

## **Ordinance (2015) 389ZC705**

**Effective: January 20, 2015**

**Z-29-14 – Forestville Road, Conditional Use** located on the west side, north of its intersection with Hartham Park Avenue, being Wake County PIN 1748435922. Approximately 80.8 acres are requested by Wake County Board of Education to be rezoned from Residential-4 (R-4) to Residential-10- Conditional Use (R-10-CU).

### **Conditions Dated- 01-16-2015**

Narrative of conditions being requested:

1. The maximum residential density shall be three (3) units per acre.
2. Attached house, townhouse and apartment building types and two-unit living and multi-unit living uses shall be prohibited on the property.
3. The minimum lot size shall be 5,500 square feet.
4. The minimum lot width for an interior lot shall be fifty (50) feet. However, this condition shall not prevent any lot abutting a cul-de-sac from taking advantage of UDO section 1..5.2.E.
5. The minimum lot depth shall be ninety (90) feet. However, this condition shall not apply to a lot abutting a cul-de-sac, in which case such lot abutting a cul-de-sac shall have a minimum lot depth of sixty (60) feet, as measured in accordance with UDO section 1.5.2.E.
6. In the event the property is developed with a conventional subdivision, the following condition shall apply. A minimum of twenty percent (20%) 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, archeological 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 percent (20%,) is satisfied. The open space required to be set aside by the zoning condition shall be subject to Sections 2.5.3., 2.5.4., 2.5.5., 2.5.6., and 2.5.7. of the UDO.
7. Unless a more stringent standard is required by the UDO, a buffer area shall be provided in accordance with this condition. The length of this buffer area shall be measured from south to north along the property's frontage along the Forestville Road public right-of-way between the property described in Deed Book 12849, Page 1995 (Perry Farm LLC

property), running north along the Forestville Road public right-of-way, to the northern terminus at the property described in Deed Book 8093, Page 727 (Herbert property). The width of the buffer area shall be a minimum of twenty-five (25) feet, measured perpendicular from the Forestville Road public right-of-way, and shall be located between the Forestville Road public right-of-way and the lot lines of residential lots on the property. Those areas within public right-of-way used for vehicular access to the property shall not be included within this buffer area. This buffer area is hereinafter referred to as the "Buffer Area." Within this Buffer Area, there shall be installed at least four (4) shade trees and four (4) understory trees every 100 linear feet. Existing vegetation meeting these standards can be counted toward compliance with this condition, provided that such vegetation is outside of a berm. Additionally, within this Buffer Area, there shall be a berm with an average height of at least three (3) feet, measured perpendicular to the center of the crown. This berm may meander and may be discontinuous so long as there are elevated berms for at least a minimum sixty-six percent (66%) of the linear footage of the Buffer Area. Subject to the approval of the Public Works Director, if the North Carolina Department of Transportation does not permit the location of street trees within the Forestville Road public right-of-way which are required by the Avenue 4-Lane, Divided section, then the landscaping and berms required by this condition can be used to satisfy the street tree requirement except that one (1) additional shade tree per 100 linear feet shall be provided within the Buffer Area.

**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: January 20, 2015**

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