

BOARD OF ALDERMEN

ITEM NO. C(5)

AGENDA ITEM ABSTRACT

MEETING DATE: October 25, 2005

TITLE: Request-to-Set a Public Hearing on Land Use Ordinance Text Amendment to Modify Land Use Permit Requirements for Town-Owned and Operated Facilities and Services

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

Staff has determined that permit requirements for town-owned and/or operated facilities and services are in need of refinement. A draft ordinance that provides such refinement has been prepared. A resolution that sets a public hearing for November 22, 2005 is recommended for the Board’s adoption.

INFORMATION

The cellular telecommunications tower located on Town property is currently allowed by a conditional use permit issued by the Board of Aldermen. Town staff has discussed the need to modify the tower array in support of town activities. Such a change would currently require a modification to the existing permit. The Town’s consideration and, possibly, issuance of such permission, runs counter to a legal decision that prompted Land Use Ordinance text amendments in 2000. Other circumstances, such as the Town leasing property in support of Town facilities and services, if covered by existing conditional use permits, would raise similar concerns. A draft ordinance has been prepared that makes it clear that Town facilities and services may be permitted with a zoning permit when proposed on property where a special or conditional use permit is in effect (*Attachment B*). As with the changes made in 2000, the expectation is that the Town could choose to hold a public hearing on any projects of sufficient size that they might be of interest to neighbors or the larger community.

It will be necessary for the Board of Aldermen to refer the ordinance to Orange County and the Carrboro Planning Board for review and to receive public comment prior to taking action on the draft ordinance.

FISCAL IMPACT

There are economies of scale involved when more than one LUO Text Amendment are scheduled for a single public hearing, as is the case should the Board of Aldermen forward the three amendments under consideration to the public hearing on November 22, 2005. The fiscal impact of the recommended action involves notice costs for the public hearing.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing and referring the draft ordinance to the Planning Board and Orange County for review (*Attachment A*).