

Perquimans County Planning Board

A G E N D A

Regular Monthly Meeting
Tuesday, October 8, 2013 at 7:30 PM
Courthouse Annex Building

➤ **Call to Order/Prayer/Introduction/Welcome**

I. Approval of Agenda (additions, deletions or corrections)

II. Consent Agenda (*Consent items as follows may be adopted with a single motion, second and vote, unless a request for removal of an item or items is made from a Planning Board Member or Members.*)

- **Approval of Minutes:**
(*August 13th and September 10th Regular Meetings and September 18th Special Meeting*)

II. Business Items

- A) **Consideration of Administrative Text Amendment No. TXT-13-03, to amend the County's Zoning Ordinance, Article XXII,** (Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure), to comply with NCGS Chapter 153A, Article 18, Part 3B, Wireless Telecommunications Facilities (Session Law 2013-185 [HB 664]), and **Article VIII** (Table of Uses), to reference the various types of Telecommunications Towers already regulated and permitted by Section 2205.

III. Other Items

- A) **FY 2013-2014 Work Program** (updated at Planning Board's 7-9-13 Work Session and newly proposed activities)
- B) **Status Report on Previous Planning Board Recommendations**
- C) **Chair's signature on approved minutes, subdivisions, etc.**

Adjournment

**Perquimans County Planning & Zoning Staff Report
October 8, 2013: Zoning Text Amendment
Communications Towers**

Agenda Item II-A) Consideration of Administrative Text Amendment No. TXT-13-03, to amend the County’s Zoning Ordinance, Article XXII, (Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure), to comply with NCGS Chapter 153A, Article 18, Part 3B, Wireless Telecommunications Facilities (Session Law 2013-185 [HB 664]), and Article VIII (Table of Uses), to reference the various types of Telecommunications Towers already regulated and permitted by Section 2205.

BACKGROUND/INTRODUCTION: On August 13th, at the request of Planning staff, the Planning Board agreed to consider a “general housekeeping item” to change Article VIII Table of Uses, by referencing the various types of Telecommunications Towers currently permitted in Article XXII. However, due to the last-minute discovery of a minor glitch in the Draft Ordinance, the Planning staff withdrew this item at the BCC’s meeting on September 3rd to run anew with other text amendments newly proposed for Article XXII. A rough draft was prepared by Anthony Lepore, CityScape’s Attorney, and was distributed in the September 10th Agenda Package, which the Planning Board continued until October 8th to allow staff time to merge Anthony’s new changes to Article XXII with last month’s corrections to Article VIII. The resulting Draft Ordinances will be discussed in more detail at the meeting.

TEXT AMENDMENT CRITERIA: Reference is made to the Zoning Ordinance, Section 1302, Action by the Planning Board, as follows:

“Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires. (The) Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

- B. In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:*
- (1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;*
 - (2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;*
 - (3) Whether or not the proposed text amendment corrects an error in the Ordinance; and*
 - (4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.*

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.”

SUGGESTED MOTIONS – ACTIONS – RECOMMENDATIONS

Planning Board Action on Proposed Text Amendments to Zoning Ordinance: The Planning Board may wish to consider using one of the following scripts to form the desired motion for approval or denial of the proposed Text Amendments to the Zoning Ordinance:

- **SUGGESTED ACTION TO RECOMMEND APPROVAL:** Based upon guidelines as contained in Sections 1302B(1) through (4), motion to recommend approval of Administrative Amendment No. TXT-13-03 to comply with NCGS Chapter 153A, Article 18, Part 3B, Wireless Telecommunications Facilities (Session Law 2013-185 [HB 664]), **and** to adequately reference the various types of Telecommunications Towers regulated and permitted by Section 2205, with changes to Article VIII, Table of Uses, and Article XXII, Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure), of the Zoning Ordinance.
 - **SUGGESTED ACTION TO RECOMMEND DENIAL:** Based upon guidelines as contained in Sections 1302B (1) through (4), motion to recommend denial of Administrative Amendment No. TXT-13-03.
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Attachment: Draft Ordinance to Amend Articles VIII and XXII.