



## Legislation Text

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**File #:** 20-247, **Version:** 1

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### **TITLE:**

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 amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Town Council must receive public input prior to making a decision.

**DEPARTMENT:** Planning

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**INFORMATION:** During the 2017 Session, the North Carolina legislature adopted S.L. 2017-159 (HB 310) which establishes a new regulatory framework for the installation of small and micro-wireless facilities, particularly within public rights-of-way, to support 5G 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). 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*).

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance to the Land Use Ordinance was referred to Orange County and presented to the Planning Board and Appearance Commission on June 4, 2020. Comments are provided (*Attachment E*). Amendments to the Town Code are not subject to the same requirements for Orange 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 of consistency (*Attachment A*), the draft ordinance to amend the Land Use Ordinance (*Attachment B*), and the

draft amendment to the Town Code (*Attachment C*).