

MODEL ORDINANCE FOR SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES OVERVIEW

This model ordinance is intended to be used as a resource by local governments in South Dakota that are in the process of drafting or reviewing their own wireless tower siting ordinances. It was developed by the South Dakota Public Utilities Commission with the help of wireless industry representatives as well as stakeholders from local, state and national organizations and agencies. The following is a brief overview of the model ordinance:

This ordinance creates three classes of Telecommunications Facilities:

1. Facilities that are exempt from the ordinance
 - (a) Ordinary maintenance to existing facilities
 - (b) Residential radio, television and satellite antennas
 - (c) Carrier on Wheels (COWs)
2. Facilities that can be permitted by Administrative Approval
 - (a) A well-defined list of Antennas and Accessory equipment upgrades
 - (b) New structures that are less than 60 feet tall
 - (c) New structures that are less than 199 feet tall in certain zoning districts
 - (d) Stealth Towers and Antennas
3. Facilities that must be permitted by Special Permit – those that cannot be permitted by Administrative Approval and are not exempt

The ordinance defines both the Administrative Approval and Special Permit processes:

- Administrative Approval Process
 - (a) Handled mostly by the Zoning Administrator
 - (b) Contents of application are defined
 - (c) Timeline defined for both Administrator and Applicant
 - (d) Applicant may appeal denial to the governing Board
- Special Permit Process
 - (a) Handled by the Zoning Administrator until approval
 - (b) Contents of application are defined
 - (c) Timeline defined for both Administrator and Applicant
 - (d) Permit approval is through public hearing with the governing Board

The ordinance recommends general standards and guidelines for the Zoning Administrator to follow:

- Poles must be designed to accommodate collocation where possible.
- Setbacks are defined for property lines and residential dwellings.
- Maximum height is set at 199 feet in non-residential districts and 150 feet in residential districts.
- Aesthetics are also defined.

The ordinance also includes provisions for safety, abandonment and removal, and addresses how existing facilities could be grandfathered in.