

## SECTION 32

### ESSENTIAL SERVICES

#### Section

- 20-32-1: Purpose
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20-32-1: **PURPOSE:** The purpose of this Section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines, substations, and related structures in such a manner that the health, safety and welfare of the City will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.

20-32-2: **SPECIAL PERMIT REQUIRED:** All telephone lines, pipelines for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than 33 KV, and related structures, when installed in any public right-of-way in any zoning district, shall require a special permit approved by the City Council, upon recommendation from the City Engineer and Zoning Administrator.

20-32-3: **PROCEDURAL REQUIREMENTS:** All telephone lines, pipelines for local distribution, underground transmission lines, overhead electric transmission lines less than 33 KV, and related structures, which are extended to serve more than one (1) parcel and are proposed to be installed at locations other than in public right-of-way, shall require a special permit issued by the City Council after review by the City Engineer and Zoning Administrator. Approval by the City shall be based upon the information furnished in the procedural requirements as outlined in Section 20-32-4, Installation Requirements.

20-32-4: **INSTALLATION REQUIREMENTS:**

- A. Prior to the installation of any of the previous essential services, the owner of such service shall file with the Zoning Administrator, all maps and other pertinent information as deemed necessary for the City to review the proposed project.
- B. The Zoning Administrator shall transmit the map and accompanying information to the City Engineer and/or other staff for review and recommendation regarding the project's relationship to the Comprehensive Plan and/or Ordinances and parts thereof.

- C. City staff shall report in writing to the Zoning Administrator their findings as to the compliance of the proposed project with the Comprehensive Plan and Ordinances of the City.
- D. In considering applications for the placement of essential services, as regulated in this Section, the aforesaid City staff shall consider the effects of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated; and the effect of the proposed project upon the Comprehensive Plan. In addition, the following specific performance standards shall be reviewed as they may apply to the application:
  - 1. Lot Requirements. All lots must meet the dimensional standards of the zoning district with respect to width, area, and structure setbacks from property lines.
  - 2. Parking. The site must provide for required off-street parking in conformance with Section 21 of this Chapter.
  - 3. Building Materials. The essential service buildings must be constructed with exterior building facades that maintain a high standard of architectural and aesthetic compatibility with surrounding properties and in compliance with standards of this Chapter.
  - 4. Screening and Landscaping. Adequate screening and landscaping from neighboring property is provided in accordance with Section 16 of this Chapter.
  - 5. Site Access. Direct lot access from major collector or arterial streets shall be discouraged and where possible, be provided access through shared access arrangement from an existing curb cut and driveway or a neighboring use. Direct lot access from a minor collector or local street may be allowed, provided the curb cut access complies with the standards outlined in Section 21 of this Chapter.
  - 6. Unless otherwise approved by the City Council, all equipment shall be completely enclosed in a permanent structure with no outside storage.
- E. Upon receiving the recommendations of the staff, the City Council may issue a special permit for the installation and operation of the applicant's essential services. If the staff reports regarding said permit cause the City Council to deny its issuance, the applicant may appeal said decision to the Board of Appeals and Adjustments under the rules and procedures as set forth in Section 6 of this Chapter.

20-32-5: **CONDITIONAL USE PERMIT REQUIRED:**

- A. All receiving or transmission facilities (i.e., facilities not required for local distributing network) and overhead transmission and substation lines in excess of 33 IV shall be a conditional use in all districts subject to the following requirements:
1. Adherence to all applicable Federal Aviation Administration (FAA) and State performance standards.
  2. The performance standards as specified in Section 20-32-3 are adhered to.
  3. The procedural and review standards for conditional use permits are followed as specified in Section 4 of this Chapter.
  4. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon initial approved plans shall require a conditional use permit amendment.
- B. Lots reserved specifically for essential services, whether of record, or newly subdivided, may be less than the specified dimensions of the applicable zoning district, both in area and width as a conditional use, under the following stipulations:
1. The lot is of sufficient dimensions to allow the setbacks from all property lines to be equal to height of the various structures on the parcel or the setback requirements of the district, whichever are greater. Lesser structure setbacks may be allowed by the City Council upon demonstration that the facility's design is such that the collapse of said structure will not endanger surrounding property. In no case shall the setbacks be reduced to less than that required by the individual districts.
  2. Applications for subdivision of new lots under this provision are accompanied by the appropriate conditional use permit applications.
  3. A restrictive covenant, removable by the City, is recorded against a parcel which prohibits any sale, transfer, or use other than for an essential service as defined in the City ordinances so long as the parcel is substandard in size, according to the applicable zoning districts.
  4. In the event of abandonment of the essential service for any reason on the substandard lot, all equipment, structures, cables, buildings or any other improvements to the property shall be removed from said property within a period of three (3) months. At the end of three (3) months, if the above listed items have not been completely removed, the City may enter said property and remove any of the above listed items and improvements and

charge said costs to the owner(s) of the property, and any such unpaid charge shall be a lien against the affected property, including any and all administrative, legal and other fees expended by the City in enforcing this provision.

5. The procedural and review standards for conditional use permits are followed as specified in Section 4 of this Chapter.
6. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon approved initial plans shall require a conditional use permit amendment.