



Legislation Text

File #: 20-258, **Version:** 1

TITLE:

Continuation of 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: At the June 16th Town Council meeting, the Council opened a public hearing to consider amendments to the Land Use Ordinance and Town Code establishing regulations for small and micro-wireless facilities to align Town regulations with the North Carolina legislature's adoption of S.L. 2017-159 (HB 310) (*Attachment D*). (Link to June 16th agenda: <<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4569321&GUID=C6B92C6F-13F1-4FEC-9410-25649201B487&Options=&Search=&>>=) Staff recommended delaying the decision on the amendments to June 23rd to allow the opportunity to incorporate minor revisions following conversations with representatives from the 5G industry.

The draft ordinances have been revised. 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*).

There was a question at the June 16th meeting regarding the minimum and maximum separation of small wireless facilities while still providing service. In 2016 industry sources said that a reasonable distance for the radius of signal broadcast by small wireless facilities antennas is 250 to 300 feet. Separation of small wireless facilities is a function of the technology used, the height of the antenna and the demand for bandwidth. More bandwidth is needed in dense urban places. The “internet of things” will also need more bandwidth than is generally available.

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*).