

**Z-59-04 – Fox Road**, east side, being Wake County PIN's 1726-97-1768, 1726-98-0139 and 1726-87-6863. Approximately 17.46 acres rezoned to Residential-10 Conditional Use.

Conditions dated: (1/12/05)

- a) Uses will be limited to single family detached residential homes, townhouse developments, residential unit ownership developments and cluster unit developments, (containing only single-family detached dwellings, townhouses and condominiums) with a density of no greater than 7 dwelling units per acre and any accessory uses allowed in R-4 districts, under Section 10-2071 of the City Code.
- b) Total density will not exceed 122 dwelling units.
- c) Reimbursement for any future right-of-way dedication shall be based on R-4 values.
- d) Lots along the east property line abutting the R-4 zoned lots located on Dean Avenue, having PIN Nos. 172608975731 (Lot 35A, BM 1973, Page 126), 172608975859 (Lot 37A, BM 1973, Page 126), 172608985044 (Lot 38, BM 1973, Page 126), 172608985242 (Lots 39 and 40, BM 1973, Page 126), 1726985443 (Lot 41A, BM 1973, Page 126) and lots on the south property line directly across Jefferson Lane from the R-4 zoned lots located on Jefferson Lane having PIN Nos. 172612975413 (Lot 31, BM 1973, Page 126), 172612973458 (Lot 32, BM 2002, Page 1038), 172612971443 (Lot 33, BM 1973, Page 126), 172612879454 (Lot 34, BM 1973, Page 126), shall have a minimum size of 5,900 square feet and shall contain only single family detached residential dwellings.
- e) A six-foot high closed wooden fence with no gates or manways shall be installed along the east property line abutting lots located along Dean Avenue, having PIN Nos. 172608975731 (Lot 35A, BM 1973, Page 126), 172608975859 (Lot 37A, BM 1973, Page 126), 172608985044 (Lot 38, BM 1973, Page 126), 172608985242 (Lots 39 and 40, BM 1973, Page 126).
- f) A six-foot high closed wooden fence with no gates or manways other than any opening which may be required to accommodate a public right-of-way and/or the connection of any street within the subject property to Jefferson Lane shall be installed along the south property line along Jefferson Lane directly across Jefferson Lane from the lots located on Jefferson Lane having PIN Nos. 172612975413 (Lot 31, BM 1973, Page 126), 172612973458 (Lot 32, BM 2002, Page 1038), 172612971443 (Lot 33, BM 1973, Page 126), 172612879454 (Lot 34, BM 1973, Page 126).
- g) Prior to the issuance of any building permit for the subject property, a 10' (adjoining the right-of-way) x 6' (deep) transit easement shall be provided along Fox Road to support a bus stop for future transit services in the area. The specific location of this Transit Easement shall be determined by the property owner, subject to approval by the City of Raleigh Transit Department.
- h) No connection of any road on the subject property to Jefferson Lane will be made unless

required by the City of Raleigh or State of North Carolina in connection with rezoning, subdivision or site plan approval or in connection with the annexation of all or part of the Will-O-Dean Subdivision into the City of Raleigh.

- i) A natural protective yard a minimum of thirty (30) feet in width measured from the future right-of-way of Fox Road, shall be maintained along Fox Road, which may be crossed and/or reduced for the installation, maintenance and use of an entrance and driveway of up to one hundred (100) feet in width, lighting, signage, utility facilities, and street widening.
- j) A natural protective yard a minimum of twenty (20) feet in width shall be maintained between the east property line of the subject property and the R-4 zoned properties located on Dean Avenue having PIN Nos. 172608975731 (Lot 35A, BM 1973, Page 126), 172608975859 (Lot 37A, BM 1973, Page 126), 172608985044 (Lot 38, BM 1973, Page 126), 172608985242 (Lots 39 and 40, BM 1973, Page 126), which may be crossed or reduced as necessary for the installation, use and maintenance of the fences required under Conditions (e) and (f) above.
- k) A natural protective yard a minimum of twenty (20) feet in width shall be maintained between the south property line of the subject property and the R-4 zoned properties located on Jefferson Lane having PIN Nos. 172612975413 (Lot 31, BM 1973, Page 126), 172612973458 (Lot 32, BM 2002, Page 1038), 172612971443 (Lot 33, BM 1973, Page 126), 172612879454 (Lot 34, BM 1973, Page 126), which may be crossed or reduced as necessary for the installation, use and maintenance of the fences required under conditions (e) and (f) above, the construction, installation and maintenance of utility facilities and the construction, installation and maintenance of any public right-of-way and/or any street required by the City of Raleigh to be connected to Jefferson Lane.
- l) All outdoor area and parking lot lighting fixtures, other than those serving single family detached dwelling units, shall be of full cutoff (shielded) design.
- m) No stormwater retention facility constructed or enhanced to serve the subject property shall be located on that lot having PIN No. 1726985443, (Lot 41A, Book of Maps 1973, Page 126, Wake County Registry).
- n) A natural protective yard a minimum of fifty (50) feet in width shall be maintained on either side of any stream that falls under the Neuse River buffer regulations, which buffer may be crossed or reduced as necessary for the construction, installation, use and maintenance of a road of up to 100 feet in width providing for pedestrian and vehicular crossing of the streams within such buffer, the fences required in Conditions (e) and (f) above, utility facilities, and lighting.
- o) A forty-foot wide corridor will remain undisturbed for use as a greenway connector to connect dedicated greenway within the area that falls under Neuse River buffer regulations to a public right-of-way.

- p) Notwithstanding anything to the contrary contained herein regarding permitted crossings, reductions, and other encroachments of or to the natural protective yards described in Conditions (i), (j), (k) and (n), no tree removal permit or grading permit for any of such natural protective yard shall be issued if the cumulative crossing, reduction or encroachment of or to such natural protective yard exceeds thirty (30) percent of the area of such natural protective yard.
- q) Temporary erosion control devices shall be in effect during construction, which will be designed and installed to ensure that the peak stormwater run-off leaving the subject property for the twenty-five year storm shall be no greater for post development conditions than pre-development conditions.
- r) Permanent stormwater management facilities shall be designed and installed such that the peak stormwater run-off leaving the subject property for the two-, ten- and fifty-year storms shall be no greater for post development conditions than pre-development conditions, subject to all provisions of City Code Section 10-9023. All provisions of Section 10-9023 pertaining specifically to the two and/or ten-year storms shall also apply to the fifty-year storm.

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:** 1/18/05  
**Effective:** 1/18/05

Distribution: Planning: Chapman, Parajon, Hallam, Powell, Sumpter, Brandon  
Ellis  
Tew  
Joyner  
Taylor