

APPENDIX B – ZONING
5000 – SUPPLEMENTAL USE REGULATIONS

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[Sec.] 5910. - Communication towers, antennas and structures.

The intent of regulations involving communications towers and antennas is to minimize adverse visual, aesthetic and physical effects of towers; to accommodate the growing need for wireless communications; to encourage and require co-location to reduce the proliferation of towers and to concentrate towers in areas of existing towers; to avoid or minimize potential damage to properties, from the perspective of public safety, from tower failure through engineering and careful siting of tower structures; to protect the current and future economic viability of Sheppard Air Force Base/Wichita Falls Regional Airport and Kickapoo Downtown Airport; to provide for the proper use of land through regulating placement; and to protect the public health, safety and general welfare.

A conditional use permit shall be required for all communications towers unless exempted herein. The need for a conditional use permit for antennas and structures shall be evaluated on a case-by-case basis. Regulations related to communication towers, antennas and structures shall include the following as applicable, and shall be subject to other terms as may apply under section 7200, Conditional Use Procedure.

- A. A communications tower should be setback from rights-of-way and adjacent properties equivalent to the height of the tower. Consideration toward reducing the setback may require specifications as to the engineered "fall" characteristics of a tower and the nature of neighboring land uses. The following may be considered minimum setback requirements:
 - 1. For ground-mounted tower proposals where the allowed zoning district is adjacent to a residentially-zoned district or residential use, such tower shall not be located closer than 300 feet from the residential use or residential zoning boundary and not be higher than 100 feet at that distance. For every additional foot of height proposed, the tower shall be setback an additional one foot.
 - 2. Towers shall be setback a minimum of 100 feet from a public right-of-way classified as a major collector or of a larger classification. For a public right-of-way classified smaller than a major collector, the minimum setback shall be 50 feet. The classification of streets, roads and highways shall be in accordance with the thoroughfare plan, as amended.
- B. Prior to consideration by the Commission, the following shall be included in the application for a conditional use permit:
 - 1. A site plan with the following:
 - a. A detail of all required site elements addressed herein.
 - b. Topographic contours of the site.
 - c. An indication of adjacent land uses, zoning district and distance to the nearest structure or use.
 - d. Elevation drawings and dimensions of the tower, or structure as may be required, associated appurtenances and accessory uses.
 - e. A notarized statement attesting that the tower is designed to co-locate additional antennas or share with at least two future service providers per 100 feet of height.
 - f. A landscaping plan according to requirements herein.
 - 2. Signed and sealed engineering specifications. Engineering of the tower shall meet an 80-mile per hour wind load with one-half inch radial ice over the entire tower.
 - 3. A copy of a Notice of Proposed Construction or Alteration filed with the Federal Aviation Communication (FAA) or a statement of why such filing is not required pursuant to FAA regulations.

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4. An indication of fee-simple title or a leasehold of the property.
5. The name, address and phone number of the owner of the tower or structure, and if different, the name, address and phone number of the property owner.
6. As determined by the city, an evaluation of and comments from Sheppard Air Force Base/Wichita Falls Regional Airport and the appropriate city departments regarding Kickapoo Downtown Airport. The city shall provide this information for inclusion into the application.
7. The installation of antennas and/or towers shall take advantage of existing structures in the area and shall co-locate or share towers to the greatest extent possible so as not to interfere with minimum altitudes or operational safety of aircraft, and to limit the proliferation of towers to the greatest extent possible.

Should a tower provider deem that it is not possible to share a tower with more than one antenna or that a new tower is required to accommodate service providers, the tower provider shall be required to provide documentation to that effect. In addition, should a tower provider determine that it was not possible to locate a tower in the area of other towers or structures of similar heights, or atop existing structures, the tower provider shall be required to provide documentation to that effect. Such documentation shall be included with the application.

8. A fee for a communications tower conditional use permit application as provided by separate ordinance.
- C. Guy wires and equipment buildings shall be located on the same lot as the tower.
 - D. Towers shall be located on a platted lot.
 - E. A lot upon which a tower is located shall comply with section 6200 regarding parking and paved access, and provisions addressing stormwater detention. If no building is constructed for human occupation, no parking shall be required.
 - F. If a tower is proposed within 100 feet of a public rights-of-way, or within 300 feet of an adjacent land use, there shall be provided canopy trees, understory trees and shrubs, of a type and size defined under section 6800, of a sufficient number and spacing that will screen the ground-level visual effects of the tower and associated appurtenances from adjacent properties and rights-of-way. Such requirements shall be in addition to and in compliance with provisions of section 6800 regarding landscaping. This provision shall also apply to those situations where ground-level equipment or buildings are being placed. A landscape plan shall be required. The city shall have sole discretion as to the adequacy of a proposal to accomplish the intent of this provision for screening the ground-level visual effects of the tower.
 - G. A lot used to locate a tower upon shall be subject to a conditional use permit for all-subsequent activities or land uses proposed.
 - H. No signs, banners, logos or similar such advertising, notice or graphics shall be attached or applied to a tower or antenna or mounted, applied or attached to ground-level equipment buildings associated with the tower. This provision shall not apply to warning signs or other signs as required by governmental agencies.
 - I. Towers, antennas and structures shall be equipped with and maintain aircraft warning lights if required by the FAA or the city.
 - J. The tower provider shall be responsible for periodic or routine inspections according to acceptable industry standards. The building official may order an inspection following any event that would question the continued integrity of construction.
 - K. The building official:

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1. Shall require a building permit for the installation of any tower, and shall determine the need for a building permit regarding any attachment to a tower, or the installation of any building, cabinets or other accessory or ancillary facilities. Where attachments are being made to a tower, signed and sealed engineering specifications may be required which certifies that the tower with attachments will continue to maintain structural integrity as required herein.
 2. Shall ascertain that conditions addressed herein, and others as may be required by the Commission, are in place prior to beginning operations or the installation of any antenna.
- L. Nonconforming communication towers. Existing towers, not in conformance with regulations herein, shall be determined as nonconforming and subject to the following provisions:
1. Communication towers in existence at passage of this regulation shall be allowed to continue to be used as they presently exist. Modifications to accommodate the co-location of an additional user or users shall be permitted on existing towers subject to provisions under [subsection] K herein.

An exception to this provision exists if there is provided comprehensive general liability coverage listing the city as additional named insured in the following amounts:

 - a. For towers 300 feet or less, a minimum insured amount of \$500,000.00.
 - b. For towers in excess of 300 feet in height, a minimum insured amount of \$1,000,000.00.

Should the tower owner have more than one tower within the city limits, the insurance total shall be determined by the aggregate tower height of all towers owned by the company within the city limits.
 2. Where ground-level equipment is proposed, the area shall be subject to subsection E of this section.
 3. A tower may be replaced if the replacement does not exceed the height of the previous tower. The replacement of a tower will require compliance with subsection K of this section or may obtain an exception if comprehensive general liability insurance coverage is provided as per subsection L.1 of this section. This provision shall not apply to a tower that has been removed for a period of six months or longer. A proposal to replace a tower that has been removed for a period of six months shall be considered a new tower and subject to all requirements under this regulation.
 4. No plat shall be required when locating equipment cabinets, or equipment buildings not intended for human occupation.
- M. A conditional use permit shall not be required under the following situations:
1. Locating towers or antennas atop existing structures, subject to section 6400 as amended, within the CBD, LI, HI or GC zoning districts.
 2. Installation of ground-level equipment and/or buildings used to house such equipment.
 3. Installation of antennas on existing towers that does not increase the height of the tower.
- N. If a communications tower is located in MFR, MHR, RMU, PUD, SF-1 or SF-2 zones, then it must be a stealth tower. If a communications tower is located in any other zone, with the exception of LI or HI, then it must be a monopole or stealth tower.
- O. Towers and/or antennas intended for amateur radio stations:
1. Shall require a building permit, manufacturer's specifications and site plan. An exception to this provision exists for towers less than 70 feet in height.

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2. Shall be evaluated on a case-by-case basis for requiring a conditional use permit. The criteria used in making such determination shall include, but not be limited to, the location of the tower in relation to the height of the tower in relation to adjacent residential land uses.
- P. Special procedures for communications tower permit applications.
1. If a communications tower will be co-located with a previously permitted communication tower, the Commission will consider a complete application within 60 days after it is filed.
 2. If a communications tower will not be co-located with a previously permitted communications tower, the Commission will consider a complete application within 120 days after it is filed.
 3. If the Commission denies an application for a communications tower conditional use permit, then the application shall be automatically appealed to the city council, and considered within the timeframe required by law.
 4. If the Commission approves an application for a communications tower conditional use permit, then the city manager may file an appeal of the approval to the city council. Said appeal must be filed within ten days after the decision of the Commission.

(Ord. No. 45-2001, § 7, 5-1-2001)