

Ordinance: 784 ZC 755

Effective: 1/2/18

Z-13-17 – Old Milburnie Road, east side, north and south of its intersection with Old Barbee Lane, being Wake County PINs 1744081979, 1744190553, 1744291958, 1745115311, 1745210404, and 1745213556, approximately 170 acres rezoned to Residential-6 Conditional Use (R-6-CU).

Conditions dated: December 28, 2017

1. New residential development on the subject property shall be limited to a maximum density of three (3) dwelling units per acre.
2. In the event the property is developed with a conventional subdivision, the following condition shall apply. A minimum of twenty-two percent (22%) of the net site area shall be set aside as open space. The open space required to be set aside by this zoning condition shall include one or more of the following: floodway areas, natural resource buffers required along primary and secondary watercourses; jurisdictional wetlands under federal law that meet the definition applied by the Army Corps of Engineers; flood fringe areas; historic, archaeological and cultural sites, cemeteries and burial grounds; areas that connect neighboring open space, trails or greenways; and tree conservation areas; however, the existence of such areas on the property shall not require the inclusion of such areas as open space required by this condition so long as the minimum amount of twenty-two percent (22%) is satisfied. The open space required to be set aside by this condition shall be subject to UDO sections 2.5.3., 2.5.4., 2.5.5., 2.5.6., and 2.5.7.
3. In addition to the open space required by Condition 2 of this rezoning ordinance, a minimum of 15% of the net site area shall be set aside as open area. "Open area" as used in this Condition 3 shall mean land area (i) located outside of public right-of-way, (ii) located outside of a lot developed with a single-family home, and (iii) owned in accordance with UDO section 2.5.7.A.
4. If requested by the Parks, Recreation and Cultural Resources Department prior to recordation of the initial subdivision plat, the developer shall dedicate to the City of Raleigh additional greenway easement adjacent to Neuseoco Lake on the subject property in order to total a one hundred (100) foot greenway easement as measured from the top-of-bank of the waterway.
5. In the event a public sidewalk is not located directly adjacent to the recorded greenway easement, the developer shall construct a pedestrian connection of not less than six (6) feet in width within an associated recorded public access easement in order to provide a connection from a public sidewalk to the recorded greenway easement. The connection and the public access easement recordation shall be completed prior to the issuance of a certificate of occupancy for the first new residence within the phase of the project where the improvement is located.

6. No building, driveway, parking area or vehicular surface area shall be permitted within seventy-five (75) feet from a Neuse buffered stream. This condition shall not apply to public infrastructure or improvements within any public right-of-way.