

Bill No. 374  
2019

By-law No. CPOL.- \_\_\_\_\_ - \_\_\_\_

A by-law to amend By-law No. CPOL.- 126-378, as amended, being “A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy” by renaming the Council Policy “Telecommunication Facilities Location and Public Consultation Policy”, to reflect changes in the process that have occurred since the Policy was first developed.

WHEREAS subsection 5(3) of the *Municipal Act*, 2001, S.O. 2001. C25, 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 the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-126-378, as amended, being “A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy” by renaming the Council Policy “Telecommunication Facilities Location and Public Consultation Policy”, to reflect changes in the process that have occurred since the Policy was first developed;

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

1. By-law No. CPOL.-126-378, as amended, being “A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled “Telecommunication Facilities Consultation Policy” is hereby amended by deleting Schedule “A” to the By-law in its entirety and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into effect on the day it is passed.

PASSED in Open Council on October 1, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 1, 2019  
Second Reading – October 1, 2019  
Third Reading – October 1, 2019

## SCHEDULE “A”

### Telecommunication Facilities Location and Public Consultation Policy

**Policy Name:** Telecommunications Facilities Location and Public Consultation Policy

**Legislative History:** Enacted September 17, 2017 (By-law No. CPOL.-126-378);  
Amended June 26, 2019 (By-law No. CPOL.-327-318)

**Last Review Date:** September 23, 2019

**Service Area Lead:** City Planning- Long Range Planning and Sustainability

#### 1. Policy Statement

The purpose of this policy is to provide guidelines to be considered by applicants for all facilities to which Industry Canada’s CPC-2-0-03 is applicable within the City of London. Industry Canada is responsible for approving and licensing radiocommunication facilities. As part of the approval process, Industry Canada requires applicants of significant antenna structures to confer with the local land use authority prior to the issuance of a license. The City of London’s Telecommunication Facilities Location and Public Consultation Policy institutes a consultation procedure between telecommunication carriers and the City which provides an opportunity for public consultation in the site selection process. These procedures are intended to provide opportunities for public feedback regarding the location of telecommunication facilities.

The Policy also identifies the City’s preferred locations for new telecommunication towers and other criteria to be considered in their placement and design. Any variations in meeting the tower location guidelines included in this policy may also be noted in the letter of concurrence for Industry Canada’s consideration in their review process.

The City will provide applicants for new telecommunication towers, subject to the application review process, with a Letter of Concurrence within 45 days of a complete application being submitted and accepted if the City is satisfied that its telecommunication public consultation process has been followed.

The participation of the City of London or the public in the consultation process does not convey the right to prevent the location of a telecommunications facility. Local By-laws cannot prevent a telecommunication facility from being built since Industry Canada has the final authority provided to them under the *Radiocommunication Act*. This procedure is intended to identify sensitive locations, promote appropriate design, and promote co-located facilities to be located in areas away from residential neighbourhoods where possible. The decision to grant a license for a telecommunications facility ultimately rests with Industry Canada. Industry Canada only intervenes i.e. makes a decision if the condition requiring concurrence cannot be met. As such, issuance may be delayed for a period of time to or the licenses may not be issued for the wireless facility.

##### 1.1 Objectives

- i.) To facilitate, coordinate and influence the planning and site selection process for telecommunication facilities in the City;
- ii.) To encourage consultation between the City and telecommunication carriers on all applications, and to expedite the review process on applications for new telecommunications tower sites;
- iii.) To provide a process for public consultation as specified by this policy on all applications; and,
- iv.) To inform applicants and the public about the City guidelines for the location and design of telecommunication facilities.

#### 2. Definitions

- i.) Amateur Radio Service – means a radiocommunication service in which radio apparatus are used for the purpose of self-training, intercommunication or technical investigation by individuals who are interested in radio technique solely with a personal aim and without pecuniary interest.

- ii.) Antenna – An exterior supporting structure upon which receiving and transmitting antennas are mounted, and also include towers, supporting cables, guy wires, small buildings containing antenna switching gear and other radio frequency circuitry. These antennas are designed for various uses such as cell phones, radio, and satellite television communications by sending and/or receiving radio signals. Example include whip, omnidirectional, microwave, and panel antennas.
- iii.) Antenna System – means all the components and equipment required on a site, including an antenna and, if required, it's supporting tower and an equipment shelter, for the operation of a wireless communication network, but does not include a residential use antenna system.
- iv.) Broadcasting - means any radiocommunication in which the transmissions are intended for direct reception by the general public.
- v.) Carrier - A company, organization or person which offers, provides or operates wireless communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada. Examples include Bell Mobility, Aliant, Rogers Telecom, and TELUS.
- vi.) Co-location - The placement of multiple telecommunications antenna systems or other platforms on a building, structure or tower by two or more proponents.
- vii.) Equipment Shelters - A shelter containing electronic equipment such as radios, electronic and other equipment necessary to support the operation of the communications site to receive or transmit signals and which is not staffed on a permanent basis and only requires periodic maintenance.
- viii.) Height – means the vertical distance between the grade at the base of the tower, or if the installation is located on a building or structure, the average grade abutting the building or structure, to the installations highest point including any antenna, lighting, lightning rod or other attached device.
- ix.) Industry Canada - Is the Federal Department, which is responsible for radio frequency spectrum management. Information outlining the federal process relating to the location of telecommunication and broadcasting antenna systems is available at: [www.ic.gc.ca/antenna](http://www.ic.gc.ca/antenna)
- x.) London Advisory Committee on Heritage (LACH) - Is an advisory committee to London City Council, responsible for recommending the designation of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its basic elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods and neighbourhood, cemeteries, trailways, and industrial complexes of cultural heritage value. (PPS, 2005).
- xi.) Radiocommunication or Radio - means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by means of electromagnetic waves of frequencies lower than 3000 GHz propagated in space without artificial guide.
- xii.) Stealth Design – the blending in or hiding of an antenna system within surrounding buildings, structures or landscaping such as camouflaging antenna systems within church steeples, clock towers, flagpoles or lighting standards.
- xiii.) Telecommunication Tower - A structure used to support one or more antenna systems or other platform for the purpose of radio telecommunications and which may include, but is not limited to guyed towers, self-support towers, monopole towers, poles, masts or other structures which are used to support telecommunication facilities and which may be located at ground level or on the roof of a building.

### 3. Applicability

This policy applies to:

- i) New antenna systems that are located on a new, purpose-built tower or structure that is greater than 16.6 metres (54.5 feet) above ground level;
- ii) New antenna systems that are located on a property designated under Part IV or Part V of the *Ontario Heritage Act*;
- iii) Rooftop structures, such as antennas or related equipment, on buildings where the structure is more than 25% of the height of the building or the greater of 16.6 metres (54.5 feet) in height
- iv) Antenna systems or platforms co-located on existing towers where the overall height of the structure is increased by more than 25%; and,
- v) Any modification (e.g. increasing the height) to existing structures greater than 16.6 metres (54.5 feet) above ground level in residential areas or is located less than 120 metres (394 feet) from a residential dwelling, residential zone or lands designated as Residential in the Official Plan.

Industry Canada's CPC-2-0-03, Section 1.2 states "*The requirements of this document apply to anyone regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio from other radiocommunication antenna structures, and as such the exclusion criteria outlined in Section 6 of the CPC-2-0-03 applies to amateurs as well.*

### 4. The Policy

#### 4.1 Submission Requirements (Applicant/Proponent)

- i.) The Applicant/Proponent shall submit a completed Application form and fee.
- ii.) If the proposal requires public consultation, the Applicant/Proponent shall be responsible for the cost associated with the public consultation process, ie. maps, labels, lists of residents or any other public information required..
- iii.) The Applicant/Proponent shall provide a written explanation of the telecommunications tower proposal. The Applicant/Proponent shall provide a Site Selection/Justification Report which includes all of the material required to review the site. The Applicant/Proponent shall demonstrate the steps taken to investigate all non-tower and co-location options in the vicinity of the proposed site, and reasons why this tower option is the only feasible alternative in that location. A description of the design elements proposed to minimize the visual impact of the support structure is also required.
- iv.) The Applicant/Proponent shall provide a survey of the subject property (or leased portion of the property) drawn to a metric scale showing the location of the tower, site grading, location of existing property lines, existing or proposed buildings, fences, existing and proposed landscaping, access, and the type and height of the proposed tower structure.
- v.) The Applicant/Proponent shall provide a location map showing the horizontal distance between the proposed support structure installation and the nearest residential dwelling, residential zone or area designated for current or future residential uses; school; public road or right-of-way, including pathways, walkways and bicycle paths at an appropriate scale to show the context of the facility location and the surrounding area.
- vi.) The Applicant/Proponent shall investigate if a building permit is required. A building permit is required for:
  - a. Equipment shelters that exceed 10 square metres (108 square feet) of gross floor area.

- b. A tower and/or equipment building attached to or constructed on an existing building that is greater than 10 square metres (108 square feet).
- c. Towers that exceed 16.6 metres (54.5 feet) above ground level where they are not used for federally regulated broadcasting and telecommunications undertakings

## 4.2 Consultation

### 4.2.1 Pre-consultation with the City of London

- i) Pre-consultation with the City Planning staff is recommended to identify potential issues and constraints related to the proposed location of the telecommunications tower.
- ii) Pre-consultation with Building Division staff is recommended where accessory structures are contemplated or for rooftop locations.

### 4.2.2 Public Consultation Process

While the City of London recognizes that Industry Canada is the final approval authority for telecommunication facilities, it is also recognized that Industry Canada directs telecommunication providers to consult with the local municipality prior to erecting any non-exempt telecommunication towers.

### 4.2.3 Exemptions from the Public Consultation Process

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

- i) Maintenance of an existing telecommunication facility, including painting or lighting in order to comply with Transport Canada's requirements;
- ii) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- iii) 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;
- iv) 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;
- v) Proposals for new ground mounted antenna systems including masts, towers or other antenna-supporting structure, with a height less than 16.6 metres (54.5 feet) above ground level;
- vi) Ground supported towers less than 16.6 metres (54.5 feet) 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 (984 feet) from residentially-designated lands in the Official Plan;
- vii) 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,
- viii) 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 (3.3 feet) 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.
- ix) Temporary towers used for special events or emergency operations provided they are removed within 3 months from erection.

If the proposal meets the requirements for public consultation exemptions, the Applicant/Proponent of new telecommunications installations are requested to provide the City of London with information on the installation for information purposes only. This will provide staff with the ability to provide information to residents and the Ward Councillor, if any questions or concerns emerge as a result of the installation. This information should include:

- The proposed location of the telecommunication tower(s) on the subject site,
- A description of the proposed telecommunication structure including its height, dimension, type, design, and colour.
- A letter demonstrating compliance with exclusion criteria identified in Industry Canada's CPC-2-0-03 or in this procedure.
- Site plan showing the tower.
- Supporting drawings.

#### 4.2.4 Applications requiring Public Consultation

The public consultation process for applications which are not exempt consists of providing public notice through individual letter and newspaper notice and arranging a public information meeting. Public consultation will be required and Applicants/Proponents will be required to demonstrate that they have complied with this Policy. This will ensure that the public is made aware of the proposal and are given opportunity to provide their opinions and concerns.

Public consultation is required for:

- i) New antennas systems that are located on a new, purpose-built tower or structure that is greater than 16.6 metres (54.5 feet) above ground level;
- ii) New antenna systems that are located on a property designated under Part IV or Part V of the *Ontario Heritage Act*;
- iii) Antenna systems or platforms co-located on existing towers where the overall height of the structure is increased by more than 25%; and,
- iv) Any modification (e.g. increasing the height) to existing structures greater than 16.6 metres (54.5 feet) above ground level in residential areas or is located less than 120 metres (394 feet) from a residential dwelling, residential zone or lands designated as Residential in the Official Plan.

#### 4.2.5 Requirements for Public Notice

For applications that are not exempt from the requirements identified in Section 4.2.3 of this Policy, the Applicant/Proponent shall provide to the City, concurrently with submission requirements, the package that will be provided to the public for the public consultation process containing the following information:

- i.) The proposed location of the telecommunication tower(s) on the subject site;
- ii.) A survey plan which shows the location of the tower and any associated structures, and a map showing the site within the required circulation area;
- iii.) The purpose of the proposed telecommunication structure, the reasons why an existing telecommunication structure or other infrastructure cannot be used, a list of other telecommunication structures that were considered unsuitable and future co-location possibilities for the proposed telecommunication structure;
- iv.) Physical details of the tower (e.g. height, colour, type, design and lighting);
- v.) Transport Canada's and Navigation Canada's aeronautical obstruction marking requirement if applicable;
- vi.) Written confirmation that the proposed structure will be in compliance with Health Canada's Safety Code 6 including combined effects within the local environment at all times;
- vii.) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications

website (<http://strategis.ic.gc.ca/antenna>); and,

- viii.) A statement from a communications specialist or an engineer specializing in propagation patterns indicating the need for proposed height and location.

Note: The Applicant/Proponent shall provide a copy of the public information package to the City for comment and review, prior to public circulation.

The Applicant/Proponent shall provide notice of both the application and the time and date of the Public Information Meeting, by regular mail to all property owners located within a radius of three times the tower height, measured from the base or the outside perimeter of the supporting structure, or 120 metres (394 feet) from the property boundary, whichever is greater. The City may consider alternative notification distances for locations proposed in rural areas. The Applicant/Proponent shall also provide notice to the Ward Councillor, Neighbourhood Association(s) (if existing), the Urban League and Industry Canada. In the letter the Applicant/Proponent will provide the names and telephone numbers of contact persons employed by the Carrier and the City of London;

The Applicant/Proponent shall provide notice, at their expense, in the local newspaper (The Londoner), where the proposed antenna system is:

- i.) to be 16.6 metres (54.7 feet) or more in height;
- ii.) after an addition, the facility will measure 16.6 metres (54.7 feet) or more in height; or,
- iii.) is expected to contain medium or high with intensity lighting for the purpose of satisfying Transport Canada requirements,

This notice shall be in accordance with the requirements of Industry Canada's CPC-2-0-03. This notice shall also provide the time, date, and location of the Public Information Meeting. The newspaper notice shall be published a minimum of 10 days before the Public Information Meeting is to be held.

#### 4.2.6 Public Information Meeting and Review

The Public Information Meeting shall occur no sooner than 10 days or no more than 30 days from the date that notices are mailed to area residents. The Applicant/Proponent shall conduct the Public Information Meeting and maintain the minutes of the Meeting and assemble a record of names, addresses and phone numbers of all participants in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

In addition to the application details provided in the notice, the Applicant/Proponent shall also make available at the Public Information Meeting, the drawings and diagrams required in a display sized format.

Following the Public Information Meeting, the Applicant/Proponent shall provide a follow-up letter to the City to indicate their formal response to the concerns raised during the Public Information Meeting. If any modifications to the proposed structure or mitigation measures arise from the consultation, then further details (e.g. revised plans or drawings) shall be provided to the City.

#### 4.3 Completion of Review

- i.) Following the completion of the application review and the public consultation process, the City Planner shall provide a Letter of Concurrence, conditional concurrence or non-concurrence to the Applicant/Proponent within 30 days of the Public Information Meeting to advise whether adequate public consultation has been conducted by the Applicant/Proponent and to indicate conformity with the City's preferred new telecommunication tower location guidelines (see Section 5 for criteria). The letter of concurrence may contain a summary of the location and design criteria not met by the new tower proposal.

For applications that, in the opinion of the City, are not appropriate based on probable land use impacts, an information report will be prepared for

the Planning and Environment Committee (PEC). Comments and concerns from the Planning and Environment Committee (PEC) will be added to the City's Letter of Concurrence to the Applicant/Proponent for Industry Canada's consideration.

- ii.) Where 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/Proponent of LACH's comments or concerns. Under this circumstance, a Letter of Concurrence shall be provided by the City Planner within 45 days of the Public Information Meeting
- iii.) Following the completion of public consultation process, the City shall provide a copy of the City's Letter of Concurrence to interested parties, Neighbourhood Associations and Ward Councillors on request.
- iv.) The entire process will not take longer than 120 days from application acceptance to complete, as described in Industry Canada's publication CPC-2-0-03 ("Telecommunication and Broadcasting Antenna Systems", June 2007). Applicant/Proponent initiated delays are not included within the 120 day review period. Applications that do not require public consultation are anticipated to be completed in less than 45 days.

#### 4.4 Extensions

Industry Canada CPC-2-0-03 indicates that any new telecommunication towers are required to be constructed within 3 years of the end of the public consultation period or the new proposal will be recirculated for public comment. Extensions may be permitted provided the City has no concerns. The City will provide for an extension in writing, including a specific time period for the extension.

The City of London Telecommunications Facilities Location and Public Consultation Policy includes criteria identifying the City's preferred locations and aesthetic measures for new telecommunication facilities. These criteria include;

### 5. Telecommunication Tower Location Guidelines

#### 5.1 Locational Criteria

- i.) The preferred location of new towers within the City is in Industrial and Farmland Place Types and zones which are away from existing or future residential uses/developments. Shopping Area Place Types and commercial zones may also be considered for locating new telecommunication towers. New telecommunication towers located on agricultural land shall use the smallest area of land permitted by the structure type, and must have access to a public road for maintenance.
- ii.) The location of new telecommunication towers close to existing residential uses or on lands designated and zoned for residential uses in the City of London Official Plan and Zoning By-law will be discouraged.
- iii.) New telecommunication towers or antennas are discouraged within 120 metres (394 feet) of any existing residential dwelling, Neighbourhood Place Type or zone or schools, unless required for engineering or network purposes. If a new tower or antenna is planned to be located within 120 metres (394 feet), of the above-noted areas, a detailed rationale for the necessity of this location is to be provided in the justification report of the submission requirements in Section 4.1.
- iv.) Towers should be located a minimum three times the tower height away from any public road or right-of-way, including pathways, walkways, and bicycle paths.
- v.) Proposed sites within designated Heritage Conservation Districts and properties within the Natural Heritage System or an Environmentally Significant Area identified in the London Official Plan, should be avoided.
- vi.) The City may consider permitting private telecommunication facilities on



City-owned lands that are not designated as parkland or components of the Natural Heritage System. All requests for the installation of telecommunication equipment on City lands shall be submitted to the Realty Services Division.

## 5.2 Aesthetic Criteria

- i.) Applicant/Proponents of towers are encouraged to protect the natural and cultural landscape at all times. Where appropriate, landscaping at the tower site to enhance the character of the surroundings is recommended
- ii.) The development or redevelopment of telecommunication towers and equipment shelters should be of a colour and design that diminishes the visual impact and avoids disturbance of significant natural features. Towers and accessory structures are to reflect the context of the surrounding area. Tower designs that mimic other characteristics normally found in the area surroundings, such as stealth (camouflage) towers or monopole designs are encouraged where suitable.
- iii.) Lighting on a telecommunication structure is discouraged except when required by Transport Canada, Navigation Canada, or for the health and safety of the proponents' employees. Where Transport Canada requires a telecommunication antenna structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable. Any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada.
- iv.) Towers shall accommodate only communication antennas. Signs or other material not directly related to this equipment or required by Industry Canada shall not be permitted on the site.

## 5.3 Other Criteria

Proposed locations of towers should be selected so to reduce the necessity to construct new telecommunication towers in the City. Locating towers on existing structures or buildings or co-location on an existing telecommunications tower are encouraged. Options to integrate an antenna into the design of a new building or structure are to be explored by the Applicant/Proponent. Support for the construction of a new telecommunication tower will be supported only when other alternatives to accommodate the telecommunication tower are not feasible.