

STAFF REPORT  
September 8, 2005

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**No. 05OA006 - Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code**

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**ITEM 1**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 05OA006 - Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	6/17/2005
REVIEWED BY	Karen Bulman

RECOMMENDATION: Staff recommends that a request by the City of Rapid City to consider an application for an Ordinance allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS: **This staff report has been revised as of September 1, 2005. All revised and/or added text is shown in bold print.** 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 communication and to change portions of the zoning code regarding microcell communications. At the July 21, 2005 Planning Commission meeting, the Planning Commission requested that staff exclude language from the ordinance indicating that "existing" poles were only to be addressed and excluding language prohibiting antennas in the rights-of-way. (Revised 8-18-05)

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STAFF REVIEW: Staff is currently drafting ordinance amendments to allow microcell antennas in accordance with the direction provided by the Planning Commission on June 16, 2005. As soon as the draft ordinances are completed and reviewed, staff will forward the information to the Planning Commission for consideration.

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 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 (05OA006) amends the various zoning districts by clarifying the language to indicate that microcell wireless antennas on buildings are allowed in certain zoning districts as a permitted use or conditional use and microcell wireless antennas on poles as a Conditional Use Permit in certain zoning districts.

The Zoning Districts allowing Microcell wireless antennas on buildings as a permitted use are: Central Business, General Commercial, Light Industrial, Heavy Industrial, General Agriculture, Hotel-Motel, Public, Civic Center, and Business Park Zoning Districts. Antennas on buildings in the High Density Residential and Mining and Extraction Districts are allowed through a Conditional Use Permit. In addition, antennas on commercial buildings only are allowed through a Conditional Use Permit in Office Commercial Zoning Districts.

The Zoning Districts allowing Microcell wireless antennas on poles as a Conditional Use Permit are: Medium Density Residential, High Density Residential, Central Business, General Commercial, Neighborhood Commercial, Light Industrial, Heavy Industrial, SC-1 Neighborhood Shopping Center, SC-2 Community Shopping Center, General Agriculture, Office Commercial, Mining and Extraction, Public, and Business Park.

Staff has reviewed the changes to the zoning districts and prepared an ordinance amending the various zoning districts to comply with the new standards that are established in the proposed Ordinance Amendment adding Chapter 17.50.400 to the Rapid City Municipal Code. Through the subject Ordinance Amendment, it appeared to be appropriate to make some language clarification within the zoning codes. As such, "Cellular" communication facilities has been changed to "wireless" communication facilities and "Use on Reviews" has been changed to "Conditional Use Permits".

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**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. (Revised 9-1-05)**

Staff recommends that the Ordinance Amendment to allow wireless communication facilities by amending various Zoning Districts be approved.