



## Legislation Text

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**File #:** 15-0038, **Version:** 1

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**TITLE:**

Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Underground Utility Line Installations

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new use classification and permitting process for underground utility line installations.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Borough - 919-929-3905

**INFORMATION:** The Town has received a request for a text amendment from the Northern Transition Area Advisory Commission (NTAAC) relating to underground utility installation (Attachment C-1). Section 15-321, Initiation of Amendments, provides for advisory boards to request amendments to the LUO and for staff to present such amendments to the Board so that a public hearing can be set.

Section 15-146 of the Land Use Ordinance, Table of Permissible Uses, outlines a number of utility-type uses such as above-ground utility structures or facilities, and underground lines. Such uses are further classified based on the physical size of the facility's components as well as the extent, or coverage, of the area for which the utility is designed to serve. A draft ordinance has been prepared that, if adopted, would separate the existing use classification 17.400, Underground Utility Lines, into two subclassifications: 17.410 Electric Power Lines and Gas Lines, and 17.420 Other Underground Lines. Language associated with the Table of Permissible Uses would describe permitting requirements (Attachment B).

The NTAAC has also requested an amendment to the Town Code relating to construction noise (Attachment C-2). A draft amendment will be brought forward at the same meeting as the public hearing for the underground utility text amendment, tentatively scheduled for March 24th.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed. In addition the Board may wish to refer the draft ordinance to other advisory boards such as the NTAAC; the resolution template provides the Board with those options.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached

resolution, setting a public hearing for March 24, 2015 and referring the proposed text amendments to the LUO to Orange County, the Planning Board and other advisory boards as appropriate.