

# BOARD OF ALDERMEN

ITEM NO. (3)

## AGENDA ITEM ABSTRACT

MEETING DATE: **November 22, 2005**

**TITLE: Public Hearing on Land Use Ordinance Text Amendment to modify Land Use Permit requirements for Town-owned and operated facilities and services**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>
<b>ATTACHMENTS:</b> <b>A. Draft Ordinance</b> <b>B. Planning Board Recommendation</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

### PURPOSE

An ordinance that clarifies permit requirements for town-owned and/or operated facilities and services has been prepared. It is necessary for the Board of Aldermen to receive public comment prior to taking any action on the proposed amendment.

### 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 will 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 such that they might be of interest to neighbors or the larger community.

The draft ordinance has been referred to Orange County and the Carrboro Planning Board for review. The Planning Board recommendation is attached (*Attachment B*).

### FISCAL IMPACT

None noted.

### STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the draft ordinance clarifying the permit requirements that apply to town-owned and/or operated facilities (*Attachment A*).