**ORDINANCE (2001) 88 ZC 504**
**Effective: 10/02/01**

**Z-68-01 Lake Woodard Drive**, south side, north of I-440 Beltline, being a portion of Wake County PIN 1724.05-07-6842. Approximately 15.07 acres rezoned to Residential-20 Conditional Use (13.01 acres) and Conservation Management (2.08 acres) (Special Highway Overlay District-2 to remain unchanged).

Conditions dated: (08/27/01)

For purposes of the following conditions, the portion of Tax Parcel PIN 1724.05-07-6842 proposed for rezoning to R-20 CUD shall be referred to as the "Property."

1. All development upon the Property shall comply with Certified Recommendation 7107 of the Planning Commission, which deals with the control of stormwater. For purposes of this condition, it shall be assumed that the property is currently zoned R-6 District.

2. Reimbursement for future right-of-way dedication with respect to any portion of the Property rezoned in Zoning Case Z-70-00 shall be based upon the R-6 zoning of such portion of the Property, which existed prior to the approval of such rezoning case.

3. Site lighting upon the Property shall be designed and located in such a way that no direct light source is visible from any adjoining residential parcel.

4. Upon development; density upon the Property shall be limited to a maximum of 17.6 residential units per acre. That portion of the Property designated as a "Tree Save Area" upon the map attached hereto as Exhibit A shall remain undisturbed. It is provided, however, that dead, dying, or diseased vegetation may be removed from such area and utilities, including stormwater pipes, devices, and detention facilities, may be installed therein. Disturbance of the Tree Save Area shall not exceed forty per cent (40%) of its area.

5. Within sixty (60) days following adoption of the zoning ordinance, the City of Raleigh will be offered a nonexclusive drainage easement upon that portion of the Property designated "Stormwater Detention Area" on the map attached hereto as Exhibit A. Such easement shall be in a form mutually acceptable to the owners of the Property and the City of Raleigh, and shall authorize the City to construct and maintain a stormwater detention facility, with associated stormwater pipes and devices, within the Stormwater Detention Area. In the event that such easement is not accepted by the City Council within sixty (60) days after it is offered in writing, such offer shall expire, and the owners of the Property shall thereafter maintain the Stormwater Detention Area in an undisturbed state. It is provided, however, that dead, dying, or diseased vegetation may be removed from such area and utilities, including stormwater pipes, devices, and detention facilities, may be installed therein. Disturbance of the Stormwater Detention Area shall not exceed thirty per cent (30%) if its area in the event that the aforementioned offer to the City of Raleigh expires.

6. No driveway access to the Property will be allowed on Brentwood Road. Provided, however, the present driveway serving the Property may be used during the construction process. Such driveway shall be closed within (30) days of the issuance of a final Certificate of Occupancy with respect to the Property and curb and gutter shall be installed. Provided, further, this condition shall not be applicable in the event that two points of vehicular access to the Property are required by the city staff at the time of site plan approval.

7. Site lighting upon the Property shall be designed and installed in accordance with the provisions of the draft lighting ordinance (TC-3-01), as recommended by the Planning Commission.

8. All trash receptacles upon the Property shall be fully screened from public view and the adjacent properties, and screening shall be of a design and materials comparable in terms of color, texture, and quality with those of the respective principal building.

9. No fence greater than four feet (4') in height shall be installed within twenty feet (20') of any right-of-way, and between twenty (20') and fifty feet (50') of any right-of-way, any fence greater than four feet (4') in height shall be seventy-five percent (75%) screened by plantings within five (5) years of construction of the fence. Provided however, that this condition is not applicable to fences associated with entry features.

10. If a privacy fence is installed along the beltline, it shall be placed a minimum of twenty-five feet (25') from the right-of-way.

11. A street protective yard a minimum of fifteen feet (15') in width shall be provided along Lake Woodard Drive, with trees protected as in a SHOD-2 yard. It is provided, however, that a curb cut or curb cuts and utilities may be installed within such street yard.

12. A minimum of three (3) of the buildings comprising any multi-family project constructed upon the Property shall be clustered around a central courtyard having a minimum length of eighty feet (80') and a minimum width of forty feet (40').

(Exhibit A can be found in the case file located in the Planning Department)