

MEMO

To: Planning & Zoning Division
From: Terri Hogan, AICP, Planning Manager/Zoning Administrator
Date: February 3, 2016
Re: Interpretation 16-01: Utility Uses in obsolete zoning districts

Purpose: To clarify which obsolete zoning districts permit "Utility Uses."

Background:

2010 Development Code

2.8 Obsolete Zoning Districts

The districts in this Section are carried forward from the prior superseded edition of the Buckeye Development Code. No future rezonings may occur to any of the districts listed in this section. Development on property having obsolete zoning district classification is permitted subject to development standards in Appendix B and occupied by uses in Appendix C.

2.8.1 Rural Residential

The Rural Residential Zoning District is designed to accommodate low-density residential development in outlying areas where all public services may not be available.

2.8.2 Planned Residential

The Planned Residential Zoning District is designed to accommodate all subdivided residential developments to which public services are available.

2.8.3 Mixed Residential

The Mixed Residential Zoning District is designed to accommodate both single- and multiple-family residential development, historic residential neighborhoods, and compatible commercial uses.

2.8.4 Planned Community

The Planned Community Zoning District is designed to accommodate all land uses approved as part of a Community Master Plan, where specific uses, public services, densities, and design criteria have been identified and adopted.

2.8.5 Commercial Center

The Commercial Center Zoning District is designed to accommodate a variety of commerce and specialized development, including commercial uses that comprise the central business district of the City.

2.8.6 General Commerce

The General Commerce Zoning District is designed to accommodate general commercial and employment uses and compatible industrial uses to which public services are available.

2.8.7 Special Use

The Special Use Zoning District is designed to accommodate uses in natural hazard or floodplain areas or those under public ownership where development may not be possible because of flooding or other constraints or if development is possible, it is sponsored by the City as a public purpose.

2.8.8 Appendix C

Permissible uses within each obsolete district shall be in accordance with Appendix C. The presumption established by this Code is that all legitimate uses of land are permissible within at least one of the obsolete zoning districts. Therefore, because the list of permissible uses set forth in Appendix C cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

10.3.2 Public/Institutional Uses

I. Utility

This category includes both major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

1. Utility Facility, Major

A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to: wastewater treatment plants, water works, reservoirs, power or heating plants, and steam generating plants.

2. Utility Facility, Minor

A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to: electric transformer stations; gas regulator stations; telephone exchange buildings; well, water, and sewer pumping stations; water storage tanks; and water pressure regulating stations.

3. Solar Generation Station

An electrical energy generation plant comprised of one or more free-standing, ground-mounted devices that capture solar energy and convert it to electrical energy for use by an off-site electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but they can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar plant, solar generation plant, solar farm, concentrated solar power plant, solar power plant, or solar thermal power plant (if non-photovoltaic).

3.1.5 Table of Allowed Uses

Table 3.1-1: TABLE OF ALLOWED USES																							
P=Permitted C=Conditional Use																							
Use Category	Use Type	RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL				Use Standards				
		A G	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	M F1	M F2	M H	N M U	C M U	R M U	D C	P O	C 1	C 2		C 3	B P	I 1	I 2
PUBLIC/INSTITUTIONAL USES																							
Utility	Solar generation station	P	P																		P	P	3.2.2.J
	Utility facility, major	C	C														C	C	C	C	C	P	
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Interpretation:

The listed obsolete zoning districts from the 2005 Development Code were carried forward into the 2010 Development Code with its adoption by City Council, effective January 16, 2010. Utility Uses are not specified in the list of uses in Appendix C. Utilizing direction from section 2.8.8 "all legitimate uses of land are permissible within at least one of the

obsolete zoning districts” and “Appendix C cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses” as well as the definitions and the table of allowed uses from the 2010 Development Code, the following shall apply:

- “Solar Generation Station” uses are permissible “by-right” uses in the General Commerce and Rural Residential zoning districts and are conditional uses in the Special Use zoning district. Use standards listed in 3.2.2.J are applicable.
- “Utility Facility, Major” uses are permissible “by-right” uses in the General Commerce zoning district and are conditional uses in the Special Use, Commercial Center, and Rural Residential zoning districts.
- “Utility Facility, Minor” are permissible “by-right” uses in all obsolete zoning districts.