

By-Law No. 2017-235

A by-law of the City of Ottawa to amend the Official Plan for the City of Ottawa to amend policies related to development in proximity to the MacDonald-Cartier International Airport and the Rockcliffe and Carp Airports

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Enacted On: 2017-07-12

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BY-LAW NO. 2017 – 235

A by-law of the City of Ottawa to amend the Official Plan for the City of Ottawa to amend policies related to development in proximity to the MacDonald-Cartier International Airport and the Rockcliffe and Carp Airports

WHEREAS Planning Committee convened a public meeting to consider the adoption of the aforementioned official plan amendment;

AND WHEREAS Planning Committee recommends the adoption of the aforementioned official plan amendment;

AND WHEREAS Council on July 12, 2017 carried the recommendation of Planning Committee;

THEREFORE the Council of the City of Ottawa enacts as follows:

1. The attached document, being Official Plan Amendment No. 193 to the Official Plan for the City of Ottawa, is hereby adopted.
2. This by-law shall come into force in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

ENACTED AND PASSED this 12th day of July, 2017.

CITY CLERK

MAYOR



**OFFICIAL PLAN AMENDMENT NO. 193 TO THE
OFFICIAL PLAN FOR THE CITY OF OTTAWA**

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Purpose

The purpose of these amendments is to:

- Amend Section 4.8.6 of the Official Plan to streamline airport noise policies, and
- add a new figure for information purposes illustrating noise areas and land use restrictions.

Location

The Official Plan Amendment (file number D01-01-16-0011) affects new development and redevelopment in proximity to the MacDonald-Cartier International Airport as well as the Rockcliffe and Carp Airports. Airport areas are shown on Schedule K and Annex 10 of the Official Plan and on Schedule 6 of the Comprehensive Zoning By-law.

Basis

Section 4.8.6 of the Official Plan provides a policy framework for land use constraints due to noise from aviation and aviation-related activities. Under the Plan, policies for noise sensitive land uses such as residential become progressively more restrictive in areas of higher NEF/NEP where aircraft operate at lower altitudes, such as near the airport and underneath flight paths near the runways.

Airport policies in the Official Plan were initially established by the former Region and later incorporated into the new City Official Plan in 2003. Since that time some minor amendments have been made in OPA 36, OPA 76 and in OPA 150.

Proposed amendments to Section 4.8.6 are generally limited to changes that update policies to make them align with current legislation and streamline language to provide greater clarity of when and where land use restrictions may apply. Within the existing Section 4.8.6 there is a substantive preamble as well as text explaining the NEF/NEP modelling process. This text is considered superfluous because the information is generally strategic in origin or is repeated in the City's Environmental Noise Control Guidelines (another Council-adopted document).

The proposed changes to section 4.8.6 would remove the definition of a noise sensitive land use from the preamble, and thus the City would largely rely on the provincial

Environmental Noise Guideline (NPC-300) definitions which are proposed to be added and amended in the City's Environmental Noise Control Guidelines.

To aid in the understanding of the complex provisions affecting development a new figure is proposed to be included in Section 4.8.6. The figure will make it easier to understand if and where airport noise policies in the Official Plan apply. Because it is a simplification of the Official Plan policies, the figure will be provided with a note stating that it is for information purposes only and that policies in the Plan are determinative in the event of a conflict.

Consistent with the requirements of the Airport Zoning Regulations and the airport wildlife management plan, a new policy is proposed that prohibits new open water habitat areas within the AVDZ. The concern arising from open water habitat is that use by waterfowl could result in dangerous interactions with aircraft. By providing for a definition of open water habitat (versus open water) some features may be permitted such as stormwater management ponds and gravel pits if design considerations to exclude waterfowl and other birds are used. Staff considered various spatial area alternatives for inclusion in the policy but have ultimately not recommended a maximum habitat area because this could conflict with stormwater management and would preclude consideration of mitigation to discourage wildlife. New open water areas therefore will need to be assessed for potential wildlife use.

Finally, within the Glossary section of the Official Plan definitions of the Airport Vicinity Development Zone (AVDZ) and Airport Operating Influence Zone (AOIZ) are proposed to be added. These definitions formerly resided in the preamble to Section 4.8.6 but are more appropriately found in the Glossary.

PART B – THE AMENDMENT TO THE OFFICIAL PLAN

Introduction

All of this part of this document entitled Part B – The Amendment, consisting of the following text, constitutes Amendment No. 193 to the City of Ottawa Official Plan.

Details

The following changes are hereby made to the City of Ottawa Official Plan:

- a)
- b) In Volume 1 Section 4.8.6 – Land-Use Constraints Due to Airport and Aircraft Operations remove all text and replace with the following:

4.8.6 Land-use Constraints Due to Airport and Aircraft Operation

The Ottawa Macdonald-Cartier International Airport is fundamental to the economic well-being of the City, National Capital Region, the Outaouais and Eastern Ontario by providing a full-service, round-the-clock, commercial aviation passenger terminal, airfield system and cargo shipping as well as aviation related businesses and research and development facilities. This plan seeks to ensure the role and function of the Airport is maintained by:

- Prohibiting new noise-sensitive uses within the Airport Operating Influence Zone (AOIZ) as illustrated on Schedule K or Annex 10;
- Implementing the Shared Vision for Economic Development between the City of Ottawa and the Ottawa Macdonald - Cartier International Airport Authority;
- By ensuring appropriate noise reduction measures are integrated into any new proposed residential or other noise sensitive development between the 25 NEF/NEP and 30 NEF/NEP contours;
- Encouraging aviation-based shipping, industry and research to locate in proximity to the airport

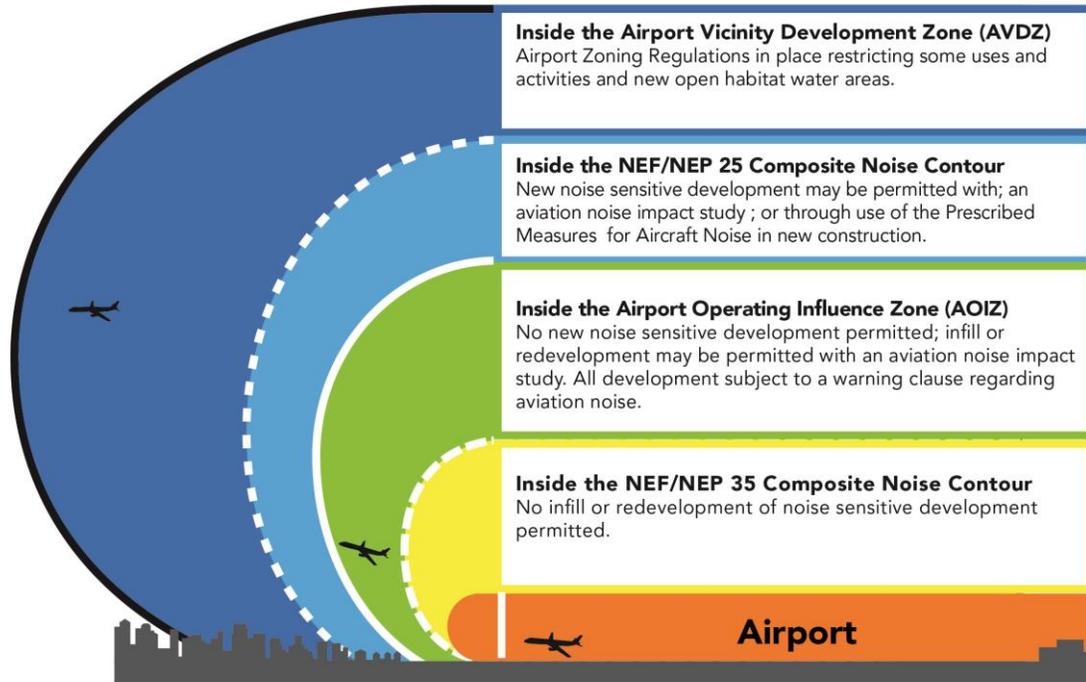
- Controlling building heights and natural vegetation within the airport obstacle limitation surfaces as established by federal standards or airport zoning regulations;
- Regulating land uses and activities in a manner that will not increase wildlife presence and elevate risks to aviation operation; and
- Restricting land uses, activities and the use of building materials that have potential to interfere with the performance of navigation aids and telecommunication.

Ottawa Macdonald-Cartier International Airport Operational Conditions

Transport Canada and Airport Authorities across Canada identify areas around airports that require protection. These areas are defined by noise exposure forecasts and projections, (noise contours), Airport Zoning Regulations, the Ministry of Environment Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300), and two federal publications referred to as TP 312 titled Aerodrome Standards and Recommended Practices and TP 1247 titled Land Use in the Vicinity of Airports. For the Ottawa Macdonald-Cartier International Airport, the 2013 NEF contours, the 2023 NEP contours and the Ottawa Airport Zoning Regulations have been used in this Plan to identify two zones around the airport that are affected by aviation operations: the 'Airport Operating Influence Zone' (AOIZ); and the 'Airport Vicinity Development Zone' (AVDZ). These contours have also been corroborated through the 2043 NEP contours.

The impacts of airport operations on land use typically result in three categories of constraints on development: aircraft noise; airport zoning regulations; and wildlife management. Policies in this plan relating to development around the Ottawa Macdonald-Cartier International Airport are summarized in Figure 4.8.6 below.

Figure 4.8.6 a summary of aviation noise control areas and land use restrictions in the vicinity of the MacDonal-Cartier International



Airport (for information purposes only).

General Aviation Airfields

General aviation airfields at the Ottawa Macdonald-Cartier International, Carp, and Rockcliffe airports contribute to economic development, tourism and recreation within the City by providing facilities that accommodate the Canada Aviation and Space Museum / Musée de l'aviation et de l'espace du Canada, private aviation, flight schools and aviation related businesses. Activities at these airfields will be protected from incompatible development.

Policies

OTTAWA MACDONALD-CARTIER INTERNATIONAL AIRPORT

Within lands identified as the Airport Vicinity Development Zone (AVDZ) and Ottawa Airport Operating Influence Zone (AOIZ) on Schedule K or Annex 10 the following policies will apply:

1. Development within the AVDZ must take into consideration the Council- approved Environmental Noise Control Guidelines and applicable provincial and federal guidelines and regulations.
2. Within the AOIZ new noise-sensitive land uses will not be approved except where all the following circumstances are met.
 - a. Redevelopment of an existing noise-sensitive land use may be permitted if:
 - i. the land fronts on an existing public road that is maintained year round;
 - ii. the land is on a lot that was created under the Planning Act prior to May 14, 2003;
 - iii. the land use is permitted in the Zoning By-law;
 - iv. appropriate warning clause(s) are included on title to advise purchasers or occupants of expected noise levels and the necessity of installing and maintaining recommended noise control measures; and
 - v. the development is not at or within the 35 NEF/NEP composite noise contour line.
 - b. Infill of residential uses may be permitted if the development:
 - vi. is for a single detached dwelling(s) on a lot(s) created by severance;
 - vii. a detailed noise study is prepared detailing architectural measures necessary and demonstrating that provincial noise guidelines for interior spaces can be met;
 - viii. the infill development fronts on an existing public road that is maintained year round;

- ix. meets the requirements of the Zoning By-law and all the provisions of this Plan;
 - x. appropriate warning clause(s) be included on title to advise purchasers or occupants of expected noise levels and the necessity of installing and maintaining noise control measures;
 - xi. the development does not require a Zoning By-law amendment to create the lot(s) and;
 - xii. the development is not at or within the 35 NEF/NEP composite noise contour line.
3. A Noise Control Study consistent with the Council approved Environmental Noise Control Guidelines is required as part of a complete application for any development proposal within the 25 NEF/NEP composite noise contour line as illustrated on Schedule K and Annex 10.
- c. Within the AVDZ, noise-sensitive uses may be permitted between the NEF/NEP 25 composite noise contour line and the Ottawa Airport Operating Influence Zone subject to a detailed Noise Control Study or application of the prescribed measures to address airport noise as described in the Environmental Noise Control Guidelines.
4. New development and redevelopment will comply with the Ottawa Airport Zoning regulations as enacted under the *Federal Aeronautics Act*.
5. Development conditions and best practices may be required to reduce the risk of wildlife conflict with airport operations. Proposed land uses, municipal infrastructure projects and activities in the vicinity of the Ottawa International Airport will have regard to the Ottawa MacDonald-Cartier International Airport Authority Wildlife Management Plan.
6. Within the AVDZ the creation of open water habitat areas will be prohibited.

7. Throughout the city, land uses, activities and the use of building materials with potential to interfere with safe operation of aircraft, the performance of navigation aids, or telecommunication will be prohibited.

LANDS OUTSIDE OF THE BOUNDARY OF THE AIRPORT VICINITY DEVELOPMENT ZONE

The Airport Zoning Regulations also apply to lands outside of the 'Airport Vicinity Development Zone' where these lay within the runway approach surfaces. Mapping is available from the Ottawa International Airport Authority to determine the precise location of affected areas.

8. Development within runway approach surfaces will be subject to the overall building height provisions of the Airport Zoning Regulations.

OTHER LOCAL AIRPORTS AND AERODROMES

9. Proposed development in the vicinity of Carp and Rockcliffe airports will comply with TP 312 Aerodrome Standards and Recommended Practices affecting building heights.
10. Noise-sensitive development will not be permitted within the 30 NEF / NEP contour lines at the Carp or Rockcliffe airports.
11. Development applications that propose noise-sensitive land uses between the 25 NEF / NEP and the 30 NEF / NEP contour lines at the Carp or Rockcliffe airports require a Noise Control Study.

- c) In Volume 1 Section "Glossary" add the following:

Airport Operating Influence Zone (AOIZ)

This line is a composite of the 30 NEF and 30 NEP noise contours, and takes into account visible features such as roads and watercourses. The zone was established to restrict noise-sensitive development which can be disturbed by noise. The boundary of the AOIZ is not subject to interpretation and the precise location must be read from a map at a scale of 1:50,000 as prepared by the City of Ottawa or Ottawa International Airport Authority.

Airport Vicinity Development Zone (AVDZ)

Lands within the “Airport Vicinity Development Zone” are constrained by the Ottawa Airport Zoning Regulations. This line is based on the most restrictive of either the 25 NEF and NEP contours (the 25 noise composite line) as well as the “Outer Limitation” and “Bird Hazard Zone” boundaries as defined by the Ottawa Airport Zoning Regulations. The boundary of the AVDZ has been drawn to coincide with physical features such as roads, creeks, rail lines, and lot lines where possible, as shown on Schedule K, and is not subject to interpretation. The precise location of the AVDZ must be read from a map at a scale of 1:50,000 as prepared by the City of Ottawa or Ottawa International Airport Authority.

PART C – IMPLEMENTATION

- a) The relevant policies of Section 5 - Implementation of the City’s Official Plan apply to this amendment.

The implementing by-laws are to be prepared by Legal and confirmed by the Community Planning Unit.

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Enacted by City Council at its meeting of July 12, 2017.

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Legal Services
KM/rm

COUNCIL AUTHORITY:
Planning Committee Report No. 48,
Agenda Item 10