Ordinance (2003) 395ZC532
Effective: March 4, 2003

Z-64-02 on the south side of Tryon Road, approximately 750 feet east of its intersection with Lake Dam Road. Approximately 27.87 acres to be rezoned to Residential-6 Conditional Use with Secondary Reservoir Watershed Protection Overlay District.

Conditions: 02/18/03

A. The following uses otherwise allowed in the R-6 zoning district shall be prohibited:

   a) Library, art gallery, or museum - governmental
   b) Rest home
   c) Congregate care or congregate living structure
   d) Life care community
   e) Day care facility (child or adult)
   f) Private or parochial school
   g) Outdoor stadium, outdoor theater, outdoor racetrack with more than two hundred fifty (250 seats)
   h) Outdoor movie theater

B. At least 50% of the front façade of each home (excluding doors and windows) shall consist of brick or stone.

C. Prior to issuance of building permits, a property owners association shall be created to maintain the landscaping, pond, stormwater control devices and the exterior of all homes.

D. The existing farm pond, about 2 acres in size, shall remain.

E. Greenway designed to continue the City of Raleigh greenway system shall be made available to the City at subdivision or site plan approval, whichever shall first occur.

F. Reimbursement for future right-of-way dedication shall be made at Rural Residential values.

G. Twenty percent (20%) of all existing trees ten inches or more in caliper when measured at breast height will be preserved. A written tree survey inventorying all trees which meet the criteria described above will be provided to the Chief Zoning Inspector within 60 days of rezoning.

H. A fifty foot (50') streetyard shall be provided along Tryon Road. In addition to streetyard plantings, a mixed variety of evergreen and hardwood trees, approved by the City site review specialist, with a minimum height of six feet (6') at planting and spaced at an average of fifteen (15') on center and ten (10) Magnolia trees with a minimum height of ten feet (10') at planting and spaced at a minimum of 12 feet (12')

apart. Plantings shall be placed evenly along the length of the streetyard with not less than ten (10) trees per one hundred (100) linear feet.

I. Stormwater facilities shall be designed to meet predevelopment rates for the two and ten year storm. All open air stormwater facilities shall be designed as site amenities and landscaped with site appropriate vegetation to SHOD-4 standards (with the protective yard calculated from the permanent pool line).

J. Mechanical and HVAC equipment shall be screened from view of adjoining public rights-of-way and residences by planting or screening constructed of materials comparable in terms of texture and color to those used on the dwellings.

K. Upon development of the property, a fifty foot (50') buffer area shall be provided adjacent to properties known by Wake County PIN's: 0782.07 77 3629 (Glenn); 0782.07 77 3523 (Lyons); 0782.11 77 3111 (High); 0782.11 76 3719 (High) and 0782.11 76 2594 (Ballentine). The buffer area shall be planted with a mixed variety of evergreen trees, approved by the city site review specialist in the Inspections Department, with a minimum height at planting of 6 feet (6'), spaced at an average of fifteen feet (15') on center and designed with the trees offset from one another to provide maximum screening. Plantings shall be placed evenly along the length of the streetyard with not less than ten (10) trees per one hundred (100) linear feet. A berm constructed in accordance with Raleigh City Code Section 10-2082.9 (g)(5) at least three feet in height shall be constructed within the buffer area prior to the installation of trees. A six foot (6') high chain link fence shall be installed along the top of the berm.

L. Concurrently with development of the property, the owner shall acquire the right-of-way for and construct one-half (1/2) of Gorman Street for length of the property subject to this rezoning. Primary access for this site shall be provided from the Gorman Street extension. This condition shall not prohibit the property owner from collecting reimbursement for right-of-way and/or street construction from the City of Raleigh as allowed under the Raleigh City Code

M. A transit stop measuring fifteen feet (15') by twenty feet (20') will be made available to the city along Tryon Road or Gorman Street, upon the first subdivision or site plan approval.