ORDINANCE (2003) 551 ZC 544

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 if hereby amended as follows:

1. Z-35-03 – Pearl Road, southwest side, being Wake County PIN's 1721.08-98-4487, 1721.08-97-6991 and 1731.01-08-5130. Approximately 52.9 acres rezoned to Residential-6 Conditional Use (46.4 acres) and Neighborhood Business Conditional Use (6.5 acres).

Conditions dated: (11/26/03)

1. Re-imbursement for future right-of-way dedication shall remain at R-4 values for the entire property.
2. Open-air stormwater detention facilities shall be screened with evergreen vegetation planted at 5' on-center, 18" height at time of planting and treated as amenities.
3. Total dwelling units shall be limited to 211 units maximum.
4. A minimum 5' wide paved pedestrian connection from Pearl Road and the NB portion to the western property line shall be provided.
5. All lots shall have vehicular and minimum 5' wide paved pedestrian access to the NB portion without accessing Pearl Road.
6. Townhome development shall not exceed 20% of the total dwelling units.
7. Any townhome development must be adjacent (including across public rights-of-way) to or included within commercial uses.
8. General layout, development, and amenities shall incorporate the key elements of the Urban Design Guidelines where applicable based on a concept plan (including elevations of the residential and commercial uses) approved by the Planning Commission prior to approval of preliminary subdivision or individual site plans.
9. No development shall occur within the FEMA mapped floodplain.
10. Stormwater detention facilities shall accommodate the 2-year and 10-year storm, unless exempted by Part 10, Chapter 9 of the Raleigh Code.

R-6 PORTION:

1. A minimum of 10% of site shall be open space. The open space shall be provided in no more than 3 contiguous areas each comprising at least 20% of the total open space. All hardwood 12 inches and greater measured 4 and ½ feet above grade and within the open space areas shall be preserved. A maximum of 30% of the open space area may be disturbed where required for installation of utilities, easements, roads, stormwater devices, and active recreation facilities.
2. An active recreation area of no less than 0.5 acres shall be provided within the open space.

3. Development on this tract shall be limited to single family detached homes on individual lots, single family attached townhomes "approved as a townhome development" under Part 10, Chapter 3 of the City Code and allowable residential accessory uses.
4. Building height shall not exceed 30 feet.
5. Single family homes and townhomes shall be a minimum of 1,280 sf. (heated space).
6. No more than 20% of the total dwelling units shall be no less than 1,350 sf. (heated space).
7. The initial four single family homes, the "models", shall be a minimum of 1,576 sf. (heated space).

NB PORTION:

1. Allowed uses shall be limited to:
   (a) office, agency and studio of a professional or business agent or political, labor, or service association.
   (b) eating establishments of any type.
   (c) food store – retail, which includes convenience items and sale of fuel.
   (d) residential dwellings and accessory uses.
   (e) day care facility.
   (f) retail sales – convenience (as defined in §10-2002).
2. Portions of the property remaining on the east side of the Pearl Road re-alignment shall be limited to uses permitted in R-4 zoning districts.
3. Outdoor lighting shall be full-cut off and directed away from residential properties.
4. Building height shall not exceed 30 feet.
5. Vinyl siding shall be prohibited.
6. Roofs shall be pitched minimum 5:12.
7. Ground high profile signs shall be prohibited. Signs shall be either all low profile (quantity as allowed by code) or one (1) medium profile.
8. Residential density shall be limited to 6 units/acre maximum.
9. At the time of site plan submittal, the applicant shall provide a copy of the development plan to the South Citizens Advisory Council.
10. All non-residential buildings shall comply with Unity of Development standards.
11. No reduction in the required Transitional Protective Yards adjacent to residential uses shall be allowed.
12. Only one vehicular access to Pearl Road shall be allowed.
13. A bus/transit stop easement shall be provided along Pearl Road (size and location shall be determined by the transit division of City of Raleigh Transportation Department at time of site plan development).
14. No single use shall be greater than 5,000 sf. (heated space).
15. Total retail space shall not exceed 25,000 sf. (heated space). Prior to recording any plats, a declaration of retail sales shall be approved be the city attorney and recorded with local county register of deeds.
16. Drive-thru windows shall be limited to a maximum of one.

2. Z-44-03 – Kyle Drive and R. B. Drive, northwest side, being Wake County PIN 1736.13-13-3929. Approximately 0.459 acre rezoned to Residential-4.

3. Z-45-03 – Louisburg Road, east side being Wake County PIN 1736.06-37-3864. Approximately 40.17 acres rezoned to Rural Residential Conditional Use with Special Highway Overlay District-1.

Conditions dated: (8/10/03)

The following will not be permitted on this property:

Airports
Landing Strips
Day Care Centers
Swim Clubs

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

Section 3. If this ordinance or any application thereof is held invalid as to any person or application thereof, such invalidity shall not affect other provisions or applications of the ordinances which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Raleigh Planning Commission following a recommendation of the Planning Commission.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: 12/2/03
Effective: 12/2/03

Distribution: Planning: Chapman, Hallam, Sumpter, Brandon, Powell
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