300, notwithstanding Sections 55.1 of this By-law, for lands zoned MU-3 as shown on Schedules 170 and 171 of Appendix ‘A’, as affected by this section and subject to a Holding Provision “H”, the following sensitive uses;

- Day Care facility Duplex Dwelling Dwelling Unit
- Educational Establishment Health Clinic
- Health Office Hospice Hotel
- Lodging House having 9 residents or more Medical Laboratory
- Multiple Dwelling Religious Institution Residential Care Facility Single Detached Dwelling
- Street Townhouse Dwelling Tourist Home

shall not be permitted until this Holding Provision has been removed by By-law. The holding symbol shall not be removed, in whole or in part, until:

i. That the City of Kitchener has received acknowledgment from the Regional Municipality of Waterloo advising that road/rail traffic and stationary noise studies have been approved in accordance with the all relevant legislation and Ministry of the Environment, Conservation and Parks, and Regional guidelines. The indoor sound criteria for stationary and impulsive noise shall be 40 dBA (dBAI) during the daytime period (07:00 - 23:00) and 35 dBA (dBAI) during the nighttime period (23:00 - 07:00) for indoor sensitive spaces with windows and doors closed. The criteria shall be used to assist and guide mitigation design only, to the satisfaction of the City of Kitchener and the Regional Municipality of Waterloo.

Further, all exterior walls directly exposed to railway line and noise sources in the rail yard shall be constructed with brick veneer or masonry equivalent, satisfactory to the City of Kitchener and the Regional Municipality of Waterloo.

- ii. Any window design or on building mitigation tool other than an Enclosed Noise Buffer for mitigation must be considered an appropriate tool to the satisfaction of the Regional Municipality of Waterloo.
- iii. Notwithstanding i. above in this subsection, any Day Care Facility shall be limited to the Courtland Avenue side of the site only, and shall satisfy the Class 1 Area acoustical environment sound level criteria of the Ministry of the Environment, Conservation and Parks NPC-300 noise guideline, to the satisfaction of the City of Kitchener and the Region of Waterloo.
- iv. That the City of Kitchener has received a detailed vibration study in accordance with the relevant legislation and the Federation of Canadian Municipalities / Railway Association of Canada “Proximity” guidelines, satisfactory to the City of Kitchener and the Regional Municipality of Waterloo.
- v. That the City of Kitchener has received the required technical reports to address railway health and safety as per conclusions and recommendations of the “Development Viability Assessment of Virerra Village, Final Report” (Dillon Consulting, July 2019), satisfactory to the City of Kitchener and the Regional Municipality of Waterloo.
- vi. That the City of Kitchener has received a detailed dust and odour study in accordance with the relevant legislation, satisfactory to the City of Kitchener and the Regional Municipality of Waterloo.

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(LPAT Order 190267) (Block Line and Courtland Avenue East)