ORDINANCE (2002) 171 ZC 513
Effective: 3-5-02

Z-80-01 Avent Ferry Road and Gorman Street, southeast intersection, being a portion of Wake County PIN 0793.13-04-8395. Approximately 4.4 acres rezoned to Office and Institution-1 Conditional Use.

For purposes of the following conditions, Tax Parcel PIN 0793.13-04-8395 shall be referred to as the "Property."

1) Residential development of the property shall be limited to no more than seventy-two (72) residential dwellings.

2) The height of any building or buildings upon the Property shall be limited to no more than forty (40) feet.

3) Any buildings constructed upon the Property shall have a pitched roof with a pitch to run of at least 4:12, and the facades of such buildings shall be entirely brick except for windows, doors and trim. Residential units upon the Property shall not have balconies.

4) Occupancy by persons not related by marriage, adoption, or blood, as defined in the City Code as a "family," shall be limited to one person per bedroom provided in a residential dwelling unit, and a minimum of one off-street parking space shall be provided for each bedroom within dwelling units constructed upon the Property. No dwelling unit upon the Property shall exceed three (3) bedrooms in size.

5) Reimbursement for future right-of-way dedication shall be valued at O&I-3 values.

6) There shall be no direct beaming of light from the Property onto adjacent parcels and no light source upon the Property shall be visible from any adjacent parcel.

7) Exiting trees (with the exception of dead, dying, unsafe, or diseased trees) shall be maintained in that area of the Property within thirty (30) feet of its boundary with Tax Parcel 0793.13-14-3615 (Lewis), and no building or dumpster shall be located closer than seventy-five (75) feet to that portion of the boundary of the Property with such Tax Parcel that is parallel to Gorman Street.

8) Trees having a caliper of seven (7) inches dbh or greater shall be preserved in that area of the Property within the greater of thirty (30) feet of the rights-of-way of Avent Ferry Road and Gorman Street or thirty (30) feet of the back of the sidewalks constructed along Avent Ferry Road and Gorman Street in accordance with the following paragraph (14) (the "Streetyards"). It is provided, however, that upon development up to thirty per cent (30%) of such area may be disturbed and existing trees removed. In the portions of the Streetyards that are not disturbed, supplemental plantings shall be allowed, and the total number of caliper inches of street trees within such portions of the Streetyards shall be a minimum of twice the number otherwise required by the City Code.

9) All refuse containers and mechanical equipment upon the Property shall be fully screened from public rights-of-way and adjoining parcels. Screening shall be of a design and materials compatible in terms of texture, color, and quality with those of the principal buildings.

10) At least one of the buildings constructed upon the Property shall be oriented to face Avent Ferry Road and shall be set back no more than forty-five (45) feet from the right-of-way of Avent Ferry Road. At least one of the buildings constructed upon the Property shall be oriented to face Gorman Street and shall be set back no more than forty-five (45) feet from the right-of-way of Gorman Street. No driveway or vehicular access area shall be constructed between either such building and Avent Ferry Road or Gorman Street, respectively.

11) No fence greater than four (4) feet in height shall be installed within twenty (20) feet of the right-of-way of Avent Ferry Road or Gorman Street. Between twenty (20) and fifty (50) feet of the right-of-way of Gorman Street and Avent Ferry Road, any fence greater that four (4) feet in height shall be seventy-five per cent (75%) screened by plantings. Any fence placed upon the Property shall be constructed of brick having the same texture, color, and quality of that utilized in the principal buildings. For purposes of this condition, the "screening" referred to in the foregoing condition (9) shall not be considered a "fence."

12) Upon the submission to the City of a site plan or subdivision with respect to the Property, whichever shall first occur, the owner of the Property shall provide the City an easement no greater than fifteen (15) feet in width and twenty (20) feet in length for a transit stop and shelter on either Avent Ferry Road or Gorman Street.

13) No drive-through window service shall be located upon the Property.

14) Upon development of the Property, sidewalks shall be provided along the boundaries of the Property with Gorman Street and Avent Ferry Road.

15) The Property shall be developed only for "Residential" uses as set forth in the "Schedule of Permitted Land Uses in Zoning Districts of §10-2071 of the City Code,

16) A tree survey showing the trees to be preserved pursuant to the foregoing conditions (7) and (8) shall be submitted to the City's Chief Zoning Inspector within forty-five (45) days following the approval of the Ordinance rezoning the Property.

17) The maximum fill of any 100-year floodplain upon the Property shall not exceed twenty-five percent (25%) of the area of the total 100-year floodplain on the Property. No building shall be located within such floodplain. Up to ten percent (10%) of the total 100-year floodplain upon the Property may be utilized for parking areas, but such areas shall consist only of pervious materials.