

SEC. 51-4.202.

UTILITY AND SERVICE USES.

Utility and service uses are subject to the following regulations:

(1) Utility or government installation other than listed.

(A) Definition:

(i) A “utility other than listed” is a public or private facility certificated, franchised, licensed, or operated by the city as a utility and that is not specifically covered by the use regulations in this chapter.

(ii) A “government installation other than listed” is an installation owned or leased by a governmental agency and that is not specifically covered by the use regulations in this chapter. Typical such government installations include city hall, a courthouse, or an elevated storage reservoir.

(B) Districts permitted: SC, GR, LC, HC, central area, and industrial districts; specific use permit required in residential, NS, and office districts.

(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The specific use permit requirement for this use does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(2) Local utilities.

(A) Definitions:

(i) **UTILITY SERVICES** means air pollution monitoring stations, antennas, cables, dishes, distribution lines, drainage lines, generating facilities, nodes and hubs, pipes, poles, pumping stations, receivers and senders, repeating or regenerating devices, storm water facilities, switching stations, substations, tanks, transmission lines, water wells, wires, or similar equipment operated by a municipality, a

transit authority, or a certificated, franchised, or licensed utility company providing cable television, electrical, gas, internet, storm sewer, telecommunications, telegraph, telephone, water, or wastewater service to the public.

(ii) **COMMUNICATIONS EXCHANGE FACILITY** means a facility for the centralized placement of communications equipment used to store, house, and route voice and data transmissions among communications companies.

(B) Districts permitted:

(i) Utility services: Residential and nonresidential districts; specific use permit (SUP) required in residential districts if the above-grade facilities exceed 300 square feet in floor area or structure footprint per lot, except that no SUP is required for below-grade facilities, distribution lines, transmission lines, and supporting structures; RAR is required if this use is more than 150 square feet in floor area or more than 10 feet in height, except that no RAR is required for below-grade facilities, distribution lines, transmission lines, and supporting structures. In this subparagraph, “structure footprint” means the ground area defined by vertical planes extending downward from the outermost projection of the structure.

(ii) Communications exchange facility: O-2, LO, MO, GO, GR, LC, HC, central area, and industrial districts; SC if this use does not exceed 50,000 square feet of floor area, otherwise prohibited in SC; nonresidential planned development districts that allow local utilities; and residential planned development districts only if specifically listed as a permitted use, otherwise prohibited in residential planned development districts.

(C) Required off-street parking:

(i) Utility services: None.

(ii) Communications exchange facility: One space for each 5,000 square feet of floor area, except that one space for each 333 square feet is required for any floor area used for office space.

(D) Required off-street loading:

(i) Utility services: None.

(ii) Communications exchange facility:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	None
50,000 to 150,000	1
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Utility services:

(aa) Aboveground storage tanks are not permitted under this use, except accessory aboveground storage tanks to emergency generators. The capacity of accessory aboveground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(bb) Except as otherwise provided in Subparagraph (E)(i)(dd), in residential districts, if this use is over seven feet in height, screening that complies with Section 51-4.602(b) must be constructed and maintained along the side and rear of the use.

(cc) Except as otherwise provided in Subparagraph (E)(i)(dd), if this use is over seven feet in height, a perimeter landscape buffer strip that complies with Section 51A-10.125 must be provided.

(dd) Distribution lines, transmission lines, and supporting structures are exempt from the requirements of Subparagraphs (E)(i)(bb) and (E)(i)(cc).

(ee) No landscape regulations apply to this use except as expressly provided in these additional provisions.

(ff) This use is not subject to compliance proceedings under Section 51-4.704.

(ii) Communications exchange facility:

(aa) Section 51-4.408(a)(1), which exempts structures for utility uses from certain height restrictions, does not apply to this use.

(bb) Aboveground storage tanks are not permitted under this use, except accessory aboveground storage tanks to emergency generators. Unless located within an enclosed structure or completely screened from adjacent street right-of-way and all other properties by solid screening, the capacity of accessory aboveground storage tanks may not exceed 11,000 gallons in nonresidential districts and 3,500 gallons in residential districts.

(3) Electrical substation.

(A) Definition: A facility for transforming electricity for distribution to individual customers.

(B) Districts permitted: Nonresidential districts except O-1; specific use permit required in residential, O-1, and NO districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(4) Electrical energy generating plant.

(A) Definition: A facility franchised by the city that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(B) Districts permitted: HC and industrial districts; specific use permit required in an agricultural district.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(5) Radio, television, or microwave tower.

(A) Definition: A structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum.

(B) Districts permitted: O-2, NO, LO, MO, GO, SC, GR, LC, HC, central area, and industrial districts; specific use permit required in residential, O-1, and NS districts; specific use permit required in NO districts if this use exceeds 30 feet in height and in LO and MO districts if this use exceeds 60 feet in height.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(6) Commercial radio or television transmitting station.

(A) Definition: A facility for transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum.

(B) Districts permitted: O-2, MO, GO, commercial, central area, and industrial districts; specific use permit required in LO and agricultural districts.

(C) Required off-street parking: One space for each 1,000 square feet of floor area.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(7) Sewage pumping station.

(A) Definitions: A facility for pumping sewage.

(B) Districts permitted: Residential districts and nonresidential districts except O-1.

(C) Required off-street parking: None.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(8) Sewage treatment plant.

(A) Definition: A facility for receiving and treating sewage from the city sanitary sewer system.

(B) Districts permitted: I-3 district; specific use permit required in A, O-2, commercial, central area, I-1, and I-2 districts.

(C) Required off-street parking: One space for each million gallons of capacity.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(9) Telephone exchange, switching, and transmitting equipment.

(A) Definition: Non-attended telephone switching or transmitting service.

(B) Districts permitted: Residential and nonresidential districts.

(C) Required off-street parking: One space for each 1,000 square feet of floor area.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Business office facilities, storage, or repair shops or yards are not permitted under this use.

(10) Water reservoir, well, or pumping station.

(A) Definition:

(i) A water reservoir is a facility for the ground storage and transmission of water for use by the city water system.

(ii) A well is a facility for the ground storage and transmission of water.

(iii) A pumping station is a facility for transporting water, including pumps, piping, valves, and controls.

(B) Districts permitted: Residential and nonresidential districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Elevated water storage reservoirs are not permitted under this use.

(11) Water treatment plant.

(A) Definition: A facility for purifying, supplying, and distributing city water, including a system of reservoirs, channels, mains, and purifying equipment.

(B) District permitted: SC, GR, LC, HC, central area, and industrial districts; specific use permit required in A, O-1, O-2, and NS districts.

(C) Required off-street parking: Two spaces.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(12) Tower/antenna for cellular communication.

(A) Definitions:

(i) Mounted cellular antenna means a cellular antenna that is attached to an existing structure, that complies with the requirements of Subparagraph (E)(i), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(ii) Monopole cellular tower means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of Subparagraphs (E)(ii) and (iii), and that is part of a cellular system authorized by the Federal Communications Commission. An auxiliary building housing electronic and communication equipment is permitted as part of this use.

(iii) Other cellular communication tower/antenna means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the definitions contained in Subparagraphs (A)(i) and (A)(ii).

(iv) Platform means that portion of a monopole cellular tower that is located on top of the pole and that supports directional, transmitting, and receiving antennas.

(B) Districts permitted:

(i) Mounted cellular antennas: By right in A, single-family, duplex, townhouse, MF-1, MF-2, and MH districts when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use.

(ii) Mounted cellular antennas: By right in MF-3, MF-4, and all nonresidential districts when attached to any existing structure.

(iii) Monopole cellular towers: By right in LC, HC, industrial, and central area districts with RAR required in LC, HC, and industrial districts. By right in O-2, LO, MO, and GO districts if the height of the tower does not exceed the maximum height for structures in that district as provided in the height regulations of Section 51-4.408, with RAR required in the same districts; otherwise by SUP only. By right in the GR district if the height of the tower does not exceed 65 feet, with RAR required; otherwise by SUP only. By right in the SC district if the height of the tower does not exceed 80 feet, with RAR required; otherwise by SUP only. By SUP only in all residential, NO, O-2, and NS districts. The impact of the tower height on an adjacent residential district must be considered in the SUP process.

(iv) Other cellular communication towers/antennas are permitted as follows: O-2, NO, LO, MO, GO, SC, GR, LC, HC, central area, and industrial districts; SUP required in residential, O-1, and NS districts; specific use permit in NO districts if this use exceeds 30 feet in height and in LO and MO districts if this use exceeds 60 feet in height.

(C) Required off-street parking: One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements. No handicapped parking is required.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Mounted cellular antennas may not exceed 12 feet above the structure to which they are attached. Whip antennas are excluded from this calculation.

(ii) The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. Microwave dishes or similar devices up to three feet in diameter may be mounted on the pole portion of a monopole cellular tower. No more than two dishes or similar devices may be placed on a monopole cellular tower.

(iii) The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed four feet, excluding any whip antenna. Only antennas that are part of a cellular system authorized by the Federal Communications Commissions are permitted on a platform.

(iv) The owner of a monopole or other tower for cellular communication shall notify the building official when the tower is no longer operating as part of a cellular system authorized by the Federal Communications Commission. Within 12 months of the date the tower ceases to operate as part of an authorized cellular system, the tower must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the tower. If within 12 months the owner fails to remove the tower or obtain proper authorization for use of the tower, the building official shall revoke the certificate of occupancy for the tower and notify the city attorney to pursue enforcement remedies. (Ord. Nos. 17444; 18849; 19808; 21000; 24543; 27404)

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