



## Legislation Details (With Text)

<b>File #:</b>	15-0130	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Agendas	<b>Status:</b>		Passed	
<b>File created:</b>	4/23/2015	<b>In control:</b>		Board of Aldermen	
<b>On agenda:</b>	5/19/2015	<b>Final action:</b>		5/19/2015	
<b>Title:</b>	Request-to-set a public hearing on Land Use Ordinance Text Amendments Related to New Data Service Provider Use Classification Requirements				

**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 data service provider use classification.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - Resolution, 2. Attachment B - Draft LUO amendment on data service provider facilities

Date	Ver.	Action By	Action	Result
5/19/2015	1	Board of Aldermen	approved	Pass

### TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments Related to New Data Service Provider Use Classification Requirements

**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 data service provider use classification.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333; Nick Herman - 919-929-3905; Bob Hornik - 919-929-3905

**INFORMATION:** 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. As interest in new data services come on line, staff noted an opportunity to further refine the existing definitions to better provide for new types of uses.

A draft ordinance has been prepared. If adopted, it would establish a new data service provider use classification, include the new use to the list of definitions, add it to the Table of Permissible Uses, and describe dimensional requirements and performance standards. In addition, consistent with similar standards for cell tower facilities the proposed amendment also includes language that would require a service provider to remove facilities that were no longer in service within a certain period of time.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed. The Board may wish to refer the draft ordinance to other

advisory boards such as the Appearance Commission; 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 June 23, 2015 and referring the proposed amendment to Orange County, the Planning Board and other advisory boards as appropriate.