

AN ORDINANCE TO IMPROVE WIRELESS COMMUNICATION SERVICES TO THE PUBLIC BY AMENDING TITLE 17 OF THE RAPID CITY MUNICIPAL CODE

BE IT ORDAINED by the City of Rapid City that Title 17 of the Rapid City Municipal Code be amended to read as follows:

17.04.483 “Microcell” wireless communications facilities.

“Microcell” means wireless communications facilities providing communications coverage to a geographically limited and specifically defined area (e.g. a topographically constrained area due to natural or urban built environment). Such facilities are integrated with standard wireless technology to provide wireless communication services to the public in a limited area and are typically smaller in size and less noticeable. The installation of such facilities shall be allowed on the top of existing buildings and on existing utility poles, telephone poles, utility facilities and light poles as a permitted use in certain zoning districts if all of the applicable criteria are met (otherwise a use on review permit shall be required):

A. When placing the facilities on a building, the following criteria shall be met:

1. No new antenna tower is erected (and the microcell facility is located on buildings in compliance with this subsections).
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 the 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. Façade mounted antenna may not exceed five feet above the façade to which it is attached with a maximum projection of twenty four inches.
7. Façade 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 antennae 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 if necessary, a building permit application shall be approved prior to the construction of the Microcell facility.

11. Microcell facilities and related structures may be allowed on multi-family dwellings as defined in section 17.04.220, if the building height is greater than or equal to thirty feet or three stories. Microcell facilities and related structures shall not be allowed on single-family dwellings as defined in section 17.04.225, two family dwellings as defined in section 17.04.235, or townhouse dwellings as defined in section 17.04.230.

B. When placing the facilities on existing utility poles, telephone poles, utility facilities or light poles, the following criteria shall be met:

1. No new antenna tower is erected.
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. If an on ground equipment box associated with the site is used, it shall not exceed eighteen square feet in foot print area and 5 feet in height. If a unit mounted on the facilities or pole is used, it shall not exceed two feet by three feet by three feet.
5. If mounted on the top of the facilities or pole, any antenna and any supporting equipment may not extend more than ten feet above the top of the facilities or pole.
6. Side mounted antenna shall not have a maximum projection greater than twenty four inches.
7. The antenna and supporting electrical and mechanical equipment shall 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.
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 antennae and related accessory equipment shall be located on any single pole or structure.
10. All necessary plans, specifications and structural calculations shall be submitted to the building official and if necessary, a building permit application shall be approved prior to the construction of the Microcell facility.

Chapter 17.08 PF PARK-FOREST DISTRICT

17.08.030 Conditional use permit.

The following uses may be permitted on review by the city council in accordance with provisions contained in Section 17.54.030:

L. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.10 LDR-1 LOW DENSITY RESIDENTIAL DISTRICT 1

17.10.030 Conditional uses.

The following uses may be permitted as a conditional use by the city council in accordance with provisions contained in Section 17.54.030 of this title:

P. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.12 MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

17.12.030 Conditional uses.

The following uses may be allowed as a conditional use permit by the city council in accordance with provisions contained in Section 17.54.030:

P. . Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.14 HDR HIGH DENSITY RESIDENTIAL DISTRICT

17.14.030 Conditional uses.

The following uses may be allowed as conditional uses by the city council in accordance with provisions contained in Section 17.54.030:

K. . Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.18 GC GENERAL COMMERCIAL DISTRICT

17.18.030 Conditional uses.

32. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

Chapter 17.20 NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.20.030 Conditional uses.

K. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.22 LI LIGHT INDUSTRIAL DISTRICT

17.22.020 Uses permitted.

Property and buildings in the LI light industrial district shall be used only for the following purposes:

I. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

17.22.030 Conditional uses.

L. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

Chapter 17.24 HI HEAVY INDUSTRIAL DISTRICT

17.24.030 Conditional uses.

D. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

Chapter 17.30 SC-1 NEIGHBORHOOD SHOPPING CENTER DISTRICT

17.30.030 Uses permitted on review.

5. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.32 SC-2 COMMUNITY SHOPPING CENTER DISTRICT

17.32.030 Uses permitted on review.

6. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.38 MHR MOBILE HOME RESIDENTIAL DISTRICT

17.38.030 Uses permitted on review.

The following uses may be permitted on review by the city council in accordance with provisions contained in Section 17.54.030:

M. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

Chapter 17.40 OFFICE COMMERCIAL DISTRICT

17.40.020 Uses permitted.

Property and buildings in the office commercial district shall be used only for the following purposes:

K. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

17.40.030 Conditional uses.

Conditional uses are as follows:

J. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

Chapter 17.42 ME MINING AND EARTH RESOURCES EXTRACTION DISTRICT

17.42.020 Uses permitted.

Property and buildings in the ME mining and earth resources extraction district shall be used only for the following purposes:

24. Microcell wireless communications facilities as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3360 (part), 1997; Ord. 2931 (part), 1992; prior code Appendix A, Art. IV (§ 16 (B)))

17.42.025 Uses permitted on review.

The following uses shall be allowed only as uses on review.

2. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))

Chapter 17.56 BP BUSINESS PARK DISTRICT

17.56.030 Conditional use permits.

Conditional Use Permits are as follows:

J. Microcell wireless communications facilities not meeting standards as defined in Section 17.04.483. (Ord. 3734 (part), 2001; Ord. 3103, 1994; Ord. 2931 (part), 1992; Ord. 2893 (part), 1991; prior code Appendix A, Art. IV (§ 16 (C)))