



# Corporate Report

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**PDC** JUNE 27 2011

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**DATE:** June 15, 2011

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: June 27, 2011

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **City Procedures and Protocol for the Review of  
Telecommunication Towers**

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- RECOMMENDATION:**
1. That the Report titled "City Procedures and Protocol for the Review of Telecommunication Towers" dated June 15, 2011, from the Commissioner of Planning and Building, be received for information.
  2. That staff be directed to bring forward a report to a future Planning and Development Committee (PDC) meeting regarding any changes that may be necessary to the "City Procedures and Protocol for the Review of Telecommunication Towers" and/or policy framework within the new Mississauga Plan.

**BACKGROUND:** This report has been initiated pursuant to a request from Ward 2 Councillor Patricia Mullin for information on the City of Brampton's Wireless Telecommunication Tower Protocol and Guidelines and design techniques such as camouflaging telecommunication towers to appear as coniferous trees so to mitigate their visual impact.

Planning staff have only recently obtained a copy of the City of Brampton's 2011 Wireless Telecommunication Tower Protocol and Guidelines and have not had an opportunity to review them in detail. In addition, emerging alternative towers designs have not

been widely utilized by Canadian wireless service providers and as such have not been able to be investigated by staff. In advance of carrying out the necessary reviews, and undertaking additional background research, as discussed in further detail below, staff felt it prudent to provide Planning and Development Committee with a synopsis of Industry Canada Policies and Procedures and Mississauga's current procedures relating to proposals for the installation of telecommunication towers as a precursor to a further report to be scheduled for a future PDC meeting.

**COMMENTS:****Synopsis of Industry Canada Policies and Procedures**

As per the legislation contained within the *Radiocommunication Act*, the establishment of all radiocommunication and broadcasting apparatuses, including the installation of telecommunication towers, is governed by Industry Canada. As of January 2008, specific procedures regulating the installation of these towers, including the regulation of municipal participation and public notification, came into effect through the release of the Industry Canada document entitled "Radiocommunication and Broadcasting Antenna Systems". As part of this consultation process, the document outlines two situations allowing a municipality to either establish:

- a) a Council endorsed public consultation process;
- OR
- b) to adopt Industry Canada's Default Public Consultation Process.

Notwithstanding the public and municipal notification requirements, Industry Canada remains the only approval authority for the installation of any telecommunication towers, and any comments provided by the City are to be taken into consideration by Industry Canada. Provincial legislation such as the Ontario *Building Code Act* and the *Planning Act*, including zoning by-laws and site plan control do not apply to these structures.

Prior to 2008 there were no Industry Canada regulations requiring public consultation, however, telecommunication providers were required to consult with the land use authority as a courtesy.

### **The Default Public Consultation Process**

In 2002, the Planning and Building Department adopted a process and criteria for assessing proposals for telecommunication towers. This was initiated by staff in response to the increasing number of towers proposed across the City and was developed in consultation with industry representatives.

Since 2008, the City of Mississauga has utilized Industry Canada's established requirements under the Default Public Consultation Process. Under this process, the proponent is required to submit to the City all pertinent information related to the proposal including, but is not limited to, dimensioned drawings, simulated images and justification as to why alternative locations cannot be used. Additionally, the proponent is required to circulate notification to neighbouring property owners within a perimeter of three times the towers height. Should the proposed tower be 30 m (98.4 ft.) or more in height, the proponent must place a notice in a local community newspaper. When concerns are raised the proponent is required to provide a written reply and make reasonable efforts to resolve them in a mutually acceptable manner. Any concerned parties then have an additional opportunity to reply to the responses provided. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

Industry Canada's document entitled "Radiocommunications and Broadcasting Antenna Systems" also outlines instances where a proposed tower is exempt from the requirements to consult with the municipality and public, including instances where a proposed tower is less than 15 m (49.2 ft.) in height. Recently a tower proposed at Saint Mark's Lutheran Church in Ward 1 came to the attention of the Mayor and Ward 1 Councillor by area residents for a 14.9 m (48.9 ft.) tower with a request for the City to intervene. Unfortunately, the City has no authority to effect any change in this instance.

### **City of Mississauga Telecommunication Towers Protocol**

When provided with the opportunity to comment on a proposed telecommunication tower, the Planning and Building Department

uses the following criteria to assess the appropriateness of any proposed location:

- ensuring land-use compatibility with adjacent uses;
- minimizing the potential visual impacts on abutting and future developments;
- siting new towers within lands zoned primarily for Industrial, Commercial or Utility uses;
- co-location on an existing facility (tower, building or structure); and
- maximizing distance from residential neighbourhoods.

Attached as Appendix 1 are the criteria used to guide Planning and Building Department staff in the review of plans submitted for towers.

### **Additional Background Research Necessary**

Inevitably, an increased number of installations will be required to ensure that there is sufficient capacity in the network to meet growing demand. Planning and Building staff will be undertaking a review of procedures and protocols implemented by other municipalities, including those of the City of Brampton and the Town of Milton, in order to assess the appropriateness of the procedures currently being used. In addition, staff will be reviewing the need for enhanced policies within the new Mississauga Official Plan to address the growing demand for such structures.

Staff will continue to assess and encourage certain aesthetic solutions, such as flag pole or clock tower designs, where appropriate for proposed towers on a case by case basis. The introduction of more novel design camouflaging techniques and emerging new technology for mitigating the visual impact of telecommunication facilities, such as the installation of towers which have the appearance of trees or the installation of antennas on existing street light poles are part of ongoing discussions with telecommunication providers in order to assess the feasibility and appropriateness of such structures for future telecommunication towers planned within the City.

**FINANCIAL IMPACT:** The request for this review and report are currently not part of the 2011 Planning and Building Department Work Program.

**CONCLUSION:** The Planning and Building Department recognizes the need to balance land-use compatibility issues with the increasing public demand for consistent, reliable wireless service and uniform coverage within the municipality. A further report will be brought forward to a future Planning and Development Committee meeting regarding any changes that may be necessary to the City's current procedures and protocol and policy framework within the new Mississauga Official Plan.

**ATTACHMENTS:** Appendix 1: City of Mississauga Telecommunication Towers Protocol

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Edward R. Sajecki  
Commissioner of Planning and Building

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**City Procedures and Protocol for the Review of  
Telecommunication Towers**

**File: EC.19.TEL**

**City of Mississauga Telecommunication Towers Protocol**

From a zoning perspective, telecommunication facilities are covered under Article 2.1.1.3 of Zoning By-law 0225-2007, as amended (Physical Services and Utilities - Structures), which allows for their location within any zone in the City, provided that the structure complies with the regulations of the zone in which it is situated. A structure or telecommunication tower electrical cabinet measuring less than or equal to 5 m<sup>2</sup> (54 sq. ft.) shall not be subject to the zone regulations. Building permits are not required for free-standing towers, only if structurally attached to an existing building (for the attachment) or if a building under the Ontario Building Code forms part of the installation. The following is a brief set of criteria to guide Development and Design staff in review of plans filed with the Department.

**1. Installation of Telecommunication Facilities on Roof Tops and Other Structures**

- All roof top telecommunication facilities require no review by Development and Design Division staff and are considered an automatic site plan exemption.

**2. Free-Standing Telecommunication Facilities**

- Telecommunication providers should be encouraged to locate future equipment on existing towers wherever possible.
- Notwithstanding the provisions of the Zoning By-law, free-standing telecommunication towers will be strongly discouraged from locating in the following areas (siting restrictions of the By-law may prohibit towers in many of the zones listed):
  - a. City Centre Zones  
All Residential Zones  
All Commercial Zones
  - b. Significant Natural Sites, Natural Sites and Natural Green Spaces of the Natural Areas System as illustrated on Schedule 3 - Environmental Areas of City Plan.
  - c. Lands that contain a structure listed on the City's Heritage Inventory, including the entire Meadowvale Village Heritage Conservation District Plan.
- Telecommunication towers may locate in the following zoning areas (unless the subject lands are located in areas covered above):
  - Industrial Zones
  - Parkway Belt Zones

- All requests for telecommunication towers will be considered an automatic site plan exemption request with the exception of those towers that are proposed to be located in an area where the base is directly visible from and within 60.0 m (197 ft.) of a public road or a Residential Zone. In these situations, the applicant will be required to apply for a Site Development Plan Application (limited circulation). The following standards for development shall apply:
  - a. Tower structures and associated mechanical buildings shall be of a neutral colour without signage or lighting (except as required for navigation by Transport Canada);
  - b. All structures provide for an elevation containing either brick veneer or other exposed aggregate material, with the suggestion that the roof be of a mansard or other peaked roof design;
  - c. Landscape treatment be provided to enhance the streetscape;
  - d. The discouragement of perimeter fencing.