

(40H) – Notwithstanding Section 8 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Number 289 of Appendix "A", no residential use or other sensitive land use shall be permitted until such time as a detailed stationary noise study has been completed and implementation measures have been addressed to the satisfaction of the Region of Waterloo. The detailed stationary noise study shall review the potential impacts of the development on itself (e.g., HVAC system on the sensitive points of reception) and the impact of the development on the adjacent sensitive land uses. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.