

ORDINANCE NO. (1992) 970 ZC 309

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

- (a) Neuse River, west side, east of U. S. 401 and north of Buffalo Road, being Parcel 21, Tax Map 383, and Parcel 3, Tax Map 384, rezoned to Residential-6 Conditional Use, Residential-15 Conditional Use, Neighborhood Business Conditional Use and Office and Institution-II Conditional Use. (Z-38-91)

CONDITIONS:

Attached to Ordinance

- (b) Avent Ferry Road, south side, next to Orchards Apartments, rezoned to Office and Institution-I Conditional Use. (Tract IV of Case Z-19-92)

CONDITIONS:

Attached to Ordinance

- (c) Moore Square area, an area generally bounded by and adjacent to East Morgan Street, South Blount Street and South Wilmington Street, being various blocks and parcels, Tax Map 552, rezoned to Business District with Historic Overlay District except for Block A39 (bounded by East Martin, South Blount, East Davie and South Wilmington Streets), and the eastern part of parcel 5 in Block A48, which are recommended for deletion from this case, according to map on file in the Planning Department. (Z-21-92)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That if subsequent to the adoption of this ordinance the City Council of Raleigh, North Carolina adopts an ordinance that conflicts with provisions herein, all clauses and provisions of this ordinance, in conflict with that subsequent ordinance, are to be repealed, to the extent of such conflict, automatically without further action of the governing body.

Section 4. That this ordinance shall become effective upon adoption.

Adopted: 5/5/92

Effective: 5/5/92

Distribution: City Council
City Manager
City Attorney
Planning (5)
Planner Hicks
Inspections (6)

Exhibit C (See Instructions, page 8)

Petition No. 2-38-91
Date Filed 1992

THIRD AMENDED
Conditional Use District Zone Request

page 1 of 2

- 1) **Conditional Use District Zone requested:** R-6 C.U.D.; R-15 C.U.D.; NB C.U.D.; O&I-II C.U.D.
- 2) **Narrative of conditions being requested (If additional pages are needed, please reference additional pages and include owner's signature and date.):**

A. Residential-6 C.U.D. All uses permitted in the Residential-6 District (Sec. 10-2026) except for approximately 22 acres required for the right-of-way of the proposed Northern Wake Expressway which shall be restricted to all uses permitted in Residential-4 District.(Sec. 10-202

B. Residential-15 C.U.D. All uses permitted in the Residential-15 District (Sec. 10-2029). There will be a 30-foot wide Transitional Protective Yard running parallel to a portion of the southernmost property line of the tract adjacent to Parcels 411-14, 411-55, 411-45, 411-59, 412-1 and 412-201 (portion of), as per enclosed map submitted October 18, 1991.

C. Neighborhood Business C.U.D. All uses permitted in the Neighborhood Business District (Sec. 10-2044) save and except those uses specified in Sec. 10-2043(1)(g) ie. adult establishment or riding stables which are excluded. The owner will submit a site plan exhibiting unity of development on the entire site.

D. Office and Institutional-II C.U.D. All uses permitted in the Office and Institutional-I District (Sec. 10-2034). There will be a twenty-five foot wide Transitional Protective Yard running parallel to a portion of the southernmost property line of the tract adjacent to Parcel 412-201, as per enclosed map submitted October 18, 1991.

E. Property owner shall reserve a fifty-foot wide Protective Yard adjacent to the proposed Northern-Wake Expressway.

F. Property owner shall reserve a greenway easement to the City of Raleigh along the Neuse River, which easement shall measure 150 feet in width from the west bank of the said Neuse River.

G. Property owner agrees to limit reimbursement rates for extra right-of-way and slope easements needed for thoroughfare improvements to remain at residential values rather than the higher non-residential rates which would otherwise apply for the proposed Neighborhood Business C.U.D. and Office and Institutional-II C.U.D. portions of the request.

continued on page 2

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on page 8 through 10 (Exhibit C).

Buffaloe Associates
By: [Signature]
Signature(s) of the current property owner(s)

4/9/92
Date 1992

Petition No. 2-38-91

Date Filed _____

Conditional Use District Zone Request

page 2 of 2

1) Conditional Use District Zone requested: _____

2) Narrative of conditions being requested (If additional pages are needed, please reference additional pages and include owner's signature and date

PLEASE TYPE OR PRINT

H. A traffic study will be submitted for review and approval by the City in conjunction with the submittal of a subdivision or site plan for a portion of the subject property and/or in conjunction with the submittal of a Master Plan or Planned Development Application for part or all of the property.

I. Property Owner agrees to limit the residential density to seven (7) dwelling units per acre within the tract containing approximately 37.09 acres (gross [including right of way]) bounded on the south by the center line of Spring Forest Road Extension, on the east by the west line of the 150-foot greenway easement reservation referred to in Condition (F), on the north by the south line of the 50-foot wide Protective Yard referred to in Condition (E) and on the west by the center line of Buffalo Road Extension, and Owner further agrees that no dwelling units shall be constructed within the aforesaid 37.09-acre tract upon slopes of twenty (20%) percent or greater, within the greenway reservation area, or within flood plain areas below the existing 190-foot contour, all as shown upon Exhibit 2-38 attached hereto.

J. Residential dwelling structures located within the area identified in Condition (I) shall be limited to a maximum height of fifty-five (55) feet, measured as provided in Code Sec. 10-2076(b) and 10-2076(c).

K. Property Owner agrees that no dwelling units shall be constructed within the portion of the subject property being zoned R-6 north of the proposed Northern-Wake Expressway adjacent to the Neuse River upon slopes twenty (20%) percent or greater, within the greenway reservation area, or within flood plain areas below the 190-foot contour, all as shown upon Exhibit 2-38 attached hereto.

L. Uses permitted in these areas described in Paragraphs J and K shown upon attached Exhibit 2-38, hereto shall be limited to those uses permitted in the Conservation Buffer zoning district (Code Sec. 10-2030) and recreational uses associated with residential developments as described in the section of Code Section 10-2002 entitled "Recreational Use Related to Residential Developments".

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on page 8 through 10 (Exhibit C).

Buffaloe Associates

By: [Signature]

Signature(s) of the current property owner(s)

4/9 1992

Date

Exhibit C (See Instructions, page 8)

EXHIBIT

Petition No. 2-19-92
Date Filed 4-10-92

Conditional Use District Zone Request

(Tracts IV & V) Office

- 1) Conditional Use District Zone requested: Institutional - 1 C.U.D.
- 2) Narrative of conditions being requested (If additional pages are needed, please reference additional pages and include owner's signature and date)
PLEASE TYPE OR PRINT

Narrative Of Conditions

- A) Exclude all permitted Residential or Multi-Family Dwelling units with the exception of Fraternity and Sorority Houses with their associated rooming and boarding facilities
- B) Limit access to no more than one driveway from Tract IV and no more than one driveway from Tract V to Avent Ferry Road and owner of Tract IV & V will provide a cross access Easement between both tracts before issuance of any building permits
- C) A 50' minimum transitional protective yard will be provided along the entire western property line with The Orchards Apartments and also a 50' minimum transitional protective yard will be provided along these tracts frontage with Avent Ferry Road
- D) Provisions for stormwater management, drainage, and storage or velocity controls will be provided for as outlined in Raleigh C.R. 7107

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated on page 8 through 10 (Exhibit C).

Dorah Kaplan Jarock
Successor Executor of Estate of Sol Kaplan
Signature(s) of the current property owner(s)

4/10/92
Date