

(110H) – 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 the permitted *uses* within the SGA-4 zone, within lands as shown on Zoning Grid 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*
- *Dwelling Units*
- *Commercial School, Elementary School, Post-Secondary School, and/or Secondary School*
- *Health Clinic*
- *Health Office*
- *Hospice*
- *Hotel*
- *Lodging House*
- *Place of Worship*
- *Large Residential Care Facility*
- *Small Residential Care Facility*

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) Road/rail traffic and stationary noise studies have been approved to the satisfaction of the *City* in accordance with all the relevant legislation and Ministry of the Environment, Conservation and Parks, and *Region* 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*.

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*.

- ii) Any window design or building mitigation tool other than an Enclosed Noise Buffer for mitigation must be considered an appropriate tool to the satisfaction of the *City*.
- iii) Notwithstanding subsection i. above, 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*.

- iv) That the *City* 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*.
- v) That the *City* 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*.
- vi) That the *City* has received a detailed dust and odour study in accordance with the relevant legislation, satisfactory to the *City*.

(By-law 2025-049, S.27 – May 5, 2025)