ORDINANCE (2003) 416 ZC 534
Effective: 4/1/03

Z-21-03 Falls River Avenue, west side, being a portion of Wake County PIN 1729.03-52-3643. Approximately 1.283 acres are requested by Brandywine, LLC to amend the Planned Development Conditional Use Overlay District and to amend the Falls Master Plan (MP-1-94) to include these 1.283 acres.

Conditions dated: (3/26/03)

A) Allowed uses within the +/-1.28 acre and +.013 acre potions to be added to the Bedford at Falls River Master Plan, MP-94-1 (amended) (illustrated as portions #1 and 2 on the submitted Zoning Exhibit) shall be limited to:

1) Single-family detached units (including cluster);
2) Townhome/Single-family attached dwelling units (including cluster);
3) Recreation Non-governmental (all);
4) Recreation Governmental (all);
5) Cemetery;
6) Open Space; and
7) Greenways.

B) Roads, drives, layouts and landscaping shall be provided as approved by S-87-01.

C) No development in the added portion of the PDD area shall take place unless in conformity with Master Plan MP-1-94, as amended, or in conformity with this approved rezoning, or in conformance with any future amendments or revisions to the Master Plan. Except as specifically provided in this rezoning, all provisions of Master Plan MP-1-94, as amended shall remain in effect.

D) The +/-.013 acre portion along Dunn Road (indicated as portion #1 on the submitted Zoning Exhibit) shall be used toward no more than one (1) residential dwelling unit. This +/-.013 acre area shall require additional acreage to meet minimum lot size and dimensions standards. The necessary additional area to attain this minimum lot standard shall be gained from land currently within the Bedford PDD Master Plan (MP-1-94-amended). Furthermore, any residential dwelling unit in this area shall not front on or obtain any direct driveway access to Dunn Road. Access shall be obtained via a future public street through the Fonville Tract (Wake County PIN# 1729-52-3643). The rear setback for this lot shall be a minimum of thirty (30') feet. The rear setback shall be measured from the western side of the subject area and adjacent to Wake County PIN# 1729-42-7123 (Morris).

E) Existing and any future planned landscaping associated with Bedford at Falls River's Dunn Road improvements (as indicated by the approved landscape plans for S-87-01) shall be preserved. This area shall be recorded and maintained via an appropriate easement in accordance with the approved Bedford at Falls River Master Plan documents (MP-1-94-amended).

F) Total residential units resulting from the additional land area shall not create additional dwelling units beyond maximum total dwelling units previously approved with the Bedford Master Plan (MP-1-94 amended), plus the residential densities (calculated at 4 units per acre) from the additional land area. Maximum additional dwelling units gained from this additional density shall be five (5) residential dwelling units. No more than one of these residential dwelling units shall be used toward Portion #1 described in Condition D above. The remaining four (4) additional dwelling units shall be used toward Portion #2. Any additional residential dwelling units placed on Portion #2 shall be obtained from additional units available for the approved Master plan (if any remain). Provided that additional residential dwelling units are available as part of the approved Master Plan (MP-1-94)-amended), the maximum number of units contained within the +/-1.27 acre Portion #2 of the zoning shall not exceed a maximum of eight (8) residential units (the equivalent of an R-6 density). For the purposes of this maximum residential dwelling unit count for Portion #2, dwelling units shall be defined as units with any portion of a building envelope contained with the subject area. Units containing only setback or yard areas shall not be counted toward the total.

G) A 100' wide Natural Protective Yard shall be provided along the common western boundary of Wake Co PIN# 1729-52-3643 (identified as Portion 2) on the submitted Zoning Exhibit). This area shall be generally located between the subject area and the 140' wide power line easement to the west of the site. This Natural Protective Yard area shall be established via a future easement that will be recorded prior to any land disturbing activities, plan approval or subdivision of the +/-1.27 acre tract (whichever occurs first). The ownership of this easement shall be held in accordance with the approved Bedford at Falls River Master Plan documents (MP-1-94-amended).