

BOARD OF ALDERMEN

ITEM NO. (2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 24, 2005

TITLE: Public Hearing to consider LUO Text Amendments modifying the Miscellaneous Public and Semi-public facilities and Utility Facilities provisions

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: A. Draft Ordinance B. Relevant Land Use Ordinance provisions C. Memorandum of Understanding with OWASA Re: Utility Improvement Projects D. Planning Board recommendation	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

It is necessary for the Board of Aldermen to receive public comment before taking any action in relation to an amendment to the text of the Land Use Ordinance. Staff recommends adoption of the draft ordinance.

INFORMATION

In working to expand the availability of public parking in downtown zoning districts, it has become apparent that such facilities are not currently permitted uses in all downtown districts. The use provisions for miscellaneous public and semi-public facilities (use classification 15.000) are included in Section 15-146, Table of Permissible Uses (*Attachment B*). In addition, since the Board's review of the draft ordinance on that matter in April, staff has determined that it is appropriate to clarify the land use ordinance permitting requirements associated with the installation of underground utility lines outside of public street rights-of-way. Since these are related matters, staff has amended the draft ordinance prepared earlier. The revised draft ordinance includes the following provisions:

- 1) the ordinance modifies the title of use 15.800 "Town-owned facilities and services" to "Town-owned and/or operated facilities and services in the table of permissible uses; and
- 2) divides that use classification into two sub-classifications 15.810, Town-owned and/or operated public parking lots, and 15.820, all other Town-owned and/or operated facilities and services and establishes associated permit requirements; and
- 3) adds a new use classification, 17.400, Underground Utility Lines to the table of permissible uses and specifies associated permit requirements; and
- 4) adds a definition for the new use, Underground Utility Lines.

It should be noted that the permit requirements associated with the new use classification 17.400 are not intended to apply to installation of major water and sewer lines by the Orange Water and Sewer Authority (OWASA). The Town and OWASA executed a memorandum of understanding on the installation of major lines in 1996 (*Attachment C*).

A copy of the revised ordinance was submitted to Orange County staff on May 11, 2005. The Planning Board reviewed the draft ordinance on May 19, 2005 (*Attachment D*).

FISCAL IMPACT

None noted.

RECOMMENDATION

The Staff recommends that the Board of Aldermen adopt the attached draft ordinance modifying the miscellaneous semi-public and public facilities and utility facilities provisions of the Land Use Ordinance. (*Attachment A*).