



Legislation Details (With Text)

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Title: Public Hearing on Land Use Ordinance Amendments to Establish a New Use Classification for Data Service Provider Facilities

PURPOSE: The purpose of item is for the Board of Aldermen to consider amending the Land Use Ordinance to establish a new use classification for data service provider facilities. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

Indexes:

Code sections:

Attachments: 1. Attachment A-1 - Consistency Resolution for Ordinance Adoption_3mb, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B Draft LUOAmendment-DataServiceProvider_6-16-2015-2, 4. Attachment C - Recommendations

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|-----------|------|-------------------|----------|--------|
| 6/23/2015 | 1 | Board of Aldermen | approved | Pass |

TITLE:

Public Hearing on Land Use Ordinance Amendments to Establish a New Use Classification for Data Service Provider Facilities

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DEPARTMENT: Planning

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

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 that, if adopted, would establish a new data service provider facility use classification. The new use would be added to the list of definitions in the LUO and added to the Table of Permissible Uses. Article XI, Supplementary Use Regulations, would also be amended with a new Section 15-176.6 to provide dimensional requirements and performance standards. 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 LUO includes similar language for cell tower facilities.

The draft ordinance was referred to Orange County and presented to the Planning Board and Appearance Commission at the June 4, 2015 Joint Review meeting. Comments are provided (Attachment C).

FISCAL & STAFF IMPACT: Public hearings involve staff and public notices costs associated with advisory board and Board of Aldermen review. Minimal staff impacts are anticipated in relations to incorporating the proposed amendment.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance (Attachment B).