

STAFF REPORT
September 20, 2005

No. 05OA008 - Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 05OA008 - Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code
DATE OF APPLICATION	6/17/2005
REVIEWED BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: **This staff report has been revised as of September 14, 2005. All revised and/or added text is shown in bold print.** On September 1, 2005, the Planning Commission continued this application to the September 8, 2005 Planning Commission meeting. The Planning Commission indicated that on September 8, 2005 they would not anticipate discussing the ordinances, rather they would establish a date for a special hearing. **On September 8, 2005, the Planning Commission continued this application to a special Planning Commission meeting for September 20, 2005 at 7 p.m. to allow adequate time for review and discussion of the proposed amendments.** Faulk & Foster for Western Wireless submitted an application on April 29, 2005 to amend the Rapid City Municipal Code, Chapter 17, to allow microcell antennas on existing utility poles and facilities. Western Wireless proposed to utilize existing poles and facilities for their cellular equipment in order to minimize the construction of additional towers within the community. The Planning Commission heard this application at a special meeting held on June 16, 2005 and directed staff to draft ordinance amendments to Chapter 17 of the Rapid City Municipal Code to change the definition of microcell communications and to change portions of the zoning code regarding microcell communications. Further direction was provided by the Planning Commission on July 21, 2005.

STAFF REVIEW: Staff has drafted four separate ordinance amendments in accordance with further direction provided by the Planning Commission at the July 21, 2005 Planning Commission meeting.

Ordinance Amendment 05OA007 amends the zoning definitions to define microcell wireless

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communications. Ordinance Amendment 05OA009 is an Amendment to the Zoning Definitions to define microcell wireless antennas. Ordinance Amendment 05OA008 establishes standards for Microcell wireless communications. And, Ordinance Amendment 05OA006 amends the various zoning districts that will allow microcell wireless antennas either as a permitted use or a conditional use.

The subject Ordinance Amendment (05OA008) establishes standards for Microcell Wireless Communication Facilities by adding a section to Chapter 17.50 Supplementary Regulations in the Zoning Code. Criteria for communication facilities were previously located in the definition of Microcell Cellular Communication Facilities in the definition section of the Zoning Code. A proposed Ordinance Amendment (05OA007) will amend the definition section of the Zoning Code and delete the criteria from the definition. Currently, Chapter 17.50 includes regulations applicable to various zoning districts and is an appropriate location for the Microcell Wireless Communication Facility standards. The subject ordinance establishes standards under Chapter 17.50 for Microcell Wireless Communication Facilities on buildings and on poles.

The subject ordinance establishes standards for facilities on existing buildings to include standards such as; size restrictions for antennas, size restrictions for the equipment shelter, unobtrusive color for facilities, the number of antennas allowed, and restrictions on facilities in single-family, two family and townhouse dwellings.

The subject ordinance establishes standards for facilities on poles to include standards such as; minimum and maximum height location on poles, size restrictions of antennas and equipment boxes, unobtrusive color for facilities, the number of antennas allowed, and an exception allowance through the Zoning Board of Adjustment. **A minor change in language has been made to 17.50.400.B.3. to change the word enclosures to "on ground equipment boxes" and to add the words "public" and "access easement" to the last sentence of this criteria as a clarification of the language in this criteria. (Revised 9-14-05)**

Staff has reviewed the ordinance establishing standards for Microcell Wireless Communication Facilities and prepared an ordinance amending Chapter 17.50.400 of the Rapid City Municipal Code. Staff recommends that the Ordinance Amendment be approved.