

**ORDINANCE (2004) 790 ZC 567**

**Effective:** March 15, 2005

**Z-76-04 – Thorny Bush Drive**, west side, west of Forestville Road intersection, being various Wake County PINs 1747-20-2638 and 1747-30-1987. Approximately 93.04 acres rezoned to Residential-6 Conditional Use.

Conditions dated: 3/9/05

For purposes of the following conditions, tax parcels PINs 1747-20-2638 and 1747-30-1987 shall be referred to as the “Property.”

- (1) Development of the property shall comply with the provisions of the Residential-4 Zoning District in regard to allowable residential density, including a density limitation on the transfer of residential density from the adjacent Conservation Management Zoning District to four (4) units per acre. A maximum of 445 dwelling units shall be constructed upon the Property. At least ninety-five percent (95%) of such dwelling units will have garages. There will be no carports or detached garages upon the Property.
- (2) Development of the Property will be limited to single-family detached dwelling units a minimum of 1,600 square feet (heated floor area gross) in size in cluster unit development single-family lots having a minimum lot square footage of five thousand (5,000) square feet and recreational uses related to a residential development. At least ninety percent (90%) of the dwelling units upon the Property shall be greater than 1,600 square feet in size, and no dwelling units 1,600 square feet in size shall be located on the perimeter of the Property.
- (3) Reimbursement for any required right-of-way dedication shall remain at the current Agricultural Productive district value.
- (4) Upon development, cross-access will be divided to the following adjacent parcels: Parcels PINS 1747.03-41-7658 (DB 5476, PG 449), 1747.03-21-1664 (DB 9236, PG 924), 1746.01-09-5253 (DB 9836, PG 639), 1746.01-19-5209 (DB 9587, PG 735), 1746.01-29-0164 (DB 2390, PG 496), 1746.01-29-5162 (DB 6479, PG 935), and 1747.03-01-2975 (DB 8100, PG 1400).
- (5) A natural protective yard a minimum fifty (50) feet in width as measured from the top of the bank on either side of the stream upon the Property shall be provided along all required riparian buffers. A maximum of 30% of such protective yard may be disturbed for the construction of roadways, utilities and stormwater control measures and devices, all in accordance with applicable laws, ordinances, rules and regulations of the State and City.
- (6) Development upon the Property will include a minimum of three (3) privately-owned tot lots, one of which shall be within the amenities area referred to in Condition (7). Each of the tot lots shall be a minimum of nine hundred (900) square feet in size and will include a minimum of four (4) play stations.

- (7) At the entrance on Forestville Road to the subdivision constructed upon the Property or upon parcel PIN 1747.03-40-5852 (DB 4852, PG 168), there will be constructed an amenities area having a minimum size of four (4) acres. This amenities area may include the existing pond upon the Property.
- (8) Along the boundary of the Property with tax parcels PINs 1746.01-09-5253 (DB 9836, PG 639), 1746.01-19-5209 (DB 9587, PG 735), 1746.01-29-0164 (DB 2390, PG 496), 1746.01-29-5162 (DB 6479, PG 935), cluster unit development lots developed upon the Property will be a minimum of six thousand (6,000) square feet in size. Along this boundary, before the issuance of any certificate of occupancy for a dwelling unit within five hundred (500) feet of the boundary, there will be provided a berm a minimum of four (4) feet in height constructed with a maximum slope of 2:1. The berm will be landscaped with evergreen trees a minimum of three (3) feet in height when planted, planted a maximum of twenty (20) feet apart, and which will attain a minimum height of ten (10) feet in five (5) years. At the top of this berm there shall be constructed upon development a closed fence a minimum of six (6) feet in height. This berm will be located within the perimeter protective yard required by the Code. The berm will not be constructed in areas determined by the City to have a spacing of existing trees fourteen (14) feet apart or closer. In that event, the fence will still be constructed.
- (9) Along the Boundary of the property with tax parcels PINs 1747-11-6218 (DB 10847, PG 1331), 1747-11-4360 (DB 11042, PG 1690), 1747-11-3391 (DB 11035, PG 1395), 1747-11-3321 (DB 11031, PG 1654), 1747-11-2361 (DB 10993, PG 2001), 1747-11-1391 (DB 11039, PG 491), 1747-11-1331 (DB-11042, PG 533), 1747-11-0362 (DB-11002, PG 2299), 1747-11-0302 (DB-11164, PG 2181), 1747-11-9332 (DB-10663, PG 1236), 1747-01-8362 (DB 10812, PG 780), 1747-01-7393 (DB 11081, PG 1291), 1747-01-5323 (DB 10765, PG 953), 1747-01-6332 (DB 10245, PG 883), and 1747-01-7335 (DB 11227, PG 2779), cluster unit development lots upon the Property shall be a minimum of five thousand five hundred (5,500) square feet in size. Along this boundary before the issuance of any certificate of occupancy for a dwelling unit within five hundred (500) feet of the boundary, there will be provided a berm a minimum of four (4) feet in height constructed with a maximum slope of 2:1. This berm will be landscaped with evergreen trees a minimum of three (3) feet in height when planted, planted a maximum of twenty (20) feet apart, which will attain a minimum height of ten (10) feet in five (5) years. This berm will be located within the perimeter protective yard required by the Code. The berm will not be constructed in areas determined by the City to have a spacing of existing trees fourteen (14) feet apart or closer.

- (10) At least seventy-five percent (75%) of the cluster unit development lots developed upon the Property shall be a minimum of five thousand five hundred (5,500) square feet in size.
- (11) Contemporaneously with the filing of the recording plat, a homeowners association shall be provided for the subdivision constructed upon the Property and protective covenants shall be recorded with respect to the subdivision.
- (12) If allowed by state regulations, a path of at least five (5) feet in width shall be constructed around the pond located upon the Property.
- (13) The front facades of dwelling units upon the Property shall be constructed of stone, brick, hardyplank or vinyl or a combination of those materials.
- (14) All lots around the perimeter of the Property shall be greater than five thousand five hundred (5,500) square feet in size.