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O-7881  
S. Meksula

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON TECHNICAL AMENDMENT TO TELECOMMUNICATION FACILITIES CONSULTATION POLICY MEETING ON MAY 28, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the attached By-law **BE INTRODUCED** at the Municipal Council meeting on June 11, 2013 to amend the Telecommunication Facilities Consultation Policy to provide for an exemption for amateur radio antenna support structures.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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To amend section 3.1 of the Telecommunication Facilities Consultation Policy by adding an exemption for amateur radio antenna support structures in residential areas.

<b>ANALYSIS</b>
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The Telecommunications Facilities Consultation Policy, adopted on July 24<sup>th</sup>, 2012 by Municipal Council raised some concerns from Amateur Radio Service participants within the City of London. The concerns related to the requirement for public consultation which may be required for amateur radio station operators when proposing a new antenna. The policy could be interpreted to require an amateur radio operator to go through a costly consultation process which was not the intent of the communication policy.

This policy is not intended to apply to radio antennae associated with a "Type 2" radio station (those that do not require a site specific authorization from Industry Canada, such as amateur radio service, general radio service, and satellite receiving stations), unless the proposed antenna exceeds 16.6 metres in height. The City, however, encourages the Carrier to provide notification of their intent to undertake works for these facilities.

All amateur radio operators must operate their amateur radio installations in compliance with Safety Code 6. In general, Industry Canada does not verify amateur radio installations for compliance, and relies on the operators to ensure compliance. Amateur radio operators are knowledgeable about radio equipment and many amateur radio associations provide extensive information and training to their members about radio frequency safety and compliance with Safety Code 6. In most cases, amateur radio operators are quite willing to discuss such issues with their neighbours.

The recommended action is to make a technical amendment to section 3.1 of the Telecommunication Facilities Consultation Policy to insert the exemption of amateur radio antenna support structures in residential areas.

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**Section 3 – Public Consultation Process**

**3.1 Exemptions to the City of London Municipal Concurrence and Public Consultation Process**

In an attempt to simplify approvals, the following proposals will be exempt from the City’s Telecommunications Facilities Consultation Policy:

1. Maintenance of an existing telecommunication facility, including painting or lighting in order to comply with Transport Canada’s requirements;
2. Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
3. Proposals for the addition to, reconstruction of, or modification of an antenna systems provided that addition, reconstruction or modification does not result in an overall height increase above the existing antenna of 25% or more of its original height;
4. Proposals of temporary antennas that are portable or mobile and used for public uses, public demonstration or public education purposes, and not exceeding a 3 months duration;
5. Proposals for new ground mounted antenna systems including masts, towers or other antenna-supporting structure, with a height less than 15 metres above ground level;
6. Ground supported towers less than 16.6 metres (54.5) in height above ground level within industrially-designated lands, excluding designated Secondary Plan areas in the City’s Official Plan, and located greater than 300 metres from residentially-designated lands in the Official Plan;
7. Antenna systems on the rooftops of non-residentially zoned buildings that do not exceed 25% of the original height of the building or structure, excluding properties designated under the *Ontario Heritage Act*, and,
8. Amateur radio antenna support structures in residential areas provided:
  - a. They are strictly for personal use;
  - b. The antenna boom or other appurtenances attached to the antenna are more than 1 metre from any property line;
  - c. No structure is placed in a front yard; and,
  - d. The antenna and associated equipment is less than 16.6 metres (54.5 ft.) in height.

A Letter of Concurrence shall be provided by the City Planner within 45 days of receiving a complete application to notify the Applicant whether the City’s requirements have been satisfied. If an application affects a property designated under the *Ontario Heritage Act*, staff will notify the City’s Heritage Planner and the London Advisory Committee on Heritage (LACH), and will inform the Applicant of LACH’s comments or concerns.

**CONCLUSION**

The proposed amendment is to allow amateur radio service participants within the City of London to be exempt from the City of London Municipal Concurrence and Public Consultation Process. The proposed amendments are in keeping with the intent of the previous implementation of the Telecommunication Facilities Consultation Policy, and Official Plan policies.

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<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>SEAN MEKSULA COMMUNITY PLANNING AND DESIGN</b>	<b>GREGG BARRETT, AICP MANAGER – CITY PLANNING AND RESEARCH</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

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**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2013

By-law No. A.-6853-243

A by-law to amend the Telecommunication Facilities Consultation Policy for the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 10, Structures, including fences and signs;

AND WHEREAS Municipal Council has deemed that in the previous by-law A.-6853-243 it is in the public interest to provide for a public consultation process for the purpose of providing comments to Industry Canada in connection with its approval process for proposed telecommunications facilities;

THEREFORE, the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Telecommunication Facilities Consultation Policy is amended as attached on Schedule 1 to exempt amateur radio antenna support structures.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on June 11, 2013.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

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**SCHEDULE 1**

**THE AMENDMENT**

**Section 3 – Public Consultation Process**

**3.1 Exemptions to the City of London Municipal Concurrence and Public Consultation Process**

8. Amateur radio antenna support structures in residential areas provided:
- a. They are strictly for personal use;
  - b. The antenna boom or other appurtenances attached to the antenna are more than 1 metre from any property line;
  - c. No structure is placed in a front yard; and,
  - d. The antenna and associated equipment is less than 16.6 metres (54.5 ft.) in height.