

**Z-37-98 Litchford Road**, east side, west side of CSX Railroad, being Wake County Tax Map Parcel 1717.91 97 7813. Approximately 31.5 acres rezoned to Residential-15 Conditional Use and Residential-6 Conditional Use.

Conditions: (06/17/98)

**I. APPLICABLE CONDITIONS FOR THE TOTAL PROJECT AREA**

A. The R-15 CUD and R-6 CUD zoned portions of the subject site shall conform to the areas illustrated on the accompanying map title "Zoning Exhibit for Z-37-98" prepared by ETd, PA dated 27 May, 1998 and revised 17 June, 1998.

B. To enhance pedestrian circulation to and from this project, sidewalks, or other private pedestrian pathways, shall connect from the project to the future sidewalk along Litchford Road.

C. A pedestrian passageway easement to provide for a potential future pedestrian connection under the Seaboard Railway right-of-way to facilitate pedestrian access to a potential future rail transit stop shall be made available to the City of Raleigh if such an easement is desired at the time of issuance of the first certificate of occupancy anywhere on the total property. This easement shall be a minimum of fifty (50) feet in width. The passageway easement location shall be between 300 and 350 feet south of the northeast corner of the subject property and the Seaboard Railway right-of-way. The 50 foot wide passageway easement shall extend seventy-five (75) feet into the subject site. A thirty (30) foot wide pedestrian walkway easement shall then parallel the drainageway for approximately 150 to 200 feet to an internal driveway to provide complete pedestrian access from the project to the passageway easement area. The passageway easement and walkway easement are illustrated on the Zoning Exhibit map.

D. At the time of development this project shall adhere to the prevailing Neuse River Riparian buffer requirements of the State of North Carolina.

E. The development of the R-15 CUD and R-6 CUD components of this request shall not result in a total dwelling unit count that exceeds 274 dwelling units.

F. Permissible residential recreation facilities shall be constructed only in the R-15 CUD zoned area.

**II. APPLICABLE CONDITIONS FOR THE R-15 CUD AREA**

A. Development of the zoned area shall comply with the provisions of CR 7107. Stormwater from the R-6 CUD portion of the site may be detained in the R-15 CUD zoned area.

B. Reimbursement values for future right-of-way dedication will be based on the existing R-4 zoning value.

C. Exclusive of the curb cuts to provide driveway access the subject area along with any existing and proposed drainage, utility, and Litchford Road widening construction easements, the proposed development shall provide a minimum twenty (20') foot undisturbed street protective yard. No more than 30% of the area of this street yard in the R-15 CUD zoned area may be used for access driveways and utility service areas. This area shall be measured from the new (1/2 of a 90') right-of-way line and extend along the entire frontage of Litchford Road. Within this undisturbed street yard area, supplemental plantings and landscaping may be used to meet City street yard planting standards. Exceptions to the undisturbed yard area definition shall include thinning of any trees, seedlings, or underbrush limited to: trees having less than five (5") inches in caliper and, or a circumference of less than 15.7 inches measured four and one-half (4 1/2") feet above ground; and understory plants having a caliper of less than two (2") inches - or 6.28 inches in circumference measured four and one-half above ground.

The term "undisturbed yard area" shall mean - "No grading or removal or vegetation shall occur within the defined area. Further, none of the area shall be used for the purposes of parking or structures." The undisturbed yard area does allow for activities related to the following exceptions and provisions as well as the exception for thinning set forth above.

1. Installation and maintenance of utility services as defined in Code Section 10-2022 and related easements;
2. Installation and maintenance of storm drainage facilities (pipes, ditches, etc.) including detention devices required to meet Condition A above and any related easements;
3. Installation of tree and shrub plantings along with walls and fences to complete any transitional protective yard or street yard protective requirements that may apply;
4. Removal of any dead, diseased, dying, insect infested, or damaged plant materials that pose a real or potential safety hazard; and
5. Periodic thinning or trimming of underbrush, seedlings, and other destructive plant materials and natural features as approved by the Zoning Enforcement Supervisor.

D. Building heights shall not exceed forty-one (41') feet as determined by the Raleigh City Code height calculations in Section 10-2076 Height Regulations and Exceptions.

### III. APPLICABLE CONDITIONS FOR THE R-6 CUD ZONED AREA

A. Development of the zoned area shall comply with the provisions of CR 7107. Stormwater from the R-6 CUD zoned area may be detained in the R-15 CUD zoned portion of the subject site.

B. Reimbursement values for future right-of-way dedication will be based on the existing R-4 zoning value.

C. A transitional protective yard totaling twenty (20') feet in width shall be maintained along the common boundary between the following adjacent parcels:

1717.20 91 4590 (Hector);	1717.20 90 3799 (Honeycutt);
1717.20 91 4481 (Hector);	1717.20 90 5793 (Moore);
1717.20 91 4266 (Dail);	1717.20 90 7701 (Moore) and;
1717.20 91 3192 (Humphrey);	1717.20 90 8638 (Wells).
1717.20 90 3975 (Wall);	

The first Ten (10') feet of this transitional protective yard area inside the property line shall remain as an undisturbed yard area, subject to the exceptions noted in the "undisturbed yard area" definition set out in Condition D. below. Supplemental plantings of trees and shrubs to achieve the required transitional protective yard shall be evergreen spears.

On the North side of Parcel 1717.20 91 4590 (Hector) this transitional protective yard shall be a minimum of thirty (30) feet in width.

D. Exclusive of the curb cuts to provide driveway access the subject area along with any existing and proposed drainage, utility, and Litchford Road widening construction easements, the proposed development shall provide a minimum twenty (20') foot undisturbed street protective yard. Not more than 50% of the street protective yard area in the R-6 CUD zoned area may be used for access driveways and utility services. This area shall be measured from the new (1/2 of a 90 foot wide) right-of-way line and extend along the entire frontage of Litchford Road. Within this undisturbed street yard area, supplemental plantings and landscaping may be used to meet City street yard planting standards. Exceptions shall include items listed below. Thinning of any trees, seedlings, or underbrush shall be limited to: trees having less than five (5") inches in caliper and, or a circumference of less than 15.7 inches that measure four and one-half (4 1/2) feet above ground; and understory plants having a caliper of less than two (2") inches - or 6.28 inches in circumference that measure four and one-half feet above ground.

The term "undisturbed yard area" shall mean - " No grading or removal or vegetation shall occur within the defined area. Further, none of the area shall be used for the purposes of parking or structures." The undisturbed yard area does allow for activities related to the following exceptions and provisions as well as the exception for thinning set forth above.

**ORDINANCE 380 ZC 437**  
**EFFECTIVE 7/21/98**

1. Installation and maintenance of utility services as defined in Code Section 10-2022 and related easements;
  2. Installation and maintenance of storm drainage facilities (pipes, ditches, etc.) including detention devices required to meet Condition A above and any related easements;
  3. Installation of tree and shrub plantings along with walls and fences to complete any transitional protective yard or street protective yard requirements that may apply;
  4. Removal of any dead, diseased, dying, insect infested, or damaged plant materials that pose a real or potential safety hazard; and
  5. Periodic thinning or trimming of underbrush, seedlings, and other destructive plant materials and natural features as approved by the Zoning Enforcement Supervisor.
- E. Building heights within the R-6 CUD zoned area shall not exceed forty-one (41') feet as determined by the Raleigh City Code calculations in Section 10-2076 Height Restrictions and Exemptions.
- F. Within the R-6 CUD zoned area, the total number of dwelling units constructed shall not exceed 40 dwelling units.
- G. Within the R-6 CUD zoned area dwelling units shall be limited to single family detached units only.
- H. If built, single family detached units in the R-6 CUD area shall be capped at a maximum of thirty (30) units with the balance of allowable units being transferred to the R-15 CUD zoned area.