

STAFF REPORT

August 23, 2001

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**No. 010A012 – Ordinance Amendment**

**ITEM 27**

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GENERAL INFORMATION:

PETITIONER	Kevin Galik for Tetragenics
REQUEST	<b>No. 010A012 – Ordinance Amendment</b>
DESCRIPTION	An Ordinance amending Chapter 17.04 of the Rapid City Municipal Ordinance by adding new section 17.04.483 defining microcell cellular communications facilities; and amending Sections 17.16.020, 17.18.020, 17.34.020, 17.36.020, 17.46.020, 17.48.020 and 17.56.020 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities meeting certain standards to the list of Uses Permitted and amending Sections 17.16.030, 17.18.030, 17.34.030, 17.36.040, 17.46.030, 17.48.030, and 17.56.030 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by adding microcellular cellular communication facilities not meeting certain standards to the list of Uses Permitted on Review.
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Ordinance Amendment be approved with the stipulation that the following revisions be made (the changes have been included on the attached draft):

Fire Department Recommendations:

1. The following language shall be added to prohibit microcell cellular communications facilities from impeding fire access: "Any microcell facility and related structures shall be situated in such a way that no interference with fire appliances or emergency access or exits shall result";

Urban Planning Division Recommendations:

2. The following language shall be added to the list of criteria to allow microcell cellular communications facilities as a Permitted Use: "No more than two microcell antennae and related accessory structures shall be located on any single building rooftop";
3. Criteria #5 shall be changed to insert the word "nearest" before "...edge of the rooftop";
4. The Ordinance shall be revised so that microcellular facilities shall be limited to rooftop placement only – whether or not a Use on Review is required;

Building Inspections Division Recommendations:

5. Language shall be added to require the applicant for any microcell cellular communications facility to submit all necessary plans and specifications and receive any necessary building permits prior to construction of the microcell facility."

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GENERAL COMMENTS: The applicant has applied for an Ordinance amendment to allow “Microcell” cellular communications facilities as a Permitted Use (according to certain criteria) and otherwise as a Use on Review in the following Zoning Districts: Central Business, General Commercial, General Agricultural, Hotel-Motel, Civic Center, Public, and Business Park. According to the applicant’s proposal, microcell cellular communications facilities “...provide communication coverage to a geographically limited and specifically defined area (e.g. a topographically constrained area due to natural or urban built environment).” Microcell systems are characteristically quite small. Currently, the Zoning Ordinance requires that *all* cellular or communications antennae or towers be allowed only as a Use on Review in the General Commercial and General Agricultural Zoning Districts.

According to the applicant’s proposal, seven criteria (see attached draft Ordinance) must be met before a microcell facility would be allowed as a Permitted Use. If these criteria are not met, then the facility could only be allowed as a Use on Review. Some of the proposed criteria include the following: no new pole is constructed, no antenna can exceed six square feet in area, any equipment shelter must not exceed 100 square feet, the height of the antenna cannot exceed the horizontal distance from the antenna to the edge of the rooftop, any façade mounted antenna may not extend more than five feet above or more than 18 inches out from the façade on to which it is attached.

STAFF REVIEW: The City Attorney has prepared a draft of the Ordinance based upon the applicant’s request. That draft has been attached to this Staff Report. Staff has reviewed this draft Ordinance and is recommending approval with some modifications being recommended. The proposed modifications have been incorporated into the attached Ordinance. The most substantial of the modifications are as follows (and have been listed in the stipulations of approval contained within this Staff Report).

**Fire Access:** The Fire Department has noted that microcell facilities must not infringe upon emergency access/egress routes.

**Number of Microcellular Facilities per Rooftop:** The proposal submitted by the applicant does not contain a maximum number of microcellular facilities. Staff is recommending that no more than two such facilities per building rooftop be allowed.

**Setback from Rooftop Edge:** Criterion #5 submitted by the applicant states that “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 edge of the rooftop.” Staff is recommending that the additional word “nearest” be inserted prior to “...edge of the rooftop” to help clarify this criterion.

**Building Code Requirements:** The Building Inspections Division has noted that a building permit may be required for microcellular facilities depending upon the size and scope of the facility. Therefore, Staff is recommending that language reflecting this requirement be added to the Ordinance.

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Rooftop Locations: Initial discussions with the applicant addressed the location of these facilities on rooftops only. However, the draft language submitted by the applicant allows antennae to be located on existing poles and towers. Staff finds that the applicant's proposed language would allow antennae to be located in a far broader range of locations without a Use on Review. Staff has recommended revisions to the ordinance to eliminate possible loopholes and limit the microcell facilities to rooftops only – whether or not a Use on Review is required.

Staff has reviewed the draft Ordinance and is recommending approval with the stipulations identified. As noted by the applicant, the location of microcell communications facilities may actually help reduce the proliferation of larger-scale cellular towers.