



Radiocommunication Facility Review Protocol

1.0 PURPOSE

- 1.1 The purpose of this protocol is to outline the guidelines and review process through which *Radiocommunication Facilities* are evaluated within the City of Burlington.

2.0 OBJECTIVES

- 2.1 The objectives of this protocol are to:
- Minimize the number of new *radiocommunication towers* in the City;
 - Discourage new *radiocommunication towers* near residential uses and zones, City parks, Downtown, and natural and cultural heritage resources;
 - Direct new *radiocommunication towers* to employment areas;
 - Encourage rooftop *radiocommunication antennas* on high rise buildings;
 - Ensure compatibility with surrounding uses;
 - Establish a meaningful public consultation framework; and
 - Provide a consistent and expeditious review process.

3.0 GUIDELINES

3.1 Co-location

- 3.1.1 *Co-location* on an existing *radiocommunication facility* is the preferred option for new *radiocommunication antennas* within the City of Burlington.
- 3.1.2 Private agreements preventing *co-location* will not be recognized by the City when evaluating proposals for a new *radiocommunication facility*. However, it is understood that reasonable technical circumstances may exist which prevent *co-location*.

3.2 Radiocommunication Antennas on Existing Structures

- 3.2.1 If *co-location* on an existing *radiocommunication facility* is not possible, a *radiocommunication antenna* mounted on the roof of a high rise residential, office, or industrial building or on a utility structure such as a hydro transmission

tower is the next preferred option for new *radiocommunication facilities* within the City of Burlington.

3.2.2 The height of a rooftop *radiocommunication antenna* and associated *equipment shelter* shall generally not exceed 25% above the highest point of the building and be set back a minimum of 5 metres from roof edge. Additional height will require a proportionately increased setback from roof edge.

3.2.3 Rooftop *radiocommunication facilities* shall be screened to ensure integration into the rooftop architecture.

3.3 New Radiocommunication Towers

3.3.1 The construction of a *radiocommunication tower* is discouraged and will only be considered when the options from Sections 3.1 and 3.2 of this protocol are not possible.

3.3.2 *Radiocommunication facilities* should be as inconspicuous as possible.

3.3.3 *Monopole towers* are the preferred *Radiocommunication tower* type to minimize visual impacts upon the surrounding area.

3.3.4 *Radiocommunication towers* shall be designed to allow *co-location* for a minimum of two additional *radiocommunication service providers*.

3.3.5 *Radiocommunication facilities* shall not interfere with views to natural and cultural heritage resources, City Parks, waterfront, and the Downtown.

3.3.6 *Radiocommunication towers* should be located in Employment Lands, Rural Lands, and the North Aldershot Planning Area, as defined in the Official Plan, and are encouraged to maximize their separation distance from residential uses and residential zones.

3.3.7 *Radiocommunication towers* should be located a minimum distance of 6 times the height of the tower from a residential use and residential zone.

3.3.8 *Radiocommunication facilities* should be located as far away from a public roadway as possible and should not be located in any front or street side yard, as defined in Zoning By-law 2020, of an existing building on site.

3.3.9 *Radiocommunication tower* locations and heights which do not require illumination, per Transport Canada requirements, are encouraged. Where a tower is required to be illuminated, the level of illumination shall be of the lowest intensity possible.

3.3.10 Only signage directly related to the *radiocommunication facility*, as required by Industry Canada, shall be permitted. Third party advertising or promotion of the

radiocommunication service provider shall not be permitted on the *radiocommunication facility*.

3.3.11 A maximum 1.0 square metre sign identifying the *radiocommunication service provider* and contact information must be easily visible on the *equipment shelter*.

3.3.12 With the exception of obstruction markings required by Transport Canada, *radiocommunication facilities* shall be painted in a colour that is neutral and blends in with the surrounding area where possible.

3.3.13 Existing natural vegetation shall be preserved, where possible, around a *radiocommunication facility*.

3.3.14 *Equipment shelters* shall generally comply with the zoning setbacks and landscaping regulations for the zone in which they are located.

3.3.15 Compliance with the Zoning By-law is required for the balance of a property outside of the boundary for a *radiocommunication facility*.

3.4 Disguised Radiocommunication Facilities

3.4.1 The construction of a disguised *radiocommunication facility* is discouraged and will only be considered when the options from Sections 3.1, 3.2, and 3.3 of this protocol are not possible.

3.4.2 A disguised *radiocommunication facility* designed as a landmark feature customarily found in the neighbourhood context such as a clock tower or church steeple will be considered where appropriate.

3.4.3 The architectural style of a disguised *radiocommunication facility* will be determined based on what is most compatible with the surrounding neighbourhood. Mitigation measures, design features, structure type, colour, materials, context, scale, landscaping, and screening will be evaluated for compatibility.

3.4.4 A disguised *radiocommunication facility* shall comply with the height and setback requirements of the Zoning By-law.

3.5 Niagara Escarpment Plan

3.5.1 Any proposed *radiocommunications facility* proposed within the Niagara Escarpment Plan (NEP) shall be in accordance with the current Niagara Escarpment Commission land use protocol for radio communications and broadcasting tower and antenna systems.

3.5.2 Any proposed *radiocommunication facility* that is located within the NEP, but outside of the Development Control Area, shall be in accordance with this protocol.

4.0 Site Plan Review

All new *radiocommunication facilities* which **are not exempt** from municipal consultation by Industry Canada are required to obtain concurrence or non-concurrence from the City of Burlington prior to receiving approval from Industry Canada.

The City of Burlington recognizes that Industry Canada is the final approval authority for all *radiocommunication facilities* and that they do not require site plan approval under the Ontario Planning Act. However, site plan review is an existing municipal process that offers the City an opportunity to conduct detailed evaluations of a proposed *radiocommunication facility* while obtaining public feedback through community consultation.

At the end of the Site Plan review process for a radiocommunication facility, a decision will be issued with a formal recommendation letter to Industry Canada indicating concurrence or non concurrence with the proposed radiocommunication facility.

Depending on the results of the Site Plan review and public consultation, the decision to recommend concurrence or non concurrence can be delegated to the Director of Planning and Building or undelegated to the Community Development Committee. Undelegation usually occurs if an application is controversial or if it generates a high level of public input and concern. A site plan application will also be brought before Council if the Planning Division and the applicant are not in agreement over the proposal.

The transparency and integration of the site plan review process allows the City to provide greater assurances to communities that *radiocommunication facilities* will be directed away from residential areas and will be located in areas that are respectful to Burlington's built and natural character.

4.1 Site Plan Review Process

4.1.1 Preliminary consultation with the City of Burlington Planning Division is required prior to making a formal application for site plan review.

4.1.2 Co-location and rooftop antenna that comply with Sections 3.1 and 3.2 of this protocol shall be exempt from the Site Plan review process. Compliance will be determined after preliminary consultation.

4.1.3 There are three critical milestones that occur during the processing of a site plan application for a *radiocommunication facility*. They are as follows:

- Submission of a complete Site Plan application.
- Issuance of Draft Site Plan Approval.
- Granting Final Site Plan Approval.

While each point is important, the issuance of Draft Site Plan Approval signals the end of the technical review and establishes the parameters (conditions) under which Final Site Plan Approval will be granted. If there are no conditions of approval, an application will skip the Draft Site Plan Approval milestone and go directly to Final Site Plan Approval.

4.1.4 The following is a more detailed sequential overview of the site plan review process:

- Applicant pre-consults with Planning Division to discuss proposal. Planning staff will notify applicable Ward Councillor of pre-consultation.
- Planning Division provides feedback on proposal and applicant makes changes to plans as needed.
- Applicant submits complete site plan application to Planning Division.
- Applicant provides notice to adjacent landowners per Section 4.2 of this Protocol.
- Planning Division circulates the site plan application to relevant City departments and outside agencies with a request for comments and conditions.
 - Ward Councillor is notified of site plan application and determines if a public open house meeting is required.
 - Ward Councillor decides if the decision for concurrence will remain **delegated** to the Director of Planning and Building or **undelegated** to Council.
 - Decisions for non concurrence cannot be **delegated** to staff and must be **undelegated** to Council.
- Comments and conditions from City departments and outside agencies are received by the Planning Division.
- If necessary, revised plans and/or additional information is submitted by the Applicant to the Planning Division and re-circulated to all relevant City departments and outside agencies for review and additional comments and/or conditions.
- Applicant submits copies of all feedback from the notice to adjacent landowners to the Planning Division.
- If an application is **undelegated** to Council, Planning prepares report with a recommendation to Council for **Draft Site Plan Approval** (or **Final Site Plan Approval** if no conditions required) or **Refusal of Site Plan Approval**.
- If application remains **delegated** to the Director of Planning and Building, Planning staff assembles conditions of approval and issues **Draft Site Plan Approval** (or **Final Site Plan Approval** if no conditions required).
- Applicant satisfies conditions of **Draft Site Plan Approval**.
- Planning Division issues **Final Site Plan Approval**.

- Planning Division provides a formal letter to Industry Canada and the Applicant indicating concurrence or non concurrence with the proposed *radiocommunication facility*.

4.2 Public Consultation

- 4.2.1 All *radiocommunication facilities* that are exempt from municipal consultation by Industry Canada are also exempt from the requirement for public consultation.
- 4.2.2 Co-location and rooftop antenna that comply with Sections 3.1 and 3.2 of this protocol shall be exempt from the requirement for public consultation. Compliance will be determined after preliminary consultation.
- 4.2.3 New *radiocommunication facilities* proposed in an employment area that comply with Section 3.3 of this protocol shall be exempt from the requirement for public consultation. Compliance will be determined after preliminary consultation.
- 4.2.4 All proposed *radiocommunication facilities* that **are not** exempt by Sections 4.2.1, 4.2.2, and 4.2.3 of this protocol are required to send notice of the proposal by regular mail to all surrounding property owners within a radius of:
- 120 metres or 6 times the height of proposed tower measured from the perimeter of property, whichever is greater, if within the Urban Planning Area; and
 - 300 metres or 6 times the height of the proposed tower measured from the perimeter of property, whichever is greater, if within the Rural Planning Area or North Aldershot Planning Area.
- 4.2.5 The Planning Division can provide the applicant with a list of all property owners within the required circulation area.
- 4.2.6 During pre-consultation, the applicant shall confirm all materials to be included in the notification package. The notification package shall be verified by the Planning Division before it is mailed out to adjacent land owners. A typical notification package shall include all the information required by Industry Canada's Default Public Notification Package and the following supplemental information:
- A location map identifying the proposed site.
 - A plan indicating the location of the proposed *radiocommunication facility* on the subject property.
 - A description of the physical details of the proposed *radiocommunication facility* including setbacks from property lines, separation from residential uses and zones, colour, tower type, lighting, access, and dimensions of lease area for the *radiocommunication facility*.

- Colour elevations and simulated images of the proposed *radiocommunication facility* on site.

4.2.7 Surrounding property owners will have a maximum of 42 days to provide comments on the proposed *radiocommunication facility*.

4.2.8 Applicants shall respond to all relevant and reasonable public concerns.

4.3 Site Plan Application

4.3.1 A site plan application for a *radiocommunication facility* shall include the following:

- Site Plan Application form and fee.
- Justification report outlining: the purpose of the proposed *radiocommunication facility*; the rationale for the site selection; if co-location is not proposed, proof of why it is not possible on an existing facility; the need for the proposed height of the facility, design elements proposed to minimize the visual impact; and lighting requirements required by Industry Canada.
- A map of all existing *radiocommunication facilities* labelled with associated *radiocommunication service providers* within the coverage area of the proposed *radiocommunication facility*.
- A location map identifying the proposed site.
- A site plan and survey indicating the location of the proposed *radiocommunication facility* on the subject property; height; setbacks from property lines; separation from residential uses and residential zones; and dimensions of lease area for the *radiocommunication facility*.
- Colour elevation drawings and simulated images of the proposed *radiocommunication facility* on site.

4.4 Agreements

4.4.1 An applicant may be required to enter into a signed agreement or undertaking requiring but not limited to:

- A commitment to accommodate *co-location* with other *radiocommunication service providers*.
- The removal of *radiocommunication facility* upon expiration of the lease.

5.0 Definitions

Co-location means the installation of multiple *radiocommunication antenna* systems on a building, structure or *radiocommunication tower* by two or more *radiocommunication service providers*.

Equipment Shelter means a structure used to house the required electronic equipment for one or more *radiocommunication antenna* system in a wireless communication network and which is not staffed on a permanent basis and only requires periodic maintenance.

Monopole Tower means a *radiocommunication tower* consisting of a single pole.

Radiocommunication Antenna means a transmitting device used for a wireless communication network.

Radiocommunication Facility means all the components and equipment required on a site for the operation of a wireless communication network.

Radiocommunication Service Provider means a company, organization, or person who offers, provides, or operates a wireless communication network.

Radiocommunication Tower means a ground oriented structure used to support a *radiocommunication antenna*.