

ORDINANCE NO.

**AN ORDINANCE ESTABLISHING REGULATIONS FOR "MICROCELL"
WIRELESS COMMUNICATION FACILITIES BY ADDING SECTION 17.50.400
TO THE RAPID CITY MUNICIPAL CODE**

WHEREAS, pursuant to the authority granted to it in SDCL 11-4-1, the City of Rapid City has adopted a zoning ordinance identifying uses permitted in all zoning districts; and

WHEREAS, the installation and mounting of microcell wireless antennas on existing utility poles, telephone poles, light poles, and utility facilities is not currently allowed under the City's zoning ordinance in any of the zoning districts; and,

WHEREAS, the City of Rapid City deems it to be in the City's best interest to improve wireless communication services to the public by establishing standards for microcell wireless communication facilities a permitted use or conditional use.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 17.50.400 be added to the Rapid City Municipal Code to read as follows:

17.50.400 "Microcell" wireless communications facilities.

A. Facilities on Existing Buildings:

The installation of "Microcell" wireless communications facilities shall be allowed on the top of existing buildings as a permitted use in certain zoning districts if all of the applicable criteria are met. The applicable criteria for "Microcell" wireless facilities on the top of existing buildings are as follows:

1. No new antenna tower is erected and the microcell facility is located on buildings in compliance with other subsections of this ordinance.
2. No antenna shall be located within thirty inches of any space occupied by or available to the public.
3. No antenna shall exceed eight and one half square feet in area.
4. The equipment shelter associated with a microcell wireless site may not exceed one hundred square feet in floor area.
5. The antenna may be mounted on a roof only if the height of the antenna at the highest point does not exceed the horizontal distance from the antenna to the nearest edge of the rooftop.
6. Facade mounted antenna may not exceed five feet above the facade to which it is attached with a maximum projection of eighteen inches.
7. Facade mounted antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.
8. Any microcell facility and related structures shall be situated in such a way that no interference with fire fighting apparatus or emergency access or exits shall result.

9. No more than six microcell antennas and related accessory structures shall be located on any single building rooftop.
10. All necessary plans, specifications and structural calculations shall be submitted to the building official and a building permit application shall be approved prior to the construction of the microcell facility.
11. Microcell facilities and related structures shall not be allowed on single-family dwellings as defined in Section 17.04.225 of the Rapid City Municipal Code, two family dwellings as defined in Section 17.04.235 of the Rapid City Municipal Code, or townhouse dwellings as defined in Section 17.04.230 of the Rapid City Municipal Code.
12. No signage shall be allowed on any microcell facility or related structures.

B. Facilities on poles:

The installation of "Microcell" wireless communications facilities on utility poles, telephone poles, utility facilities and light poles shall require a Conditional Use Permit or an 11-6-19 Review. The applicable criteria are as follows:

1. Antennas shall be located a minimum of fifteen feet above ground.
2. No antenna shall exceed eight and one half feet in area.
3. If an on ground equipment box associated with the site is used, it shall not exceed eighteen square feet in foot print area and five feet in height. If an enclosure is mounted on the facilities or pole, it shall not exceed two feet by three feet by three feet. Further, no enclosures may be allowed in a right-of-way or front yard setback.
4. If mounted on the top of the facilities or pole, any antenna and any supporting equipment may not exceed more than ten feet above the top of the facilities or pole.
5. Side mounted antenna shall have a maximum projection no greater than twenty four inches.
6. To the greatest extent possible, antenna and supporting electrical and mechanical equipment should be colored to blend with the supporting structure or any equipment on the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.
7. Any microcell facility and related structures shall be situated in such a way that there shall be no interference with fire fighting apparatus or emergency access or exits.
8. No more than three antennas and related accessory equipment shall be located on any single pole or structure.
9. All necessary plans, specifications and structural calculations shall be submitted to the building official and a building permit application shall be approved prior to the construction of the microcell facility.
10. Engineered drawings of the pole design to include wind load and structural integrity must be submitted prior to obtaining any building permit.
11. No antennas shall be allowed on signs or sign structures.
12. No signage shall be allowed on poles, antennas or equipment boxes.
13. Exceptions to 17.50.400.B may be allowed through the Zoning Board of Adjustment as per Section 17.54.020.