

Oklahoma County
Telecommunications Tower
And Antenna Regulation



TABLE OF CONTENTS

Section I – Purpose	4
1.100 General Purpose	4
Section II – Definitions	4
2.200 Words and Terms Defined	4-6
Section III – Application of Regulation	6
3.300 District Height Limitations	6
3.301 Governmental Exemption	6
3.302 Amateur Radio/Receive-Only Antennas	6
3.303 Pre-existing Towers and Antennas	6
Section IV – General Provisions	7
4.400 Principal or Accessory Use	7
4.401 Inventory of Existing Sites	7
4.402 Co-location; Design Requirements	7-8
4.403 Co-location; Availability of Suitable Existing Structures	8
4.404 Aesthetics	8-9
4.405 Setbacks and Separation	9
4.406 Security Fencing/Anti-Climbing Devices	9
4.407 Landscaping	9
4.408 Federal Requirements	10
4.409 Change of Ownership Notification	10
4.410 Written Notification of Denial	10
Section V – Special Exception Use	10
5.500 General	10-11
Section VI – Building Permit Required	11
6.600 General	11
6.601 Requirements	11
Section VII – Administrative Approvals	11
7.700 General	11-12

Section VIII – Removal of Abandoned Towers and Antennas	12
8.800 Removal of Abandoned Antennas and Towers	12-13
Section IV – Conflict with Other Laws	13
9.900 Conflict with Other Laws	13
9.901 Severability	13

Article XIII
Oklahoma County
Telecommunications Tower
And Antenna Regulation

Section I - Purpose

1.100 General Purpose

The purpose of this regulation is to establish guidelines for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The goals of this regulation are:

- To encourage the placement of towers in non-residential areas;
- To minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Oklahoma County;
- To encourage the joint use of new and existing tower sites among service providers;
- To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
- To encourage the design and construction of towers and antennas to minimize adverse visual impacts; and,
- To enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

Section II – Definitions

2.200 Words and Terms Defined

Words not defined herein shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur.

For the purpose of this Regulation, certain words or terms used herein shall be defined as follows:

- Words used in the singular include the plural and words used in the plural include the singular.
- Words used in the present tense include the future tense.

- The word “erected” includes the words “constructed”, “located” or “relocated”.
- The word “map” or “zoning map” means the Zoning Map of Oklahoma County, Oklahoma.
- The word “parcel” includes the word “plot” or “lot.”
- The word “person” includes the words “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies” and all other legal entities.
- The word “shall” is always mandatory and never discretionary.
- The words “used” or “occupied” include the words “intended, arranged or designed to be used or occupied”.
- Alternative tower structure – clock towers, bell towers, church steeples, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- Antenna – any exterior apparatus designed for wireless telecommunication, radio or television communications through the sending and/or receiving of electromagnetic waves.
- Co-location – the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.
- Department – The Oklahoma County Planning Department.
- FAA – the Federal Aviation Administration.
- FCC – the Federal Communications Commission.
- Governing Authority – The Board of County Commissioners of Oklahoma County, Oklahoma, or other governmental entity controlling affected real property.
- Height – when referring to a tower or other structure, shall mean the distance measured from the ground level to the highest point on the tower structure or appurtenance. Pre-existing towers and antennas, structures as set forth in Section 3.303 of this regulation.
- Public Officer – shall mean the Director of the Oklahoma County Planning Department.

- Scenic Views – are those geographic areas containing visually significant or unique natural features.
- Tower – any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and other similar structures.
- Visual Quality – is the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

Section III - Application of Regulation

3.300 District Height Limitations

Except as set forth in Section 3.302 herein, the requirements of this regulation shall govern the location of telecommunications towers that exceed, and antennas that are installed at, a height in excess of seventy-five (75) feet.

3.301 Governmental Exemption

The provisions of this regulation shall not apply to governmental facilities and structures. Private facilities and structures proposed for placement on governmentally owned property shall not be exempt.

3.302 Amateur Radio/Receive-Only Antennas

This regulation shall not govern any tower, or the installation of any antenna, that is seventy-five (75) feet or less in height **and** is owned and operated by a federally licensed amateur radio station operator from the operator’s residence.

3.303 Pre-existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the provisions of this regulation, other than the requirements of Sections 4.408 and 4.409. Any such towers or antennas shall be referred to in this regulation as “pre-existing towers” or “pre-existing antennas”.

If an additional antenna is co-located upon a pre-existing tower after adoption of this regulation, then fencing and landscaping requirements of Sections 4.406 and 4.407. Shall be met as part of the permitting process.

Section IV – General Provisions

4.400 Principal or Accessory Use

A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimension of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this regulation shall not be deemed to constitute the expansion of a nonconforming use or structure.

4.401 Inventory of Existing Sites

To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify any such existing structure, shall provide to the Department an inventory of its existing towers or alternative tower structures. Applicants seeking to erect an amateur radio tower or antenna 75 feet and under in height shall be exempt from this provision.

The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Oklahoma County; or, within one-quarter mile of the border of Oklahoma County, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Department. The Department may share such information with other applicants for a cellular communications structure under this regulation or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4.402 Co-location; Design Requirements

In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

1. For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers.

2. For towers greater than 150 feet in height, the structure and fenced compound shall be designed to accommodate a least three providers.

4.403 Co-location; Availability of Suitable Existing Structures

No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Department and Planning Commission that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
2. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
4. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4.404 Aesthetics

The guidelines set forth in this Section shall govern the design and construction of all towers, and the installation of all antennas, governed by this regulation.

1. Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
3. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
5. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within Oklahoma County.

4.405 Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers:

1. Tower setbacks shall be a distance equal to one-third the height of the tower from its base to any public right-of-way or property line of the lot or parcel containing the tower.
2. Guywires, accessory buildings and facilities shall meet the minimum building setback requirements as set forth in the Oklahoma County Zoning Regulations and contained herein.
3. All structures shall meet the setback, screening and buffer requirements contained herein, and shall be located a minimum distance of two (2) times the height of the tower from any residential structures.

4.406 Security Fencing/Anti-Climbing Devices

All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative and shall be properly maintained.

Amateur radio towers and antennas 75 feet and under in height shall not be subject to the provisions of this Section.

4.407 Landscaping

The following requirements shall govern landscaping surrounding all towers:

1. Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials, which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.
2. Existing tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide adequate visual screening, an undisturbed buffer may be utilized.

4.408 Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency.

4.409 Change of Ownership Notification

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the Department of the transaction in writing within 30 days.

4.410 Written Notification of Denial

The County shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with the County, taking into account the nature and scope of such request. Any decision by the County to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. (Telecommunications Act of 1996, Sec. 704, B ii, iii)

Section V – Special Exception Use

5.500 General

If it is adequately demonstrated that antenna co-location, as required in Section 4.403 of this regulation, is not possible for a given geographic antenna placement area, applicants may submit an application for a Special Exception. A Special Exception is required before applying for a permit for towers, alternative tower structures or antennas. The following are the zoning districts that allow for placement of towers provided a Special Exception has been obtained:

1. AA Agricultural/Rural Residential
2. CG General Commercial
3. IU Urban Industrial

All structures shall meet the setback, screening and buffer requirements contained herein, and shall be located a minimum distance of two (2) times the height of the tower from any residential structures.

Section VI – Building Permit Required

6.600 General

Upon approval of a Special Exception, all applicants must also submit a building permit application in addition to paying all applicable fees. All applications shall be submitted to the Department with detailed plans and specifications as set forth in 6.601 herein. The Department shall respond to each application within three (3) to five (5) working days, upon receipt of completed application and all necessary documents.

6.601 Requirements

Each applicant requesting a building permit must submit the following documentation, *signed and sealed by appropriate licensed professionals*, with the completed application and building permit fee:

1. Scaled Site Plan showing location and dimensions of all improvements including but not limited to the following:
 - Topography (minimum 2 foot contours)
 - Tower height
 - Setbacks, access driveways and/or easements
 - Parking
 - Fencing
 - Landscaping
 - Adjacent Uses
2. Scaled elevation view and supporting drawings
3. Calculations including but not limited to wind and pole calculations
4. Warranty Deed with Book and Page and Lease Agreement
5. Footing Design sealed by an Oklahoma licensed, professional engineer.

Section VII – Administrative Approvals

7.700 General

1. The Department may administratively approve the placement of additional

antenna(s) upon towers or alternative tower structures as set forth in this Section.

2. Each applicant requesting an administrative approval under this regulation shall submit the following documents and drawings, signed and sealed by licensed professionals, including but not limited to:
 - Scaled Site Plan showing location, dimensions, topography (minimum two (2) foot contours), tower height requirements, all setbacks and easements, parking, fencing, landscaping and adjacent uses
 - Scaled Elevation View and supporting drawings
 - Calculations including but not limited to wind and pole, easement agreements, lease agreements, warranty deeds with book and page
 - Any other information deemed necessary by the Department to assess compliance with this regulation and compatibility with surrounding uses.
3. The Department shall respond to each application within (5) working days upon receiving a completed application, by either approving or denying the application. If additional time is necessary to adequately assess the request, the Department may exercise an extension of this review period. Time of extension to be determined by the Department.
4. If a request for administrative approval is denied, the applicant may appeal the decision with the Oklahoma County Board of Adjustment.
5. Application fee for administrative approval request is \$50.00 per request.

Applicants for the erection of an antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure.

After conducting an administrative review, the Department may approve the following uses:

1. Installation of an antenna or any alternative tower structure, including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
2. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower, sealed and signed by an Oklahoma licensed, professional engineer.

Section VIII – Removal of Abandoned Towers and Antennas

8.800 Removal of Abandoned Antennas and Towers

Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of receipt of notice from the Department notifying the owner of such abandonment. If said tower or antenna is not removed within

ninety (90) days, punitive action will be pursued by the Oklahoma County District Attorney's office.

Section IV – Conflict with Other Laws

9.900 Conflict with Other Laws

Whenever the regulations herein require a greater width, depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this regulation shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this regulation, the provisions of such statutes or covenants shall govern.

9.901 Severability

In the event any article, section, sentence, clause or phrase of this regulation shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, sentences, clauses or phrases of this regulation, which shall remain in full force and effect, as if the article, section, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Board of County Commissioners hereby declares that it would have adopted the remaining parts of the regulation if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.