

Section: 29-5.1(g)(4) Subdivision Standards, Public Improvements, Utilities

Objective: Remove requirement that subdivisions (and resubdivisions) in the M-DT district dedicate a standard 10-foot utility easement along street rights-of-way.

Explanation: The granting of an easement can conflict with the Required Building Line (RBL) in M-DT that requires buildings to generally be built at the front property line. The UDC does not specifically exempt M-DT zoned property from the standard 10-foot utility easements adjacent to rights-of-way, so plats recently approved downtown were required to dedicate the easement or seek a design adjustment. This conflicts with the requirement of buildings to be constructed at the front lot line along streets to maintain the downtown building form, and the general placement of utilities in the street right-of-way.

Proposed Revisions:

Section 5.1(g)(4): Utilities

(4) *Utilities.* Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by council or promulgated by the city departments or utility companies responsible for those utilities.

(5) *Easements.*

(i) **Generally.** Easements for public and private utilities shall be provided ~~adjacent to~~ **abutting** all street right-of-way and in other locations in accordance with facility requirements and design standards. To the maximum extent feasible, utilities shall be located in designated easements and not in the street right-of-way.

(ii) **M-DT Easements.** **The dedication of easements abutting rights-of-way in the M-DT district may conflict with buildings constructed at the required building line (RBL). For property in the M-DT district, the dedication of a ten-foot (10') utility easement along right-of-way is not required by default, but may be required by Public Utilities if they find that there is insufficient area within existing street or alley rights-of-way to allow for the adequate provision of current and future City services and facilities.**