

	POLICY	Owner Department: Planning and Development
	ANTENNA SYSTEMS SITING POLICY	
Effective Date: August 20, 2018	Last Reviewed Date: February 12, 2020	
Approving Authority: Moncton City Council	Replaces No.: N/A	

1. Purpose Statement

The main purpose of this Policy is to assist the Applicant in obtaining a Land-use Authority concurrence (LUA concurrence) required for the development of a non-excluded installation, as required by Innovation, Science and Economic Development Canada (ISED), as per their Client Procedures Circular (CPC) 2-0-03, 'Radiocommunications and Broadcasting Antenna Systems,' as amended from time to time. Although this Policy is not intended for excluded installations, it may also be used by the Applicant to help ensure that any installation minimizes land-use conflict and protects the amenity and character of established neighbourhoods within the City.

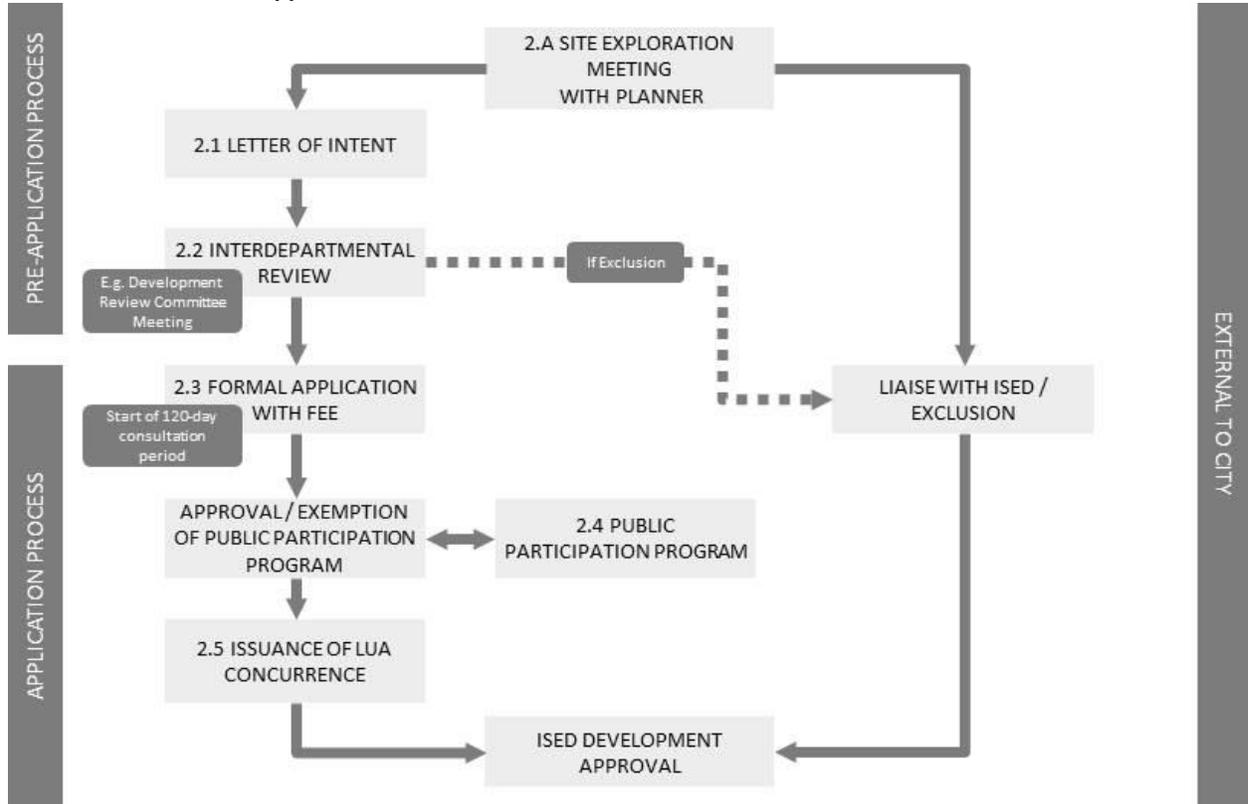
This Policy is primarily based on the 'Antenna System Siting Policy Template,' developed conjointly by the Federation of Canadian Municipalities and Canadian Wireless Telecommunications Association. Direction was also taken from the federal 'Guide to Assist Land-use Authorities in Developing Antenna System Siting Policy' by ISED and various antenna system siting policies from municipalities in Canada.

2. Application

The following is a summary of the application process to obtain an LUA concurrence required for the development of a non-excluded installation (see 'Figure 1' flowchart on p. 2). If the Applicant has not already done so, s/he should first review the exclusion criteria for non-excluded installations under section '6. Exclusions' of the CPC-2-0-03. The Applicant is encouraged to liaise directly with ISED to determine if the exclusion criteria are met. If this is the case, the proposal may bypass the City's development permit process. However, the Applicant may still wish to set up a meeting with a planner to discuss the proposal to ensure that no other permits or approvals are required from the City (note section '5. Other Permits and Approvals').

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Figure 1: LUA Concurrency Application Process



3. Definitions

Applicant means the proponent of an LUA concurrence request.

Discouraged location means a location that is discouraged (not to be misinterpreted as prohibited) by the City of Moncton for the development of an installation. A list of discouraged locations is outlined under subsection 4.1.

Encouraged location means a location that is encouraged by the City of Moncton for the development of an installation. A list of encouraged locations is outlined under subsection 4.1.

Excluded installation means an installation that meets the exclusion criteria of section '6. Exclusions' of the CPC-2-0-03, 'Radiocommunications and Broadcasting Antenna Systems' by ISED. An installation meeting the exclusion criteria may not be subject to the LUA concurrence application process involving the City of Moncton.

Formal application means a complete application on Form 1E 'Building and / or Development Permit Application.' Requirements for a formal application are outlined under subsection 4.1.

ISED means Innovation, Science and Economic Development Canada (previously Industry Canada).

Installation means a radio apparatus or antenna systems under the approval authority of ISED. An installation may include masts, towers, and other antenna-supporting structures.

Letter of intent means an initial statement of undertaking detailing the intentions of the Applicant to develop a non-excluded installation within the City. Requirements for a letter of intent are outlined under subsection 4.1.1.

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LUA concurrence means a statement of support issued by the City of Moncton, as the local Land Use Authority (LUA), for non-excluded installations.

Non-excluded installation means an installation that is not covered by the exclusion criteria of section '6. Exclusions' of the CPC-2-0-03, 'Radiocommunications and Broadcasting Antenna Systems' by ISED; or is an installation where the Applicant deems it necessary to consult the public. A non-excluded installation is subject to the LUA concurrence application process involving the City of Moncton.

Prescribed notification radius means three times the tower height. The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.

Public participation program means the requirement of public notice only, with the opportunity for residents to provide feedback to the Applicant and Department of Urban Planning; or public notice with a public meeting, whereby residents have the opportunity to attend a public forum and voice their opinions for or against a proposed installation. Requirements for the public participation program are outlined under subsection 4.1.4.

4. Policy

4.1 A Pre-application / Site Exploration Meeting with Planner

The Applicant is encouraged to contact the Urban Planning Department as early as possible prior to preparing a development proposal for a non-excluded installation. A pre-application meeting is important for outlining the application process and, if a location is not yet selected, to explore potential sites for the installation. A planner can assist the Applicant by providing geographic information on encouraged and discouraged locations, which are summarized below.

Preferred Locations

- Future Land Use designations under the Municipal Plan that do not accommodate residential uses as main uses;
- 'Commercial' or 'industrial' zones under the Zoning By-law;
- Co-location with an existing antenna structure;
- Rural and agricultural areas;
- Transportation and utility corridors;
- Institutional uses where appropriate, including, but not limited to those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities;
- As near as possible to similarly-scaled structures; and
- Multiple locations of small-scale installations are preferred over large-scale installations, as to mitigate aesthetic impacts.

Discouraged Locations¹

- On sites within the prescribed notification radius of a school, daycare, designated heritage building or structure, existing residential use or 'residential zone';
- Within the 'Rural Residential (RR-1)', 'Rural Estates (RE)', or 'Manufactured Dwelling (MD)' zones;
- Locations directly in front of doors, windows, balconies, or residential frontages;
- On ecologically sensitive lands including, but not limited to steep slopes, wetlands, and riverbanks;
- Within parks, 'park and community use' zones, or the 'Tourism Zone (TR)';

¹ Discouraged locations should not to be misinterpreted as locations that are prohibited by the City of Moncton.

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- ‘Downtown’ zones;
- Locations that would obstruct lighting;
- Sites of topographic or geographic prominence;
- Sites which would prejudice the future development or subdivision of land;
- Sites which would jeopardize established view plains; and
- Sites which would otherwise jeopardize the amenity or character of an established neighbourhood.

In preparing a submission, the Applicant should refer to the policies and proposals of the ‘Telecommunication Towers’ section of the Municipal Plan (pp. 161-164). This section contains general guidance on the siting and design of installations. ‘Section 7 Design Criteria’ of this Policy also outlines detailed provisions that the Applicant should use in preparing a submission.

4.1.1 Letter of Intent

By and large, most Applicants will know that their proposal is classified as a non-excluded installation and have a specific location in mind when first contacting City staff seeking an LUA concurrence. This step will typically be the start of the application process for most applicants.

Before a formal application is submitted, the Applicant must submit a letter of intent² for the proposal. The request must be accompanied by as much site development detail as possible, including but not limited to a preliminary:

- 1) Description of the undertaking;
- 2) Map showing the local context of the undertaking;
- 3) Elevation drawings and conceptual renderings;
- 4) Floor plan (if buildings are a part of the proposal); and
- 5) Site plan, showing the specific location of the proposed installation and including, but not limited to:
 - a. All setbacks from property lines, buildings, structures, and water features on the site;
 - b. Footprints of existing buildings, and if applicable the specific location of the installation on any rooftop;
 - c. Identification of areas accessible to the general public and the access/demarcation measures to control public access; and
 - d. Any other dimension or feature as required by the planner to assess the request.

This preliminary information will be used by staff to conduct an interdepartmental review of the proposal and to determine what additional information is required prior to submitting a formal application.

4.1.2 Interdepartmental Review

As is standard with other land-use applications, the proposal will be circulated to the various Departments of the City seeking commentary. If deemed necessary by the planner, the proposal may be brought to the weekly Development Review Committee meeting for a more in-depth review. The main purpose of this review includes, but is not limited to, determining:

- 1) Required building permits (if applicable);
- 2) Required subdivision approvals (if applicable);

² The Applicant may wish to have access to the comprehensive application checklist to know what will be required to submit a formal application following the letter of intent. See form No. URBPLAN-FRM-034 ‘Antenna Installations – Request for LUA Concurrence – Checklist.’

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- 3) Additional submissions (e.g. plans, maps, or drawings) required to assess the formal application; and
- 4) The potential impact of the proposal on sensitive areas and/or the established amenity and character of the immediate neighbourhood.

4.1.3 Formal Application with Fee

If it is suspected through the staff review process that the proposal may constitute an excluded installation under section 6 of the CPC-2-0-03, the Applicant will be encouraged to liaise directly with ISED to determine exclusion.

If it is determined that the proposal remains a non-excluded installation, the Applicant must submit a formal application (see Form 1E 'Building and / or Development Permit Application') and fee to proceed (see form No. URBPLAN-FRM-028 'Fee Schedule for Planning Applications and Charges'). This marks the start of the 120-day consultation period, which ISED proposes as an appropriate time frame for LUA concurrence requests for non-excluded installations.

If the proposal has changed significantly since the initial interdepartmental review under subsection 4.1.2, the planner may conduct further review with staff.

The formal application must include all requirements as per form No. URBPLAN-FRM-034 'Antenna Installations – Request for LUA Concurrence – Checklist.'

4.1.4 Public Participation Program

Once all submission requirements are received as determined through the pre-application process, including a formal application with fee, the planner will then compile a Planning Staff Report for consideration by the Director. The Report will recommend either of the following:

- 1) Public participation program required prior to proceeding;
- 2) No public participation program required, issuance of LUA concurrence (see subsection 4.1.5); or
- 3) No public participation program required, refusal of LUA concurrence (see subsection 4.1.5).

A public participation program may take one of the following forms (see 'Section 8 Public Participation Program Requirements' for more details on each):

- a. Public notice only; or
- b. Public notice with public meeting.

The recommendation by the planner to the Director to require only 'a. Public notice only' is primarily based on the proposal being within an encouraged location under subsection '2. Pre-application / Site Exploration Meeting with Planner.' The Director maintains discretion in requiring or waiving a basic public notice requirement. Despite this, in all cases (as required by ISED) telecommunications carriers, broadcasting undertakings, and third party tower owners must notify and consult with the local public when proposing a new antenna tower. In this case, public notice is a minimum requirement and cannot be waived. Where a proposed, new antenna tower is 30 metres or more in height, public notice shall also include publication in the local newspaper.

The recommendation by the planner to the Director to require a 'b. Public notice with public meeting' is primarily based on the proposal being within a discouraged location under subsection 4.1. However, depending

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on site-specific criteria, stealth, and screening provisions of the proposal, a public meeting may not be recommended as a requirement to the Director. The Director maintains discretion in requiring or waiving a public meeting requirement.

‘Figure 2’ below provides examples of various public participation requirements for new antenna towers and new installations on existing towers / non-tower structures.

Figure 2: Examples of Public Participation Program Requirements

	(a) Encouraged Location – Public Participation Program	(b) Discouraged Location – Public Participation Program
New Antenna Tower (<30m in Height)	Public notice only (mail-out and website notices; <u>cannot be waived</u>)	Public notice (mail-out and website notices; <u>cannot be waived</u>) with public meeting (unlikely waived)
New Antenna Tower (≥30m in Height)	Public notice only (mail-out, website, and newspaper notice; <u>cannot be waived</u>)	Public notice (mail-out, website, and newspaper notice; <u>cannot be waived</u>) with public meeting (unlikely waived)
New <u>Installation</u> on an Existing Antenna Tower or Non-tower Structure (>25% Cumulative Height Increase)	Public participation program likely waived	Public notice only <u>or</u> public notice with public meeting (both or the latter may be waived)

If a public participation program is required, a letter signed by the Director will be sent to the Applicant indicating the requirement and associated provisions as per ‘Section 8: Public Participation Program Requirements’ of this Policy.

Once all information is collected, including any feedback from the public participation program, the planner will update the Planning Staff Report and recommend issuance or refusal of the LUA concurrence.

4.1.5 Issuance of LUA Concurrence

Following the review of the Planning Staff Report, including a summary of the public participation program where applicable, the Director of the Urban Planning Department will render a decision on issuing an LUA concurrence. Decisions may include:

- 1) Issuance of an LUA concurrence;
- 2) Issuance of an LUA concurrence with conditions; or
- 3) Refusal of an LUA concurrence.

Conditions attached to an LUA concurrence may include, but are not limited to:

- a. Receiving all other permits and approvals (see section 5.); and/or
- b. Design, screening, stealth requirements to mitigate any potential land-use impacts on the established amenity and character of the immediate neighbourhood.

Refusal to issue an LUA concurrence is not anticipated to be a common occurrence; the Urban Planning Department will take proactive measures to address potential issues before reaching an impasse with the Applicant.

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A letter indicating the decision of the Director will be sent directly to the local ISED office with a copy to the Applicant. If an LUA concurrence is refused, this letter will include the reasons why the Department does not support the Application and will suggest ways of moving forward.

An LUA concurrence is effective for three (3) years from the date of the letter. Unless the Applicant secures an agreement with the Director of the Urban Planning Department to extend this timeframe, the LUA concurrence shall expire if construction has not commenced within this three (3) year period. Once an LUA concurrence expires, a new Application and fee must be submitted in accordance with this Policy.

The Director of the Urban Planning Department may rescind the LUA concurrence if it is determined that the proposal contains a misrepresentation or a failure to disclose all pertinent information. This may include, but is not limited to, plans and conditions upon which the concurrence was issued in writing and have not been complied with; and a resolution cannot be reached to correct the issue.

Once an LUA concurrence has been issued, it may be transferred from the original Applicant to another proponent (the current Proponent) without the need for further consultation, provided that:

- 1) All information gathered by the original Applicant in support of obtaining the LUA concurrence from the City is transferred to the current Proponent;
- 2) The installation for which the LUA concurrence was issued to the original Applicant is what the current Proponent builds; and
- 3) Construction of the installation commences within the initial LUA concurrence period (three (3) years) as above.

5. Other Permits and Approvals

Although an installation is exempt from the requirements of the City's Zoning By-law # 213, including the standard development approval process, the Applicant must attain all other applicable permits and approvals. This may include, but is not limited to:

- 1) Building permit from the Building Inspection Department of the City;
- 2) Development permit for associated supportive structures (e.g. sign structure) from the Urban Planning Department of the City;
- 3) Subdivision approval from the Urban Planning Department of the City; or
- 4) Watercourse and Wetland Alteration Permit from the Department of Environment and Local Government of the Province of New Brunswick.

6. Impasse Negotiations / Dispute Resolution Process

As ISED is the authority having jurisdiction to approve antenna sites and installations, the City understands its facilitative—as opposed to regulatory—role in helping applicants develop proposals that are respectful of the local land-use context. The LUA concurrence can thus be viewed as an official, formal recommendation required and issued by the City. The Department of Urban Planning will take a proactive and supportive position in working with the Applicant to receive an LUA concurrence to proceed with the proposed installation.

The Department will make all attempts to address issues before reaching an impasse with the Applicant. This escalatory approach includes:

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- 1) Arranging a meeting with the Applicant and the planner to discuss what measures can be taken to move the proposal forward;
- 2) Arranging a meeting with the Applicant, Director and planner; and
- 3) Hosting a Development Review Committee meeting with senior City staff, the Applicant, and a representative of ISED.

Though unanticipated, if an impasse is reached between the City and the Applicant, the City recognizes the Applicant's right to apply to ISED for federal intervention.

7. Design Criteria

Style and Color

- The architectural style of the installation should be compatible with the surrounding neighbourhood and adjacent uses.
- In all instances, the Applicant should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, colour, materials, etc.
- An installation may be designed or combined with a new or existing sign supporting structure; or as a landmark to resemble features found in the area, such as a flagpole, spire or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature or sign.
- Towers and communication equipment should have a non-reflective surface.
- Where an installation is proposed in a discouraged area, special design treatments should be applied to make the structure unobtrusive and to not negatively impact the amenity and character of the established neighbourhood.
- Cable trays should run up the rear facades of buildings.

Buffering and Screening

- Installations and associated equipment shelters/cabinets should be screened and concealed from ground level to mitigate visual impacts.
- Screening should be attractive, robust, and utilize high quality materials. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend unobtrusively and compatibly with the surrounding built and natural environments.
- A mix of deciduous and coniferous vegetation is preferred to provide year-round coverage.
- Where adjacent to a main building, equipment shelters/cabinets should be constructed of a material similar in appearance and colour to the primary façade.

Structure

- Single operator loaded towers (e.g. monopoles) should be unobtrusive and of low impact and are preferred if siting in or near a residential area is desired.
- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).
- The appropriate type of antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the structure on the community.
- Self-supported structures should not be used in any area which is intended for use by the general public, clients, customers, or employees.

Height

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- The City prefers that the height of a freestanding antenna system be minimized to blend into the surrounding area.
- Height for a freestanding antenna system must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where building/structure-mounted antenna systems will exceed 25% of the height of the existing building, the City prefers that the height not exceed 5.5 metres measured from the top of the roof or 1.2 metres above the highest point of the elevator penthouse, whichever is higher. The building/structure-mounted antenna system should, where possible, be screened and not be visible from the street.
- Adequate yards, to be determined on a site-by-site basis, should separate installations from adjacent development without unduly affecting the development potential of the lot over the lease period.
- Parking spaces, where provided at each new installation site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Shelters/Cabinets

- Cabinets should be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant (see also 'Buffering and Screening').
- Cabinet dimensions should be as minimal as possible.
- Cables and wires should, where possible, be concealed.

Signage and Lighting

- Any signage must be erected in accordance with City by-laws.
- Advertising and logo signs on or near installations are strongly discouraged and will not likely receive a development permit if applied for.
- In exceptional circumstances, appropriate signage may be used as part of screening or disguise of the installation.
- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.
- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable; and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.
- The lighting of installations and associated equipment shelters for security purposes is supportable, provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, and where possible and is provided by a motion detector or similar system.

Rooftop Equipment

- Equipment shelters/cabinets located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted or treated to blend with the primary colour and/or materials of the host building or penthouse.
- Any rooftop equipment generating noise that can be heard outside the boundaries of the lot should be buffered or otherwise attenuated to direct unavoidable noise upward.

Amateur Radio (Residential Use) Antenna Systems

- An antenna boom or other appurtenance attached to the installation support structure should not project within 0.3 metres of any property line.
- Structures should not be illuminated or carry advertising, flags, graphics, or other such devices unrelated to the function of an amateur radio installation support structure, except for warning markings and lights required by any federal or provincial authority.
- Amateur radio installation support structures should not be placed in any front yard.

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- Amateur radio installation support structures should not exceed 21 metres in height measured from the ground.

Building or Structure Mounted (Microcell) Antenna Systems

- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g. in colour, shape, and size) to be a natural extension of the pole.
- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth effect.

8. Public Participation Program Requirements

Public Notice Only

- 1) As a part of the formal application requirement under subsection 4.1.4, the Applicant is required to submit a public notification package³ to the Urban Planning Department including, but not limited to:
 - a. The proposed installation's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
 - b. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6, including combined effects within the local radio environment at all times;
 - c. Information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
 - d. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available—if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
 - e. An attestation that the installation will respect good engineering practices, including structural adequacy—where stamped drawings are provided, they must be certified by a professional engineer (P.Eng) licensed to practice in the Province of New Brunswick;
 - f. Reference to any applicable local land-use requirements of the City such as, but not limited to, any building permit or subdivision requirements;
 - g. Notice that general information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>); and
 - h. Contact information of the Applicant and the local ISED office.
- 2) The City will publish a notice on the Urban Planning Department's section of the City's website. The notice shall include:
 - a. A description of the proposed installation, including, but not limited to location, height, and dimensions of the structure;
 - b. A description of the area affected by the proposed installation, referring to street names and civic numbers where applicable;
 - c. The location of the Urban Planning Department (civic address of City Hall) and the hours during which the proposal may be inspected (note: where practical, all application documentation will be posted on-line in .pdf format);

³Public notification package requirements modified from 'Appendix 1 –Default Public Consultation Process – Public Notification Package' of the CPC-2-0-03 by ISED.

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- d. The contact information of the planner who is assigned to the file and is designated to receive comments on behalf of the Department; and
 - e. An invitation to provide public comments to the City by a specified date and time (note: a minimum of 30 days notice is required and will be synced with all other notices).
- 3) The City will prepare and mail notices to all property owners within the prescribed notification radius of the proposed installation. The notice shall include the same information as the website notice.
 - 4) If the proposed, new antenna tower is 30 metres or more in height, the City will also publish a notice in the local newspaper on a **Saturday** and include the same information as the website notice.
 - 5) The Applicant may also be required, based on local conditions such as a high proportion of residential rental accommodation within the prescribed notification radius, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the City in the letter of response following a decision by the Director (based on the Planning Staff Report) as per subsection 2.4. Other forms of notification may include, but are not limited to, an on-site sign.

Public Notice with Public Meeting

- 1) As a part of the formal application requirement under subsection 4.1.4, the Applicant is required to submit a public notification package as above.
- 2) If public notice with a public meeting is required, the City will provide notice through the same means as above. However, the notice will also include:
 - a. The tentative time and location (civic address of City Hall, Council chambers) of the public meeting;
 - b. Indication that the public meeting may be cancelled by the Director of the Urban Planning Department if no objections to the proposal or statements of intent (written or verbal) to attend the public meeting are received within the 30-day notification period; and
 - c. The date and location (City website address) in which the public will be notified of the status of the public meeting (i.e. to proceed or be cancelled).
- 3) Public notices will be issued as follows:
 - a. The City website notice will be published on the first Friday of the month;
 - b. The mail-out notices will be sent on the second Wednesday of the month; and
 - c. If the proposed installation is 30 metres or more in height, the City will publish a notice in the local newspaper on the first Saturday of the month.
- 4) Public meetings will be scheduled the fourth Wednesday of the following month and will occur immediately after the adjournment of the regular Planning Advisory Committee (PAC) meeting.
- 5) Despite section 4) herein and where scheduling does not permit a public meeting following a PAC meeting, the public meeting may be held on another day as agreed upon between the Applicant and the Department of Urban Planning.
- 6) The public meeting will have the following format:
 - a. The Director of Urban Planning, or authorized delegate, shall chair and provide an introductory context and purpose of the meeting;
 - b. The Applicant is strongly encouraged to attend and present the application—if the Applicant chooses not to attend the public meeting, a representative from the Urban Planning Department under subsection a. herein shall present the application on behalf of the Applicant; and
 - c. Any person or group of persons may speak for or against the proposal.

9. Administration and Contact

City Hall

655 Main St., Moncton, NB E1C 1E8

Telephone: 506.853.3550

Email: info.clerk@moncton.ca