

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE USE CLASSIFICATIONS SPECIFIED IN
15.000 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES AND IN 17.000 UTILITY FACILITIES

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-146 (Table of Permissible Uses) is amended by modifying the use classification 15.800 from "Town-owned Facilities and Services" to "Town-owned and/or operated Facilities and Services" and by creating two new subcategories for this use so that the permit requirements now read as follows:

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR-1	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	C	W-R	B-5	WM-3	O	
15.800 Town-owned and/or Operated Facilities and Services																					
15.810 Public Parking Lot					Z			Z	Z	Z	Z	Z	Z	Z	Z	Z			Z		Z
15.820 All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

Section 2. Section 15-146 (Table of Permissible Uses) is further amended by adding a new classification 17.400 Underground Utility Lines and by adding the letter "C" in the column for the C, W-R, and WM-3 zoning districts to indicate that this use is permissible with a conditional use permit in those districts, and by adding a "Z" in the column for the remaining districts to indicate that the use is permissible with a zoning permit in all other districts, as shown below:

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR-1	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	C	W-R	B-5	WM-3	O	
17.400 Underground Utility Lines	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	Z

Section 3. Section 15-15 is amended by adding the following new definition of Underground Utility Line in appropriate alphabetical order:

UNDERGROUND UTILITY LINE. Any underground utility lines (including, but not limited to, electrical, cable television, telephone, and natural gas) that are installed outside of public street rights-of-way and are not permitted pursuant to any other land use permit, and where any lines would eventually be dedicated to a governmental entity, nonprofit organization, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

TABLE OF PERMISSIBLE USES

ATTACHMENT B

Last Amended: 06/22/2004

DESCRIPTION	R-2	R-3	R-7.5	R-SIR-10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	H-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A	
8.600 Food Delivery								ZS	ZC (D)				Z										
9.000 Motor Vehicle-Related Sales and Service Operations																							
9.100 Motor vehicle sales or rental of sales and service									C					ZC	ZC								
9.200 Automobile service stations													S	C	Z								
9.300 Gas sales operations													S	S	C	Z							
9.400 Automobile repair shop or body shop									C				S	S	C	Z							
9.500 Car wash														C	Z								
10.000 Storage and Parking																							
10.100 Independent automobile parking lots or garages								ZC	Z				Z	Z	Z	C							
10.200 Storage of goods not related to sale or uses of those goods on the same lot where they are stored																							
10.210 All storage within completely enclosed structures															Z	Z							C
10.220 Storage inside or outside completely enclosed structures														C	Z								ZC
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot															S	S							
11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards																							
12.000 Services and Enterprises Related to Animals																							
12.100 Veterinarian								S	ZS				S	S	S								
12.200 Kennel								S						S	S								
13.000 Emergency Services																							
13.100 Police Stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.200 Fire Stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.300 Rescue Squad, Ambulance Service	S	S	S	S	S	S	Z		S	S	S	S	S	S	S	Z	S	C	C	C	C	S	S
13.400 Civil Defense Operation	S	S	S	S	S	S	Z		S	S	S	S	S	S	Z	S	C	C	C	C	S	S	S
14.000 Agricultural, Silvicultural, Mining, Quarrying Operations																							
14.100 Agricultural operations, farming																							
14.110 Excluding livestock		Z	Z	Z	Z	Z	Z								Z		Z	Z	Z				
14.120 Including livestock							Z										Z	Z	Z				
14.200 Silvicultural operations		Z	Z	Z	Z	Z	Z								Z								
14.300 Mining or quarrying operations, including on-site sales of products																							S
14.400 Reclamation landfill		Z	Z	Z	Z	Z	Z						Z	Z	Z								
15.000 Miscellaneous Public and Semi-Public Facilities																							
15.100 Post Office								C	C		C	C	C	C	C	C							
15.200 Airport							C		S				S	S									C
15.300 Sanitary landfill							C							C									
15.400 Military reserve, National Guard centers														Z									
15.500 Recycling materials collection operations																							
15.510 Using collection facilities other than motor vehicles									Z				Z	Z	Z								
15.520 Aluminum recycling using motor vehicles									S				S	S	S								
15.600 Public utility service complex																							C
15.700 Cable Television Signal Distribution Center								S	S	S	S		S	S	S	S							S
15.800 Town Owned Facilities and Services	Z	Z	Z	Z	Z	Z	Z		Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
16.000 Dry Cleaner, Laundromat																							
16.100 With drive-in windows													C	C	C	C							C



TABLE OF PERMISSIBLE USES

Last Amended: 06/22/2004

DESCRIPTION	R-2	R-3	R-7.5	R-SIR-10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
16.200 Without drive-in windows									Z		S	S	Z	S		Z						S
17.000 Utility Facilities																						
17.100 Neighborhood	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	C	C	C			S
17.200 Community or regional														S	S		U		C			S
17.300 Cable Television Satellite Station								S			S	S	S	S	S	S						S
18.000 Towers and Related Structures																						
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z			Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)							C	C			C	C	C	C	C	C			C	C	C	C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services									ZC													
19.000 Open Air Markets and Horticultural Sales																						
19.100 Open air markets (farm and craft markets, flea markets, produce markets)								ZC	ZS	ZS	S	S		S		S						S
19.200 Horticultural sales with outdoor display									ZS	ZS	S	S		S		S						S
19.300 Seasonal Christmas or pumpkin sales										Z	Z	Z	Z	Z	Z							Z
20.000 Funeral Homes														Z	Z							
21.000 Cemetery and Crematorium																						
21.100 Cemetery							S							Z	Z		C	C	C			
21.200 Crematorium														Z	Z							
22.000 Day Care																						
22.100 Child Day Care Home	Z	Z	Z	Z	Z	Z	Z		S	Z	S	S				Z	Z					S
22.200 Child Day Care Facility	S	S	S	S	S	S	S		Z	S	Z	Z	S	Z		S		C	C			Z
22.300 Senior Citizens Day Care	S	S	S	S	S	S	S		Z	S	Z	Z	S	Z		S		C	C			Z
23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose																						
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C		Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking	Z																					
24.000 Bus Station									ZS					S	S		S					
25.000 Commercial Greenhouse Operations																						
25.100 No on-premises sales						S	S							Z								
25.200 On-premises sales permitted							S							Z								
26.000 Subdivisions																						
26.100 Major	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	C	C	SC	SC
26.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
27.000 Combination Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*
28.000 Planned Unit Developments	Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit.																					
29.000 Special Events	C	C	C	C	C	C	C	ZC	ZC	ZC	C	C	C	C	C	C	C	C	C	C	C	C
30.000 Planned Industrial Development	Permissible only in Planned Unit Development Districts [See Subsection 15-137(b)] pursuant to a conditional use permit.																					
31.000 Off-Premises Signs																Z						
32.000 Village Mixed Use Development	Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																					
33.000 Office/Assembly Planned Development	Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11)] pursuant to a conditional use permit.																					

NORTH CAROLINA

ORANGE COUNTY

MEMORANDUM OF UNDERSTANDINGI. Purpose

The Orange Water and Sewer Authority is authorized by terms set out in the franchise agreements with the Town of Carrboro to operate, maintain, construct, and reconstruct public water and sewer facilities within the Town of Carrboro.

The purpose of this memorandum is to set forth the understanding that exists between the Town of Carrboro ("Town") and the Orange Water and Sewer Authority ("OWASA") regarding procedures to enhance communication between the Town and OWASA about utility improvement projects described in this memorandum.

II. Scope

(a) Except as otherwise provided herein, this memorandum of understanding applies to the construction of specified water and sewer lines within the Town of Carrboro, its extraterritorial planning area, and its transition area (as identified in the Joint Planning Agreement).

(b) As used in this document, the term "major water or sewer line" means any OWASA owned water transmission line (of whatever diameter) or any sewage collection line (of whatever diameter) that extends for a distance of at least 250 feet.

(c) This memorandum is not intended to apply to circumstances related to emergency conditions requiring immediate mitigation, such as broken or clogged lines, equipment malfunctions, or other unexpected loss of service or adverse environmental situations.

III. Term

This memorandum of understanding is effective as of the 12th day of April, 1996 and will continue in effect for an initial term of one year. It will be automatically renewed annually thereafter unless terminated by either party upon written notice to the other party sent within thirty days prior to the annual renewal date.

IV. Land Use Permit Review

(a) As a prerequisite to the issuance of a zoning, special use or conditional use permit that can be issued for any development that is intended to be served by OWASA water or sewer lines, the Carrboro Land Use Ordinance requires certification by OWASA that OWASA can and will provide such service. OWASA agrees to review in a timely fashion all development plans

officially submitted to the OWASA by an authorized Town agent, and will indicate in writing to the Town:

- (1) Whether or not OWASA can, and the terms and conditions upon which OWASA will, provide such water and/or sewer service.
- (2) A general description and location of such line extensions, easements, pump stations, other facilities and conditions that will be needed to make the service actually available.

(b) Both the Town and OWASA acknowledge that certain details, such as the precise location of easements, may not be available until specific design drawings are provided by the project engineer at a later step in the development review process.

(c) With respect to projects that are subject to the provisions of this Section, certain water and sewer projects are initiated and undertaken by third party contractors or developers. The Town acknowledges that OWASA has no onsite authority or liability before or during the construction of such projects. OWASA's custody begins only after construction has been completed in compliance with OWASA standards and specifications, and the facilities and easements have been dedicated and/or assigned to, and accepted by OWASA. Therefore the Town may assert control over these third party contractors through the land use permit process by placing conditions on permits for developments for which these water and sewer lines are needed.

V. Capital Improvements

(a) Whenever OWASA undertakes or authorizes the construction of a new or replacement of an existing pump station or major water or sewer line (i) that is located inside or outside of a public street right-of-way, (ii) that has not previously been approved by the Town in the context of the issuance of a land use permit, then OWASA agrees to provide the following information in writing to the Town Manager or his/her designee, at least 60 days before construction work begins and to consider timely comments made in response by the Town:

- (1) A summary of the nature and scope of the project, including the need for the project, a general description of the work to be done, and a proposed timetable.
- (2) A map showing the location of the project in relation to surrounding properties; and
- (3) A plan that will insure public safety and minimize inconvenience to adjoining property owners and the general public, regardless of whether the work is to be conducted by OWASA or a contractor retained by OWASA.

This plan would describe the following:

- (a) Traffic control including impacts on adjacent neighborhoods, notification of the public and adjacent property owners, the schedule of work, and the safety measures to be utilized.
- (b) Notification of adjacent residences and businesses including measures to mitigate inconveniences such as driveways and access limitations.
- (c) Noise mitigation to conform with Town's noise ordinance.
- (d) Schedule of work as relates to traffic, business operations, and noise.
- (e) Construction methods and materials that are consistent with the street construction standards of the Town of Carrboro and North Carolina Department of Transportation.
- (f) Other similar information timely requested by the Town Manager.

(b) For plans (as described in Section V(a) above) on which the Town and OWASA staffs are not in agreement, the Carrboro Mayor and Board of Aldermen can request from the OWASA Board of Directors a thirty day postponement of construction in order to allow additional time to reach an understanding concerning the plan.

(c) For third party utility projects (as described in Section IV(c) above) which have been or are currently being reviewed under Carrboro's land use permitting process, OWASA's responsibilities shall be as specified in that Section.

VI. Cooperation

It is hereby acknowledged that providing of water and sewer services is important to the health and welfare of the urbanized community and that Orange Water and Sewer Authority is the non-exclusive franchise agency to provide the services in the Town of Carrboro consistent with the purchases and sales agreement between the Town and OWASA entered into in 1977.

It is also acknowledged that providing municipal services is important to the health and general welfare of citizens of Carrboro and that the Town of Carrboro is authorized to provide these services and exercise specific powers under its Charter and the Statutes of the State of North Carolina.

The Town of Carrboro and OWASA commit to cooperative and supportive relations to maintain and advance the well being of the citizens of the Town and the customers of OWASA in carrying out its respective responsibilities.

This memorandum of understanding is executed this 12th day of April, 1996.

TOWN OF CARRBORO

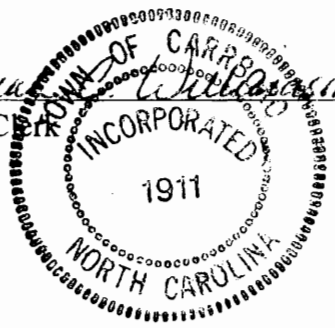
ORANGE WATER AND SEWER AUTHORITY

By: Robert M. Meyer
Town Manager

By: Robert B. Bellingrey
Executive Director

Attest: Carol Williams
Town Clerk

Attest: Joni Allen
Clerk to the Board





PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

MAY 19, 2005

RECOMMENDATION ON LAND USE ORDINANCE TEXT AMENDMENT:
PUBLIC FACILITIES AND UTILITY FACILITIES

Motion was made by Dianne Reid and seconded by Susan Poulton that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance pertaining to public facilities and utility facilities, subject to inserting the word "surface" before the word "parking" in the new sub-classification 15.810.

Vote: AYES (5) (Carnahan, Fritz, Hammill, Poulton, Reid); NOES: (0); abstentions (1) (Chadbourne); ABSENT/EXCUSED (3) (Clinton, Hogan, Marshall, Paulsen, West)

James Carnahan, Chair

(date)