Legislation Details (With Text)

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Title:	Request to set a Public Hearing on Land Use Ordinance and Town Code Amendments to Establish Regulations for Small and Micro-Wireless Facilities PURPOSE: The purpose of this item is for the Town Council to consider setting a public hearing on amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology. Text amendments are legislative decisions. The Town Council must receive public input prior to making a decision.				
Indexes:					
Code sections:					
Attachments:	1. Attachment A - Resolution_Small Cells, 2. Attachment B - Draft LUO Amendment_WirelessFacilities_5-11-2020-3, 3. Attachment C - Town Code Amendments_WirelessFacilities_5-11-2020-3, 4. Attachment D - HB 310				

Date	Ver.	Action By	Action	Result

TITLE:

Request to set a Public Hearing on Land Use Ordinance and Town Code Amendments to Establish Regulations for Small and Micro-Wireless Facilities

PURPOSE: The purpose of this item is for the Town Council to consider setting a public hearing on amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology. Text amendments are legislative decisions. The Town Council must receive public input prior to making a decision.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org <mailto:cmoon@townofcarrboro.org>; Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org <mailto:mroupe@townofcarrboro.org>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>; Nick Herman - 919-929-3905, herman@broughlawfirm.com <mailto:herman@broughlawfirm.com>.

INFORMATION: During the 2017 Session, the North Carolina legislature adopted S.L. 2017-159 (HB 310) which amends G.S. 160A-400.50 to G.S. 160A-400.57, and G.S. 136-18.3A (provisions relating to NCDOT rights-of-way) establishing new regulations for the collocation of small wireless infrastructure *(Attachment D)*.

Two draft ordinances have been prepared. The draft ordinance to amend the Land Use Ordinance (LUO) would, if adopted, add new definitions to the LUO and establish a new use classification 18.500 (small and micro-wireless facilities) permitted in all districts with a zoning permit *(Attachment B)*. The supplementary use regulations in Subsection 15-176 would be amended to include standards for small wireless facilities and

modifications to the existing standards for towers and antennas (use classification 18.200) to expand the definition of a substantial modification, a change required to comport with the legislation. Other modifications to the LUO speak to the process and timeline for reviewing applications. The draft ordinance to amend Article II of Chapter 7 of the Town Code focuses on the process and standards for encroachment agreements needed for the installation of these new facilities in public rights-of-way *(Attachment C)*. Explanatory footnotes included in both documents reference the state legislation that allow/require the specific standards and are provided for information; these will be removed before adoption.

The Town Council must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed, and the Appearance Commission has been identified as the matter relates to its purview. Town Code amendments are not subject to County and advisory board review.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory and Town Council review.

RECOMMENDATION: Staff recommends that the Town Council consider the attached resolution setting a public hearing for June 16, 2020 and referring the proposed amendment to the Land Use Ordinance to Orange County, the Planning Board and the Appearance Commission.

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