

Ordinance (2014) 366ZC703

Effective: 11-5-14

Z-14-14 – Forestville Road - located on the east side, between its intersection with Buffalo Road to the north and Old Milburnie Road to the south, being Wake County PIN 1745388601, 1745396763 and 1745396863. Approximately 43.7 acres are to be rezoned from Residential-4 (R-4) and Conservation Management (CM) to Residential-6 Conditional Use (R-6-CU) and Conservation Management (CM).

Conditions Dated: 09/05/2014

Narrative of conditions being requested:

1. Buildings constructed upon the property shall not exceed 40 feet in height and three stories.
2. In the event the Property or any portion thereof is developed pursuant to Article 2.4 (Conservation Development Option), no more than 300 residential dwelling units shall be permitted on the Property. In the event that the Property or any portion thereof is developed pursuant to Conservation Development Option, applicant shall submit a traffic impact analysis, traffic study, or traffic letter report satisfactory in form to the Public Works Director, or his or her designee.
3. Within thirty (30) days following the approval of the form and substance of the restrictive covenant hereinafter mentioned by the City Attorney or his or her deputy, the owner of the Property shall cause to be recorded in the Wake County Registry a restrictive covenant that shall allocate the allowable development upon the Property as provided in foregoing Zoning Condition 2 among all existing lots comprising the Property. Such restrictive covenant shall be submitted to the City Attorney within thirty (30) days following approval of this rezoning case by the City Council and shall be approved by the City Attorney or his or her deputy prior to recordation. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require the written concurrence of the City Attorney or his or her deputy and the owners of all portions of the Property affected by the amendment and shall be at the sole discretion of such owner(s). Following recordation, a copy of each amendment shall be mailed to the Planning Director at P.O. Box 590, Raleigh, NC 27602 with a reference to zoning case Z-14-14.
4. The only building types permitted south of the Conservation Management zoned portion of the Property shall be Detached Houses, Civic Buildings and Open Lot.
5. Unless a more stringent buffer is required by the UDO, a natural protective yard forty (40) feet in width shall be established, running parallel to adjoining property line with the property having Wake County PIN: 1745583136, now or formerly the "Cox Property" described in Deed Book 8944, Page 1932, Wake County Registry. This natural protective yard shall be recorded on an approved subdivision plat prior to the approval of any site review.

6. A minimum six and one-half foot (6 1/2') high closed wooden fence shall be installed and maintained along the western side of the natural protective yard established in Zoning Condition 5 above; however, nothing in this Zoning Condition 6 shall require installation and maintenance of a fence within any required riparian buffer, natural protective yard, tree conservation area, or other area prohibited by the UDO. The fence described herein shall be installed prior to issuance of the first building permit on the property.