

**Ordinance (2013) 161ZC685**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:**

**Section 1.** That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

**Z-3-13 - Conditional Use** – Common Oaks Drive, east/ north, south of its intersection with New Falls of Neuse Road, being Wake County PINs, 1739-38-8681, 1739-48-0681, 1739-48-0364, 1739-48-2599 and 1739-48-3301. Approximately 6.93 acre(s) to be rezoned from Thoroughfare Conditional Use District with Watershed Protection Overlay District (WPOD) to Office & Institution-1 Conditional Use District with Watershed Protection Overlay District (WPOD).

**Conditions Dated: 02/27/13**

As used herein, the Property means and refers to aft of those tracts or parcels of land containing approximately 6.93 acres and identified by the following Wake County Parcel Identification Numbers: 1739-38-8681, 1739-46-0681, 1739-48-0304, 1739-48-2599, and 1739-48-3301.

1. The following uses shall be prohibited upon the Property;
  - a. Cemetery
  - b. Parking facility - principal use
  - c. Governmental water and sewage treatment plant
  - d. Correctional/penal facility - all types
  - e. Telecommunications tower
  - f. Outdoor stadium/theater/amphitheater/track
  - g. Move theater - outdoor
  - h. Airfield or landing strip
  - j. Utility services and substation
  - k. Heliport
  - l. Emergency shelter type B
  
2. The maximum residential density permitted upon the Property shall be 11.544011 dwelling units per acre.
  
3. In the event the Property is recombined and developed for an apartment building-type development, group housing or multifamily development, the minimum building setback from Common Oaks Drive shall be fifty (50) feet.

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4. In the event the Property is recombined and developed for an apartment building-type development, group housing or multifamily development, a landscaped area measuring twenty (20) feet in width shall be provided along and parallel to the Common Oaks Drive right-of-way, except for those areas used for sidewalks and vehicular driveways. No parking areas shall be located within this landscaped area. This landscaped area shall be planted to the street protective yard standards of the City Code section 10-2082.5 (as the same exists as of the date hereof), and may take advantage of credit for tree preservation as permitted by the same. This landscaped area may be used to satisfy the street protective yard requirements of the City Code.

5. In the event the Property is recombined and developed for an apartment building-type development, group housing or multifamily development, a fence shall be installed on the Property parallel to Common Oaks Drive for the entirety of the Property's frontage along Common Oaks Drive, at a minimum setback of five feet (5') from the street right-of-way, except across those areas used for sidewalk and vehicular driveway. This fence shall be of metal components (pickets, crossbars and posts), black in color, and similar in style to that fence existing as of the effective date of this rezoning ordinance on the property described as Lot 21 on that plat recorded in Book of Maps 2000, Page 1168, Wake County Registry (see attached Exhibit 1),

6. Unless multiple access points are eliminated, in the event the Property is recombined and developed for an apartment building-type development, group housing or multifamily development, and there is more than one vehicular access point to the Property, access to the Property for construction traffic associated with development of the Property shall be limited to that vehicular access point most closely aligned with Oliver Road (the westernmost private street providing access to that parcel described as Lot 22 on that plat recorded in Book of Maps 2007, Page 470, Wake County Registry).

7. Unless multiple access points are eliminated, in the event the Property is recombined and developed for an apartment building-type development, group housing or multifamily development, and there is more than one vehicular access point to the Property, then: (a) at the point where the access drive connects to the Common Oaks Drive right-of-way, the southernmost vehicular access point serving the Property shall be a minimum of six (6) feet wider than the northernmost access point; and (b) subject to approval by the City or Raleigh, the southernmost vehicular access point serving the Property shall include a landscaped median at least three (3) feet in width.

## Exhibit 1 – Fence Design

Z-3-13 Common Oaks Drive  
Condition 5.



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**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 application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

**Section 4.** That this ordinance shall become effective upon the date of adoption.

**Adopted: March 5, 2013**

**Effective: March 5, 2013**

**Distribution: Planning Department (3)**  
**City Attorney**  
**Inspections Department (5)**  
**Jackie Taylor**