

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CRITERIA FOR MICROCELL WIRELESS COMMUNICATIONS FACILITIES ALLOWED ON THE TOP OF EXISTING BUILDINGS AND ALLOWING VARIANCES THROUGH THE ZONING BOARD OF ADJUSTMENT BY AMENDING SECTION 17.50.400A OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, Rapid City has adopted a comprehensive plan and zoning regulations pursuant to the authority granted to it in Chapter 11-4 of the South Dakota Codified Laws; and

WHEREAS, Chapter 17.50.400 of the Rapid City Municipal Code regulates microcell wireless communications facilities; and

WHEREAS, changes in the criteria for microcell wireless communication facilities on the top of existing buildings will minimize adverse visual effects of communication facilities and ensure that communication facilities are provided to serve the community; and

WHEREAS, variances to Section 17.50.400A of the Rapid City Municipal Code through the Zoning Board of Adjustment are not currently allowed; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to amend the criteria for microcell wireless communications facilities allowed on the top of existing buildings and to allow variances to Section 17.50.400A through the Zoning Board of Adjustment by amending Section 17.50.400A of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Sections 17.50.400A of the Rapid City Municipal Code be and hereby is amended 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 section.

2. No antenna shall be located within 30 inches of any space occupied by or available to the public.

~~3. No antenna shall exceed 8-1/2 square feet in area.~~

~~3.4. The antenna and equipment shelter associated with a microcell wireless site shall be located as far back from the edge of the roof as possible. may not exceed 100 square feet in floor area.~~

~~54. The antenna may be mounted on a roof only if the height of the antenna, at the highest point, does not extend higher than twelve (12) feet over the height of the building or structure. exceed the horizontal distance from the antenna to the nearest edge of the rooftop.~~

~~65. Facade-mounted antennas shall be as flush to the wall as technically possible and not project beyond two (2) feet above the façade of the structure or wall on which it is mounted. may not exceed 5 feet above the facade to which they are attached, with a maximum projection of 18 inches.~~

~~76. Facade-mounted antennas, rooftop antennas, and supporting electrical and mechanical equipment and buildings shall be compatible with the architectural style of the surrounding built environment considering exterior materials, roof form, scale, mass, color, texture and character must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.~~

~~7. Antennas, structures and equipment shall not exceed an aggregate total of 25% of the building roof area, not counting equipment located in an existing penthouse or building.~~

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 6 microcell antennas and related accessory structures shall be located on any single building rooftop.~~

~~109. 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.~~

~~110. Microcell facilities and related structures shall not be allowed on single-family dwellings as defined in § 17.04.225, 2-family dwellings as defined in § 17.04.235, or townhouse dwellings as defined in § 17.04.230.~~

~~111. No signage shall be allowed on any microcell facility or related structures.~~

12. Variances to § 17.50.400A may be allowed through the Zoning Board of Adjustment as per § 17.54.020 or through a Planned Development as per § 17.50 of the Rapid City Municipal Code.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: