

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.
- e. Small cell facility or distributed antennae system located in an interior structure or upon the site of any campus, stadium, or athletic facility.

For information regarding an application for a Building Permit, contact the Metropolitan Area Building and Construction Department (316-660-1840).

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, U, 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.

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 an Administrative Permit, a Conditional Use, CUP amendment, or P-O amendment) shall include:

- a. A notarized statement from a wireless communication provider that they conducted an analysis of available co-location opportunities on existing wireless support structures and intend to locate on the wireless communication facility if it is approved.
- b. 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.
- c. One-inch-equals-20 feet site plan, dimensioned, identifying all facility elements.
- d. Typical elevations of all facility elements, dimensioned.
- e. Specification of all exterior materials and colors, with drawings, photos or samples as appropriate.
- f. Landscape/screening plan, with all materials and sizes specified.
- g. Documentation that an application for a building permit for the Wireless Communication Facility has been filed with the Metropolitan Area Building and Construction Department or, alternatively, submittal of a Tolling Agreement that suspends the review "shot clock" between the time that zoning approval is granted and the building permit application is submitted.

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 and 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:

City Fees:

Administrative Permit: \$160 + sign fee
Conditional Use: \$635 + \$25/Acre + sign fee
CUP amendment: \$695 + sign fee
P-O amendment: \$505 + sign fee

County Fees:

Administrative Permit: \$140 + sign fee
Conditional Use: \$550 + \$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 2nd floor of The Ronald Reagan Building, 271 W. 3rd Street 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
- Notarized statement of provider co-location analysis and intent to locate
- Vicinity plan
- Site plan
- Elevation drawings
- Specification of exterior materials
- Landscape/screening plan
- Documentation of building permit application or Tolling Agreement
- Certified ownership list (if required, if not applicable)
- Filing fee

Note: When applying, please have yourself or your representative present during the processing of the application in case planners have questions or to correct possible errors on the application.

TOLLING AGREEMENT WITH CITY OF WICHITA

This Tolling Agreement (“Agreement”) is made and entered into pursuant to K.S.A. 66-2019(h)(2)(B) this ____ day of _____ (“Effective Date”) by and between _____ (“Applicant”), with its principal place of businesses located at:

and City of Wichita, Kansas (“Authority”), through the Wichita-Sedgwick County Metropolitan Area Planning Department, with its principal place of businesses located at 271 W. 3rd St. N., Suite 201, Wichita, KS 67202.

RECITALS

A. The Applicant requests to file a zoning application to permit a new Wireless Communication Facility on property legally described as:

B. K.S.A. 60-2019(h)(1), requires the Authority to review and render a decision on the application within one hundred fifty (150) calendar days (so-called, “Shot Clock”). Further, K.S.A. 66-2019 (h)(3) states that “[a]n application shall be deemed approved if an authority fails to act on the application within the 150-calendar day review period.” Additionally, Federal Communication Commission (“FCC”) Declaratory Ruling 18-133 Section 61 clarifies that the 150 day Shot Clock applies to all required approvals by the Authority, including both zoning and building permits. Therefore, it is the policy of the Authority, as stated in the Wireless Communication Master Plan, January 2019, to require submittal of a building permit application concurrently with a zoning application. However, the Applicant desires to submit the building permit application only if the zoning application is approved.

C. In order to allow the zoning application to be heard in an orderly manner, without either party risking the loss of important rights, the parties wish to enter into this Tolling Agreement pursuant to K.S.A. 66-2019(h)(2)(B), which specifically allows the Applicant and the Authority to reach an agreement to toll the time period for final consideration of an application.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree that if the zoning application on the property described in Recital A is approved the time for review within the 150-day “Shot Clock” shall be

suspended on the effective date of the zoning approval and shall commence again on the date of submittal of the building permit application.

2. This Agreement may be executed in counterparts and facsimile, each of which shall be deemed an original. The individuals whose signatures appear below on behalf of each party are authorized to execute this Agreement on behalf of the respective parties, and to bind them to the terms thereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date first written above.

Applicant: _____

Signed: _____

Print Name: _____

Title: _____

**Authority by and through the
Wichita-Sedgwick County Metropolitan Area Planning Department**

Signed: _____

Print Name: Dale Miller

Title: Director of Planning

TOLLING AGREEMENT WITH SEDGWICK COUNTY

This Tolling Agreement (“Agreement”) is made and entered into pursuant to K.S.A. 66-2019(h)(2)(B) this ____ day of _____ (“Effective Date”) by and between _____ (“Applicant”), with its principal place of businesses located at:

and Sedgwick County, Kansas (“Authority”), through the Wichita-Sedgwick County Metropolitan Area Planning Department pursuant to Resolution No. 102-2019, with its principal place of businesses located at 271 W. 3rd St. N., Suite 201, Wichita, KS 67202.

RECITALS

A. The Applicant requests to file a zoning application to permit a new Wireless Communication Facility on property legally described as:

B. K.S.A. 60-2019(h)(1), requires the Authority to review and render a decision on the application within one hundred fifty (150) calendar days (so-called, “Shot Clock”). Further, K.S.A. 66-2019 (h)(3) states that “[a]n application shall be deemed approved if an authority fails to act on the application within the 150-calendar day review period.” Additionally, Federal Communication Commission (“FCC”) Declaratory Ruling 18-133 Section 61 clarifies that the 150 day Shot Clock applies to all required approvals by the Authority, including both zoning and building permits. Therefore, it is the policy of the Authority, as stated in the Wireless Communication Master Plan, January 2019, to require submittal of a building permit application concurrently with a zoning application. However, the Applicant desires to submit the building permit application only if the zoning application is approved.

C. In order to allow the zoning application to be heard in an orderly manner, without either party risking the loss of important rights, the parties wish to enter into this Tolling Agreement pursuant to K.S.A. 66-2019(h)(2)(B), which specifically allows the Applicant and the Authority to reach an agreement to toll the time period for final consideration of an application.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree that if the zoning application on the property described in Recital A is approved the time for review within the 150-day “Shot Clock” shall be

suspended on the effective date of the zoning approval and shall commence again on the date of submittal of the building permit application.

2. This Agreement may be executed in counterparts and facsimile, each of which shall be deemed an original. The individuals whose signatures appear below on behalf of each party are authorized to execute this Agreement on behalf of the respective parties, and to bind them to the terms thereof.

IN WITNESS WHEREOF, the Parties hereto have set their hands and caused this Agreement to be effective as of the Effective Date first written above.

Applicant: _____

Signed: _____

Print Name: _____

Title: _____

**Authority by and through the
Wichita-Sedgwick County Metropolitan Area Planning Department**

Signed: _____

Print Name: Dale Miller

Title: Director of Planning

APPLICATION

This form MUST be completed and filed at the Planning Department located on the 2nd floor of The Ronald Reagan Building, 271 W. 3rd Street, Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A pre-application conference with the planning staff is recommended before filing this application.

SECTION I

This property is located within: Wichita Sedgwick County (unincorporated)

Metropolitan Area Planning Commission:

- Zone Change: From zoning district: _____ to _____
- Planned Unit Development: Approval Amendment to PUD _____ Adjustment to PUD _____
- Community Unit Plan: Approval Amendment to CUP _____ Adjustment to CUP _____
- Protective Overlay: Approval Amendment to PO _____ Adjustment to PO _____
- Conditional Use: To allow: _____ zone district: _____
 Adjustment to CU/CON#: _____
- Vacation of: _____ zone district: _____
(Use a separate sheet for legal description, if necessary)
- Administrative Permit: To allow: _____-foot high wireless communication facility. zone district: _____
- Off-Site Billboard Sign within _____ feet of a residential lot/structure. zone district: _____

Board of Zoning Appeals:

- Variance: To allow: _____ zone district: _____
- Appeal of: _____ zone district: _____
- Zoning Adjustment: To allow: _____ zone district: _____
- Sign Code Adjustment: To allow: _____ zone district: _____

SECTION II

1. The application area is legally described as Lot(s) _____; Block(s) _____, _____ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains _____ acres.
3. This property is located at (address) _____ which is generally located at (relation to nearest streets) _____
4. We are filing this request for the following reasons:

5. County control number: _____

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 _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

B. Applicant _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

C. Applicant _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

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.

_____ By _____
 Applicant's signature Authorized Agent (if any)

_____ By _____
 Applicant's signature Authorized Agent (if any)

_____ By _____
 Applicant's signature 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 authorization to this application.

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