

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2018**

Item 8, Report No. 2, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 30, 2018.

#### **8 AMENDMENTS TO THE NOISE CONTROL BY-LAW 96-2006**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services and Deputy City Manager, Planning and Growth Management, dated January 23, 2018:

##### **Purpose**

To amend the City of Vaughan's noise regulations to reflect the Ministry of the Environment and Climate Change's (MOECC) revised Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300), to update City department names, titles and definitions, and to improve noise exemption provisions to provide more consistent and efficient service.

##### **Recommendations**

1. That Council adopt the recommendations, as provided in Attachment 1; and
2. That Council authorize staff to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws.

##### **Report Highlights**

- The Ministry of the Environment and Climate Change introduced a new guideline, NPC-300, respecting noise from stationary and transportation sources.
- This report brings the City's noise regulations in line with NPC-300, updates by-law terminology, and amends the Director's delegated authority with respect to noise exemptions.
- Staff will undertake a fulsome review of the Noise By-law in the near future.

##### **Background**

##### ***The Ministry of the Environment and Climate Change released a new Environmental Noise Guideline***

In August 2013, the Ministry of the Environment and Climate Change (MOECC) released Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300) to replace a number of existing Ministry guidance documents. This guideline establishes a class system of designating various "acoustic environments", defining permissible sound levels for each class.

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##### Classes of areas

In prior guidance documents, the MOECC defined three classes of acoustical environments with their respective noise limits:

- Class 1 - urban areas
- Class 2 - areas that exhibit a mixture of urban and rural characteristics
- Class 3 - rural areas

NPC-300 introduces Class 4 Areas, to address noise in areas where there is intended development of noise-sensitive land uses, such as a residential development, in proximity to existing stationary noise sources, such as an industrial facility.

Key points about a Class 4 area include that:

- these areas have higher permissible noise levels than other classes of areas;  
and
- an area can only be classified as Class 4 through formal confirmation by the land use planning authority, i.e., the City.

##### ***Staff authority to approve longer noise exemptions for construction work***

By-law 96-2006, as amended, provides authority to the Director of By-law and Compliance, Licensing and Permit Services (BCLPS) to approve a noise exemption for construction work up to 11 days, requiring longer requests to receive Committee of the Whole and Council approval.

In the summer when Council is not in session, applicants with these longer exemption requests must wait up to three months for consideration, at times delaying their project, as well as the ability of staff to issue permits with conditions. Another common challenge is that applicants frequently do not submit their applications with the required 60-day notice, providing insufficient time for the request to be submitted to Council with the proper notice, resulting in last-minute reports and/or delays in these projects.

##### ***Terminology***

Since the original Noise Control By-law was enacted in 2006, a number of terms have changed, and as well, staff have identified terms that if defined or better defined, would make the by-law easier to understand. These terms include: construction work, the department head title, emergency work, enforcement officer, municipality, necessary municipal work, NPC publication, permit, point of reception, property, public-right-of way, residential area, sound reproduction device, special event and stationary source.

##### ***Noise Control By-law Changes***

As part of the Council-approved By-law Strategy to review over 40 by-laws, BCLPS will

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be conducting a comprehensive review of the Noise Control By-law 96-2006 in the near future; however, to ensure City by-law is in line with MOE guidelines and Service Excellence, staff are seeking Council approval for the proposed amendments to provide provincially compliant and more efficient service.

#### **Previous Reports/Authority**

The City of Vaughan Noise Control By-law and its amendment: [96-2006](#) [207-2007](#)

The [Ministry of the Environment and Climate Change \(MOECC\)](#) released [Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning \(NPC-300\)](#).

#### **Analysis and Options**

##### ***New Environmental Noise Guidelines – NPC-300 addresses intensification development***

Vaughan is experiencing an increasing volume of intensification development. This has presented challenges for noise control in areas where new residential developments are adjacent to existing employment areas. Recognition of NPC-300 would allow the City to regulate noise in these areas with appropriate limits, while continuing to support the viability of the business community and acknowledging the holders of ECAs. Staff recommend the following to support this change:

##### ***Class 4 approval process and documentation***

NPC-300 addresses the condition where existing stationary noise sources, such as industrial or auxiliary transportation facilities, are in proximity to proposed noise sensitive land uses, such as residential. The new MOECC noise guidelines establish a class system of designating the various acoustic environments and define the appropriate sound level criteria for each Class.

A Class 4 Area designation allows for the use of higher noise guideline limits and the use of receptor-based noise mitigation measures, such as enclosed buffer balconies. These new guidelines are intended for use in intensification developments with noise sensitive land-uses in proximity to existing industrial areas. The Class 4 Area classification of a specific site or area is established through formal confirmation by Council. Staff recommend creation of an additional Schedule in the Noise Control By-law to identify and document approved Class 4 areas.

##### ***Previous MOECC guidelines***

All references to the previous MOECC Environmental Noise Guideline “NPC-205 Stationary Sources” should be replaced with “NPC-300 Stationary and Transportation Sources” to ensure consistency with MOECC noise exclusion limits and noise assessment procedures.

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#### **Exempted Employment Areas**

Schedule 2 of the Noise Control By-law prohibits certain activities that generate excessive noise in residential areas and Quiet Zones. In a Class 4 area, there may be instances where industrial activities may result in resident complaints notwithstanding the inclusion of noise attenuation measures in the residential building. In order to address the issue, staff recommend the creation of Exempted Employment Areas for businesses that:

- are adjacent to a Class 4 area and have a valid ECA permitting the activity; and
- maintain compliance with applicable MOECC requirements.

Businesses in these areas would be otherwise subject to the City's by-law for noise generated by activities not regulated by their ECA. It is recommended that Schedule 5 be added to the Noise By-law to identify specific businesses that have been granted an exemption. Since inclusion in Schedule 5 is dependent on MOECC-issued ECAs, and therefore administrative in nature, staff recommend that the Director, BCLPS have the delegated authority to add new Exempted Employment Areas to the schedule.

#### **Terminology**

In line with current City terminology, staff recommend the By-law be amended to include updates to the terminology identified in the Background section.

#### **Staff authority to approve longer noise exemptions for construction work**

In line with the Service Excellence Strategic Initiatives to improve Citizen Experience and provide Consistent Service Delivery, staff recommend allowing the Director of BCLPS to grant construction noise exemptions of up to 90 days, as opposed to the current 11-day limit. This would ensure the noise exemption approval process does not delay development within the City year-round, as well as ensuring that staff are aware of projects underway, and can impose noise mitigation requirements as a condition of permits.

#### **Financial Impact**

There is no anticipated financial impact as a result of the recommendations of this report.

#### **Broader Regional Impacts/Considerations**

Through recognition of the NPC-300 guideline, the City will ensure its regulation is in line with MOECC guidelines, thus contributing to the delivery of consistent regulation across the Province of Ontario, and a viable environment for the business community.

#### **Conclusion**

The proposed technical amendments will contribute to clear, consistent regulation for

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Vaughan residents and the business community, supporting the City's Service Excellence Strategic Initiative to improve Citizen Experience and provide Consistent Service Delivery, while continuing to regulate noise levels and ensure the well-being of Vaughan citizens and businesses.

To ensure the proposed amendments address the most pressing needs of those impacted by the by-law, this report has been developed with input from Development Engineering, Legal Services and By-law and Compliance, Licensing and Permit Services.

**For more information, please contact:** Gus Michaels, Director of By-law & Compliance, Licensing & Permits Services, ext. 8735 and Andrew Pearce, Director of Development Engineering, ext. 8255

#### **Attachments**

1. Noise Control By-law Recommendations

#### **Prepared by**

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783 and Andy Lee, Environmental Engineer, ext. 8711

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Item:



## Committee of the Whole Report

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**DATE:** Tuesday, January 23, 2018

**WARD(S):** ALL

**TITLE:** Amendments to the Noise Control By-Law 96-2006

**FROM:**

Mary Reali, Deputy City Manager, Community Services

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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municipal work, NPC publication, permit, point of reception, property, public-right-of-way, residential area, sound reproduction device, special event and stationary source.

### ***Noise Control By-law Changes***

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Staff recommend the following to support this change:

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A Class 4 Area designation allows for the use of higher noise guideline limits and the use of receptor-based noise mitigation measures, such as enclosed buffer balconies. These new guidelines are intended for use in intensification developments with noise sensitive land-uses in proximity to existing industrial areas. The Class 4 Area classification of a specific site or area is established through formal confirmation by Council. Staff recommend creation of an additional Schedule in the Noise Control By-law to identify and document approved Class 4 areas.

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### **Financial Impact**

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### **Conclusion**

The proposed technical amendments will contribute to clear, consistent regulation for Vaughan residents and the business community, supporting the City's Service

Excellence Strategic Initiative to improve Citizen Experience and provide Consistent Service Delivery, while continuing to regulate noise levels and ensure the well-being of Vaughan citizens and businesses.

To ensure the proposed amendments address the most pressing needs of those impacted by the by-law, this report has been developed with input from Development Engineering, Legal Services and By-law and Compliance, Licensing and Permit Services.

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1. Noise Control By-law Recommendations

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Carol Ramchuram, Regulatory Policy Analyst, ext. 8783 and Andy Lee, Environmental Engineer, ext. 8711

## **SCHEDULE A – NOISE CONTROL BY-LAW RECOMMENDATIONS**

That the Noise Control By-law 96-2006, as amended, be repealed and replaced with a new Noise Control By-law that consolidates previous by-laws and incorporates the following changes:

1. addition of a definition of “Class 4 Area”, as defined in NPC-300;
2. amendment of the definition of “Stationary Source” to be consistent with the new definition provided in NPC-300;
3. addition of a requirement that noise that can be heard in Class 4 Areas be in compliance within the proposed Noise Control By-law, i.e., in compliance with the regular provisions of the by-law, NPC-300 and other Ministry guidelines;
4. addition of a schedule that identifies Class 4 Areas, in which each area must include the location and a map of the area (to be listed in Schedule 4 of the proposed by-law);
5. addition of a provision that requires City Council to approve classification of a location as a Class 4 Area;
6. replacement of all references to “NPC-205 Stationary Sources” with “NPC-300 Stationary and Transportation Sources”;
7. creation of “Exempted Employment Areas”, subject to the delegated authority of the Director, BCLPS, exempting designated industrial and commercial locations adjacent to Class 4 Areas, from certain by-law prohibitions provided that the activities are regulated and being conducted in accordance with MOECC-issued ECA approvals and MOECC requirements. Such locations would remain subject to the City’s Noise Control By-law for activities and conditions not regulated by their ECA (to be listed in Schedule 5 of the proposed by-law);
8. amendment to allow the Director of BCLPS to approve construction noise exemptions up to a length of 90 days, as opposed to the current limit of 11 days; and
9. revision of various terms, as listed in the report.