



**CORPORATION OF THE TOWN  
OF KINGSVILLE**

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**Policy for the Development and/or  
Redevelopment of Communication and  
Broadcasting Facilities**

March 16, 2009

**Purpose:**

To establish standard procedures which will enable the Municipality:

- To effectively participate in the review and public consultation process for the consideration of telecommunication and broadcasting facilities; &
- To formulate municipal comments based on acceptable goals and standards.

**Goals:**

- To facilitate cooperation between the proponent and the Town of Kingsville in effort to allow for the siting of facilities which balance the demand for service and the impact on the community.
- To provide guidance and direction for the appropriate siting of facilities to locations which meet the following criteria in order of priority of land use:
  1. sites co-located on existing structures in non-residential areas;
  2. sites outside of the sight lines of Lake Erie and Jack Miner Bird Sanctuary;
  3. sites outside of planned settlement areas;
  4. sites owned by the municipality;
  5. sites co-located on existing structures in non-agricultural areas;
  6. sites co-located on existing structures in settlement and residential areas; &
  7. new structures on land owned by private land owners.
- To provide high design standards which recognize local considerations for natural heritage features and local aesthetics including:
  1. the placement, style and colour of all elements of the facility which blend with the surrounding environment;
  2. the protection of the existing natural environment;
  3. the enhancement of the natural landscape with plantings and visual screens;
  4. maintaining appropriate setbacks from property lines and adjacent public uses (schools, community centres, day cares, etc.)
  5. maintaining safe vehicular access and site lines onto public roads
- To provide an opportunity for public consultation and input through the approved procedure for the review and consideration of telecommunication and broadcasting facilities within the Town of Kingsville.
- To recognize the final approval authority of Industry Canada for the consideration of radio-communication, telecommunication and broadcasting facilities.

## Procedure

### Phase 1 – Pre-consultation and Submission Requirements

1. Inquiries with respect to new communication towers or modifications to existing towers where municipal consultation is required shall be directed to the Planning Department for pre-consultation.
2. Proponents will be provided with the following from the Planning Department during pre-consultation:
  - a. A copy of the approved *Communication and Broadcasting Facility Policy*;
  - b. *Site Plan Application, Fee Schedule, Information and Drawing Submission Requirements*; &
  - c. List of Agencies to be consulted by the proponent during public consultation process.
    - ☐ County of Essex – Engineering Department
    - ☐ Essex Region Conservation Authority
    - ☐ Wind Power & Renewable Energy Proponents
    - ☐ Ministry of Transportation (within 400 metres of Provincial Highway)
    - ☐ Transport Canada
    - ☐ Clerk of any abutting municipality within 120 metres of proposed facility
    - ☐ Other: \_\_\_\_\_
3. Upon submission of the required materials by the proponent, the Planner will undertake the following:
  - a. Forward the application to the Planning Management Review Group for review and provide preliminary site analysis and comments to proponent;
  - b. Generate and provide circulation list to proponent for distribution of information package;
  - c. Provide proponent with the date of next scheduled Public Open House of the Planning Advisory Committee.
4. Proponents shall deliver via regular pre-paid post to every address listed on the circulation list, the notification package containing the information detailed in Industry Canada's written *Public Consultation Process – Public Notification Package*, no less than 30 days prior to the date of the Public Open House to be hosted by the Planning Advisory Committee;
5. Receive *Letter of Undertaking* from the proponent to construct facility in accordance with the information provided and in consideration of the comments received from the Planning Management Review Committee and members of the public at the Public Open House;
6. Presentation of the following to Council:
  - i. Summary report including public comments;
  - ii. Letter of Undertaking by proponent;
7. Forward Council Resolution of Support to advise proponent:
  - i. Whether in the opinion of the municipality, sufficient public consultation was conducted;
  - ii. Whether the siting, design or any anticipated impacts by the community will support the recommendation.
8. Upon issuance of appropriate licencing by Industry Canada, the proponent shall submit the necessary building permit application, fee and information requirements to the Building Department prior to the commencement of construction.

### SUBMISSION REQUIREMENTS

1. Completed Site Plan Application, including authorization of land owner.
2. A site plan drawn to scale showing the extent of the subject property, site grading, the location of existing property lines, existing or proposed buildings, fences, buffering, existing and proposed landscaping, access, parking, and the type and height of the proposed tower structure. Any significant vegetation on a particular site should be inventoried on the plan. The site plan shall be formatted to print onto 11 x 17 landscape paper.

3. Two sets of stamped engineered drawings to identify the tower design. In the case of roof-mounted towers, a structural engineer's report may also be required to address the structural effects on the existing building.
4. A key map showing the location of the tower installation and nearby residential dwellings and/or residential zones.
5. A statement from the Proponent (carrier) to indicate the need for the proposed tower height.
6. Written documentation from the Proponent (carrier) outlining the steps taken by the Proponent to investigate all non-tower and co-location options and why a tower option is the only viable alternative.
7. A cheque payable to the Town of Kingsville in the amount as set out in the Municipal Fees Schedule for the processing of Site Plan Applications.

## **Phase 2 – Public Review Process**

### **A. Exemptions to Public Consultation**

1. For freestanding towers, which meet the following criteria, public consultation is **not** required:
  - Towers not exceeding 16.6 metres in height above ground level;
  - Maintenance of existing radio apparatus including the antennae system, transmission line, mast, tower or other antennae-supporting structure;
  - Addition or modification of an antennae system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height.
  - Maintenance of an antennae system's painting or lighting in order to comply with Transport Canada's requirements
  - Installation for a limited duration (not more than 3 months) of an antennae system used for a special event or to support local, provincial, territorial or national emergency operations during the emergency and is removed within 3 months after the emergency or special event.
2. In the case of proposed towers that are constructed on top of buildings, the following exemption would apply:
  - Towers located on any building where the tower height does not exceed 25% of the height of the building or 16.6 metres above ground level, whichever is the greater.
3. In cases where no public consultation is required, the application shall be brought forward to the Planning Management Review Committee within 2 weeks of receiving all required submissions from the Proponent. Upon review by the Planning Management Review Committee, the request shall be presented to Council together with the Letter of Undertaking and a recommendation regarding a resolution of support.

## **B. Public Consultation Required**

For proposed towers or alterations to existing towers that do not meet the above-noted exemption criteria, the proponent shall give notice by regular mail to all owners of properties within a radius of 120 metres of the subject property.

In addition to the requirements of Industry Canada's *Public Notification Package*, the notice shall include the following information:

- Key map showing the proposed location of the tower on the subject site;
- physical details of the tower including its height, colour, type, design,
- sample photo or illustration of the proposed tower;
- the date, time and location of the public open house as established by the Planning Department, &
- the name and telephone number of a contact person employed by the Proponent, as well as a Municipal contact person.

If issues of concern are raised through the consultation process, they will be discussed at the Public Open House in order to seek a mutual resolution. If necessary, representatives from Industry Canada may be consulted to assist with the resolution.

Where Towers are proposed to be constructed in excess of 100 metres in height, notice will be published in local newspaper(s) that in the opinion of the Planning Department is of sufficiently general circulation in the area of the proposed facility, in addition to the provision of the Public Notification Package to all property owners within 300 metres of the subject property.

### **Letter of Undertaking**

The proponent will be required to provide the municipality with a standard Letter of Undertaking with respect to the installation of the proposed facility. The Letter of Undertaking will confirm the proponent's intention to address any changes necessary to address reasonable and relevant concerns of the municipality and the public and include a site plan acceptable to the municipality.

### **Resolution of Support**

Subsequent to the review of the Planning Management Review Group and the Public Open House (if required), the Planning Department will prepare a summary report to Council. The report will include a summary of matters acknowledged by the Planning Management Review Group, concerns received at the Public Open House and the standard Letter of Undertaking.

Upon Council's direction, a letter will be provided to the proponent stating that the proponent is required to enter into the standard Letter of Undertaking with the municipality. The letter shall also include a resolution of support, provided Council is satisfied that adequate public consultation was conducted and that land use impacts have been addressed.

It is expected that applications for the review of telecommunication and broadcasting facilities shall be concluded within 120 days of receipt of a complete application, including submission of all materials required by this policy.