

# WIRELESS COMMUNICATION FACILITY

## WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION INSTRUCTIONS FOR FILING AN APPLICATION

Wireless Communication Facilities are permitted in all zoning districts pursuant to the conditions of Section III.D.6.g. of the Unified Zoning Code. Wireless Communication Facilities that may be approved by Building Permit are:

- a. New facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures, including support structures up to 20 feet above the building or the maximum height permitted by a Building Permit or an Administrative Permit in the underlying zoning district, whichever is greater.
- b. Modification and/or replacement of support structures (light poles, flag poles, electrical poles, private dispatch towers, etc.) that are not significantly more visible or intrusive, including cumulative height extensions of up to 25 percent above the original structure height.
- c. Modification and/or replacement of Wireless Communication Facilities, including cumulative height extensions of up to 25 percent above the original structure height, that comply with the compatibility height standards as authorized in Sec. IV-C.5; or
- d. New or modified lattice towers no larger than 18 inches wide on any side up to 80 feet in height measured from grade.

For information regarding an application for a Building Permit, contact the Office of Central Inspection (316/268-4460) for sites within the City of Wichita or the Code Enforcement Office (316/383-7951) for sites within the unincorporated area of Sedgwick County.

Wireless Communication Facilities that may be approved by Administrative Permit are:

- a. New disguised ground-mounted facilities up to 85 feet in height.
- b. New undisguised ground-mounted facilities up to 65 feet in height in the SF-10, SF-5, TF-3, MF-18, MF-29, B, and MH zoning districts.
- c. New undisguised ground-mounted facilities up to 85 feet in height in the NO, GO, and NR zoning districts.
- d. New ground-mounted facilities up to 120 feet in height in the RR, SF-20, LC, OW, and GC zoning districts.
- e. New ground-mounted facilities up to 150 feet in height in the IP, CBD, LI, and GI zoning districts.

Wireless Communication Facilities approved by a Building Permit or an Administrative Permit shall conform to the Compatibility Height Standard of the Unified Zoning Code. Wireless Communication Facilities approved by an Administrative Permit also shall conform to the Location/Design Guidelines of the Wireless Communication Master Plan and may be subject to conditions of approval that maintain conformance with said guidelines. Copies of the Wireless Communication Master Plan are available from the MAPD for a fee of \$5 or on-line at [www.wichita.gov](http://www.wichita.gov).

Wireless Communication Facilities that do not meet requirements for either a Building Permit or an Administrative Permit or that do not conform to the Compatibility Height Standard of the Unified Zoning Code or the Location/Design Guidelines of the Wireless Communication Master Plan shall be reviewed through the Conditional Use, CUP amendment, or P-O amendment process, as applicable. Additional instructions regarding filing a Conditional Use, CUP amendment, or P-O amendment application are available separately from the MAPD.

All applications for Wireless Communication Facilities (whether for a Building Permit, an Administrative Permit, a Conditional Use, CUP amendment, or P-O amendment) shall include:

- a. Written statement acknowledging and agreeing to the responsibilities under the zoning code (e.g. allowing co-location opportunities on support structures and at ground level; allowing modification/rebuilding of support structures; removal upon abandonment, etc.).
- b. A notarized statement from a wireless communication provider that they intend to locate on the wireless communication facility if it is approved.
- c. A scale vicinity plan, dimensioned, that identifies existing buildings, trees, and other features within 200 feet (1" = 40') of the Wireless Communication Facility in the City of Wichita or within 1,000 feet (1" = 200') of the Wireless Communication Facility in the unincorporated area of Sedgwick County.
- d. One-inch-equals-20 feet site plan, dimensioned, identifying all facility elements.
- e. Typical elevations of all facility elements, dimensioned.
- f. Specification of all exterior materials and colors, with drawings, photos or samples as appropriate.
- g. Landscape/screening plan, with all materials and sizes specified.
- h. Appearance shown by at least two photo-simulations only for proposed facilities that do not adhere to the Location/Design Guidelines or facilities located in designated visually/environmentally sensitive locations.
- i. Narrative that documents the need for the proposed facility, including in the case of new undisguised support structures, documentation such as propagation plots and/or other materials demonstrating that existing buildings and other structures cannot be reasonably utilized or modified or rebuilt to accommodate the Wireless Communication Facility.
- j. Inventory of any/all Wireless Communication Facilities already installed at the site, with names, addresses, and phone numbers of the companies and contact persons.

The following requirements also apply:

1. All applicants desiring to request an Administrative Permit, a Conditional Use, a CUP amendment, or a P-O amendment for a Wireless Communication Facility should consult with the MAPD prior to submitting a formal application. The purpose of the consultation is to advise the applicant of his or her rights and responsibilities in submitting such application.
2. The application form for an Administrative Permit, a Conditional Use, a CUP amendment, or a P-O amendment for a Wireless Communication Facility must be signed by all property owners or by the authorized agent(s) of such owner(s).
3. In accordance with local policy, the applicant shall post one or more zoning adjustment signs on the application site. For Administrative Permits, the zoning adjustment signs shall be posted for a period of ten days following submittal of the Administrative Permit request. For a Conditional Use, a CUP amendment, or a P-O amendment, the zoning adjustment signs shall be posted according to the instructions for the applicable application, which are available separately from the MAPD. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.
4. The applicant shall submit the required filing fee as follows:

Administrative Permit	\$140 + sign fee
Conditional Use	\$500 + \$22/Acre + sign fee
CUP amendment	\$605 + sign fee
P-O amendment	\$440 + sign fee

All checks should be made payable to "City of Wichita", which acts as agent for the MAPD.

5. The applicant may appeal a decision to deny an Administrative Permit or to impose certain conditions on an Administrative Permit by filing an application for a Conditional Use, a CUP amendment, or a P-O amendment, as applicable, for a Wireless Communication Facility. The filing fee for the Administrative Permit shall be applied toward the filing fee for the Conditional Use, CUP amendment, or P-O amendment.
6. All application materials and the filing fee are submitted at the MAPD, which is located on the 10<sup>th</sup> floor of Wichita City Hall, 455 N. Main and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## WIRELESS COMMUNICATION FACILITY CHECKLIST OF REQUIRED APPLICATION MATERIALS

- Application form
- Statement acknowledging and agreeing to zoning code responsibilities
- Notarized statement of provider intent to locate
- Vicinity plan
- Site plan
- Elevation drawings
- Specification of exterior materials
- Landscape/screening plan
- Photo-simulations (if required,  if not applicable)
- Statement documenting need for facility
- Inventory of existing wireless facilities on site (if any,  if not applicable)
- Certified ownership list (if required,  if not applicable)
- Filing fee

STATEMENT OF ACKNOWLEDGEMENT AND AGREEMENT TO  
THE REQUIREMENTS OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE  
PERTAINING TO WIRELESS COMMUNICATION FACILITIES

By the signature(s) below, I (we) hereby acknowledge and agree to abide by the following requirements of the Wichita-Sedgwick County Unified Zoning Code pertaining to Wireless Communication Facilities:

1. There shall be no nighttime lighting of or on wireless communication facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Flashing white obstruction lights shall not be permitted for nighttime operation. Lighting for security purposes shall be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs shall be permitted.
2. No signs shall be allowed on an antenna support structure other than those required by applicable governmental agencies.
3. The support structure shall be designed, and the ground area shall be adequate or will be made adequate, to accommodate at least 1 other carrier, if more than 80 feet in height, and at least 2 other carriers, if more than 100 feet in height. Reasonable accommodations will be made to lease space on the facility to other carriers so as to avoid having a proliferation of support structures that are not fully utilized. The owner(s) shall make available in the future the opportunity for another party to pay the cost to modify or rebuild the structure to support additional communication equipment where economically and technically feasible.
4. Facilities cannot be unused for any continuous 12 month period. Unused facilities, including the uppermost 20% of support structures that are unused (except where removal of the uppermost 20% would require the removal of a lower portion the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), shall be removed by the owner within 60 days if the wireless communication facility, or portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City or County may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" shall include both the owner of the real property and the owner of the wireless communication facility, whether such ownership is divided or in the same person.
5. The Wireless Communication Facility shall comply with all federal, state, and local rules and regulations.

By the signature(s) below, I (we) hereby acknowledge that failure to abide by the above stated requirements of the Wichita-Sedgwick County Unified Zoning Code pertaining to Wireless Communication Facilities shall result in the revocation of the Building Permit, Administrative Permit, or Conditional Use Permit, as applicable.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Facility Owner Signature

\_\_\_\_\_  
Printed Property Owner Name

\_\_\_\_\_  
Printed Facility Owner Name

\_\_\_\_\_  
Property Owner Street Address

\_\_\_\_\_  
Facility Owner Street Address

\_\_\_\_\_  
Property Owner City, State, Zip Code

\_\_\_\_\_  
Facility Owner City, State, Zip Code



6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

\_\_\_\_\_  
 Applicant's Signature By \_\_\_\_\_  
 Authorized Agent (If Any)

\_\_\_\_\_  
 Applicant's Signature By \_\_\_\_\_  
 Authorized Agent (If Any)

\_\_\_\_\_  
 Applicant's Signature By \_\_\_\_\_  
 Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_

Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_

NA/HOA \_\_\_\_\_

Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

Ownership List  BZA Justification  Legal Description  Vacation Petition  Site Plan  Signs