

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-04 Slade Property  
Town Council Meeting  
November 21, 2013**

**REQUEST**

To amend the Town of Cary Official Zoning Map by establishing initial Town of Cary zoning on approximately 37.77 acres located at 925 Pittard Sears Road in Chatham County. The current zoning is Chatham County R-1. The applicant has proposed a Cary zoning designation of Residential 12 Conditional Use (R-12-CU). Zoning conditions proposed by the applicant pertain to residential density, unit type, buffers, lot size and setbacks.

Annexation into Cary's corporate limits is required before base zoning may be established on the property. The property owner has submitted an owner-initiated annexation petition, number **13-A-14**, in association with this rezoning request.

If annexed into the Town of Cary, the subject property would also be subject to the Watershed Protection District (Jordan Lake sub-district).

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

**SUBJECT PARCELS**

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
James B. Slade 719 Pittard Sears Road Durham, NC 27713	(portion of) 0725-29-0405 (Chatham Co.)	N/A	37.77 ±

**BACKGROUND INFORMATION**

Applicant & Agent	Glenda Toppe, Glenda S. Toppe and Associates		
Acreage	37.77 ±		
General Location	925 Pittard Sears Road; (portion of the property located east of the right of way for the American Tobacco Trail)		
Schedule	<b>Public Hearing</b> August 22, 2013	<b>Planning &amp; Zoning Board</b> October 21, 2013	<b>Town Council</b> November 21, 2013
Land Use Plan Designation	LDR (Low Density Residential per Chatham-Cary Joint Land Use Plan)		
Existing Zoning District	Chatham County Residential 1 (R-1)		
Existing Zoning Conditions	None		
Proposed Zoning District	Residential-12 Conditional Use (R-12-CU); Watershed Protection Overlay (Jordan Lake sub-area)		
Initial Proposed Zoning Conditions  (Presented at 8-22-13 Town Council Public Hearing)	<ol style="list-style-type: none"> <li>1. The use on the site will be limited to detached dwellings.</li> <li>2. The maximum density is two dwelling units per acre.</li> <li>3. There will be a 40-foot Type A buffer along the north property line beginning in the NE corner of the property and extending 250 feet west at which point the buffer is reduced to a 20-foot opaque buffer continuing to the NW corner of the property (Refer to Exhibit A).</li> </ol>		

<p><b>Revised Zoning Conditions</b></p> <p><i>(To be presented at 10-21-13 Planning and Zoning Board Public Hearing - revisions since 8-22-13 Town Council hearing shown in <b>bold</b> typeface)</i></p>	<ol style="list-style-type: none"> <li>1. The use on the site shall be limited to detached dwellings.</li> <li>2. The density shall be <del>2.0</del> <b>1.4</b> dwelling units per gross acreage.</li> <li>3. There shall be a 40-foot Type A buffer along the north property line beginning in the NE corner of the property and extending 250 feet west at which point the buffer is reduced to a 20-foot opaque buffer continuing to the NW corner of the property except where riparian buffers exist (Refer to Exhibit A).</li> <li><b>4. The lots abutting the northern property boundary shall average a minimum of 19,000 square feet.</b></li> <li><b>5. No dwelling shall be located less than 50 feet from the adjacent Army Corps of Engineers game lands.</b></li> <li><b>6. The final plat shall include a disclosure statement advising potential buyers of the proximity of certain lots to Army Corps of Engineers game lands.</b></li> </ol>
<p>Town Limits</p>	<p>The subject property is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition, <b>13-A-14</b>, has been submitted by the property owner in conjunction with this rezoning request.</p>
<p>Valid Protest Petition</p>	<p>In accordance with NC General Statutes, protest petitions are not applicable to a map amendment (rezoning) that initially zones property that is being added to the Town's jurisdiction by annexation.</p>
<p>Staff Contact</p>	<p>Mary W. Beerman (919) 469-4342 mary.beerman@townofcary.org</p>

**SITE CHARACTERISTICS**

**Streams and Floodplains:** According to Chatham County GIS maps, the property is impacted by two stream buffers. Field determination of these features will be made at the time of site plan review.

**Adjacent Land Use:**

- North -- Chatham Glen Subdivision (*Existing development in Chatham County*)
- South -- Permanent open space owned by U.S. Army Corps of Engineers and associated with Jordan Lake
- East -- Single-family residential (Amberly PDD)
- West -- American Tobacco Trail (ATT)

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Land Use**

The applicant has offered a zoning condition to limit use of the property to detached dwellings. Detached dwellings are one of the residential use types permitted in the R-12 zoning district.

**Density and Dimensional Standards**

	<b>R-12 Zoning District</b>	<b>Proposed R-12-CU Zoning District</b>
Max. Gross Density	3.63 du/acre	1.4 du/acre
Min. Lot Size	12,000 sq. ft.	Average of 19,000 sq. ft adjacent to the northern property boundary; Otherwise, minimum. of 12,000 sq.ft.
Min. Lot Width	80 ft. (90 feet for corner lot)	Same as R-12 District
Min. Roadway Setback	20 ft. from Pittard Sears Road and from internal streets	Same as R-12 District
Min. Side Yard Setback	10 ft.	50 ft. from boundary of game lands;

		Otherwise 10 ft.
Min. Rear Yard Setback	25 ft.	50 ft. from boundary of game lands; Otherwise 10 ft.
Max. Building Height	35 ft. <i>(may be increased by one foot per foot of building setback above minimum required)</i>	Same as R-12 District

**Landscape Buffer**

A 40-foot Type A (opaque) landscape buffer is required adjacent to the ATT. A 20-foot Type B landscape strip is required adjacent to existing residential development. The applicant has offered a zoning conditions to increase the width of the buffer along the northern property line as follows: *There will be a 40-foot Type A buffer along the north property line beginning in the NE corner of the property and extending 250 feet west at which point the buffer is reduced to a 20-foot opaque buffer continuing to the NW corner of the property (Refer to Exhibit A).*

**Streetscape**

Pittard Sears Road is designated as a local street, and no streetscape is required.

**Traffic**

The proposed zoning would allow for 1.4 single-family dwelling units per acre. The parcel is 37.7 acres, so the maximum number of dwelling units would be 52 single-family homes, which would generate 46 am trips and 58 pm trips. The threshold to perform a traffic study is 100 peak hour trips, therefore a traffic study is not required.

**Stormwater**

At the time of site plan review, the future plan must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- and 10-year storm events must be determined and must be attenuated back to pre-development conditions from the discharge point leaving the development.

**SUMMARY OF PROCESS AND ACTIONS TO DATE**

**Neighborhood Meeting**

According to the applicant, a neighborhood meeting for the proposed rezoning was held on May 16, 2013. According to the information submitted by the applicant, 10 residents attended the meeting. According to the meeting minutes, resident questions and concerns included impact of traffic on Carolina Preserve and O’Kelly Chapel Road, the potential for a cell tower in the area, the effect on water pressure and potential need for an elevated storage tank, and fire service and future fire stations. The owner of property adjacent to the northeast corner of the site expressed concern with the effect on the adjacent well, and requested a buffer to screen the development from the adjacent property.

**Notification – August 22, 2013 Town Council Public Hearing**

On August 7, 2013, the Planning Department mailed notification of the public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on August 7 and 14, 2013. Notice of the public hearing was posted on the property on August 7, 2013.

**Town Council Public Hearing (August 22, 2013)**

The applicant summarized the request and the proposed zoning conditions.

Mr. Chris Raisig and an adjoining property owner expressed concern with density and the transition to property located adjacent to the northeast corner of the subject property, specifically noting that a well house is about 12 feet from the northeast property line and any building in this vicinity could have a negative impact on the well.

Council Member Yerha asked for an explanation of the stream buffer discrepancies between the Army Corps of Engineers and the Wildlife Resources Commission.

Council Member Robinson noted that the request complies with the joint land use plan, and she urged the applicant to be considerate of the neighbors.

Council Member Bush asked questions regarding the cumulative effect of traffic generated by small developments in the area. Staff responded that this would be looked at with a future update of the transportation plan.

#### **Changes Since the Town Council Public Hearing**

The applicant revised the proposed zoning conditions as shown in **bold** typeface below:

1. The use on the site shall be limited to detached dwellings.
2. The density shall be ~~2.0~~ **1.4** dwelling units per gross acreage.
3. There shall be a 40-foot Type A buffer along the north property line beginning in the NE corner of the property and extending 250 feet west at which point the buffer is reduced to a 20-foot opaque buffer continuing to the NW corner of the property except where riparian buffers exist (Refer to Exhibit A).
4. **The lots abutting the northern property boundary shall average a minimum of 19,000 square feet.**
5. **No dwelling shall be located less than 50 feet from the adjacent Army Corps of Engineers game lands.**
6. **The final plat shall include a disclosure statement advising potential buyers of the proximity of certain lots to Army Corps of Engineers game lands**

#### **Notification – October 21, 2013 Planning and Zoning Board Public Hearing**

On October 8, 2013, the Planning Department mailed notification of the public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on October 9 and 16, 2013. Notice of the public hearing was posted on the property on October 9, 2013.

#### **Planning and Zoning Board Public Hearing (October 21, 2013)**

The applicant summarized the request and the proposed zoning conditions.

Mr. Jeff Logsdon spoke in support of the request, stating that he was one of three builders in the area. He noted that the potential buyers are successful people wanting to move to smaller custom homes in peaceful areas such as this.

Mr. Chris Raisig spoke in support of the request, noting that he spoke at the Town Council hearing regarding concern with his well. He stated his appreciation for the applicant working with him to address concerns with additional zoning conditions.

Ms. Beerman reminded the board that comments related to buyer profile and specific characteristics of future homes were not related to the zoning conditions and thus should not be considered in making a recommendation or decision.

Ms. Muir requested clarification regarding the manner in which proximity to gamelands would be disclosed to potential buyers. Ms. Beerman explained that disclosure would be required on the final plan, but that since there is no Town involvement in the conveyance of property, there is no enforcement mechanism to ensure that potential buyers receive a copy of the plat when buying a lot.

Mr. Shaw expressed concern that school children would have to travel a long way to get to Chatham County schools, and bus routes to the area would have to be provided by Chatham County. He also asked if the Police or Fire Departments had issues with accessibility and cumulative impacts of traffic from multiple projects on Pittard Sears Road. Jerry Jensen responded that no concerns had been expressed, and that Pittard Sears Road could also be accessed through Carolina Preserve.

The Planning and Zoning Board recommended approval of the proposed amendment by a vote of 7-1. Mr. Shaw dissented, stating that although he liked aspects of the proposal, including the density, he had concerns with cumulative traffic impacts, and distance of the site from Chatham County schools.

## CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

## APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

### Land Use Plan

**Future Land Use Recommendations.** The property is within the Chatham-Cary Joint Land Use Plan (Joint Plan), with a plan designation of Low Density Residential (LDR). The Joint Plan defines LDR as including residential development at up to two dwellings per acre. Appropriate housing types include single-family-detached, duplex, patio home, semi-detached/attached dwelling, and townhouses. Multi-family housing is not envisioned. The plan document also notes that “a variety of neighborhood-compatible and complimentary civic, institutional, and utility uses may also be considered within any LDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.”

**Planning History.** Prior to adoption of the Joint Plan in June 2012, future land use recommendations for the subject parcel were provided by Cary’s Northwest Area Plan, adopted in 2002. At that time, the Northwest Plan recommended the parcel for Very Low Density Residential (VLDR) development, at no more than one dwelling per acre. Prior to the 2002 Northwest Area Plan, land use recommendations for the subject parcel were provided by Cary’s townwide Land Use Plan, adopted in 1996. The 1996 Plan recommended an acceptable range of “Very Low to Low Density Residential” (“VLDR to LDR”) uses, which covered an acceptable density range of up to three dwellings per acre.

### **Land Use Recommendations for Adjacent Parcels**

1. East: Properties east of the site share the same LDR land use designation as the subject parcel.
2. West: Along the subject parcel’s western property line, the southern half of that boundary is adjacent to land that is also designated as LDR. The northern half of that boundary is adjacent to the 100-foot right-of-way for the American Tobacco Trail (ATT). West of the ATT is the Old Chatham Golf Club, designated in the Joint Plan for “Parks, Open Space, and Golf” uses.
3. North: The subject parcel is bordered to the north by the existing Chatham Glen subdivision, a Chatham County large-lot subdivision, having an average lot size of about 5 ½ acres. The Chatham Glen subdivision is designated as Very Low Density Residential (VLDR) on the Joint Plan. VLDR describes residential uses at no more than one dwelling per acre, single-family-detached.
4. South: To the south, the subject property borders the U.S. Army Corps of Engineers property along Nancy Branch, as part of the Jordan Lake project. This land is permanently protected open space. These federal lands are also designated as “state game lands” (see below).

**Compatibility with Adjacent State Game (Hunting) Lands.** The U.S. Army Corps of Engineers land south of the property is also designated as State Game Lands, and is open for hunting seasons. Since late 2009, the game lands located in this area (east of the ATT) have been restricted to bow hunting. There are two planning recommendations that apply to development next to these gamelands:

1. From the Joint Plan Document: Chapter 6, Section 6.4, of the Joint Plan Document recommends development of a “homebuyer notification requirement” for new development next to these state game lands. *(The applicant has added a zoning condition to provide a disclosure statement on the final plat).*
2. From the NC Wildlife Resources Commission: Management of the state game lands is the responsibility of the state’s Wildlife Resources Commission (WRC). Town staff contacted Commission staff for comment and input on this case. The WRC reports that they “generally recommend a 150-yard buffer around all game lands to minimize potential conflicts between game land users and adjacent residents. Where a 150-yard buffer is not possible, we recommend a minimum 100-foot vegetated buffer between game land boundaries and any adjacent development.” The WRC does not have any specific signage, fencing, or disclosure requirements, however presumably such could prove beneficial.

The WRC recommendations were developed by the WRC as part of their Green Growth Toolbox, which was developed in 2007 or shortly thereafter. The Amberly PDD, immediately east of the subject property, was approved with 50-foot buffers adjacent to the state game lands, however those buffer widths were granted a decade prior to the WRC recommendations, with an Amberly PDD rezoning in 1997. *(On August 30, 2013, staff spoke with Isaac Harrold, Lands Program Manager with the NC WRC, regarding the buffer recommendations adjacent to game lands. Mr. Harrold stated that a 150-yard buffer was recommended where hunting with firearms was allowed. He noted that the WRC recognized buffers of such a width may not be feasible. He further explained that only bow hunting, a more close-range hunting method, is allowed in the game lands adjacent to the subject property. He further believed a 50-foot setback from game lands, as currently proposed by the applicant, would be acceptable.)*

**Density Transitions.** Chapter 3, Section 3.5, of the Chatham-Cary Joint Plan Document addresses transitions between residential density categories, stating that “Within the plan area, all new development should provide appropriate transitions.” Further, Section 3.6 (Principles of Interpretation) states that: “Planning boards may exercise discretion and judgment in determining whether they believe that the transition proposed by an applicant is sufficient and appropriate.” Some final guidance is given in Section 3.2 (Land Use Category Definitions): in describing the LDR land use category, the text includes the statement that “larger lots and/or lower densities may be used when needed to form acceptable transitions” (for example, to adjacent large-lot subdivisions or farms.) *An existing large-lot rural subdivision (Chatham Glen) is located immediately north of the subject property. The zoning conditions currently proposed by the applicant include an average lot size of 19,000 square feet for the lots that abut the northern boundary of the site.*

### **Growth Management Plan**

The Growth Management Plan includes the following Guiding Principles which may be relevant to this case:

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.

**Analysis:** The proposed rezoning seems to satisfy the above principles, and is therefore generally consistent with the Growth Management Plan.

### **Affordable Housing Plan**

The Affordable Housing Plan includes the following goals that may be relevant to this case:

Goal #3. Facilitate the creation of a reasonable proportion of the Town of Cary’s housing as affordable units through additional homeownership opportunities for individuals and families earning between 60%

and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.

Goal #6. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.

**Comments:**

Based on the proposed zoning, and current zoning conditions, the proposed rezoning does not compromise the Affordable Housing Plan, but neither does it advance the goals of the plan.

**Comprehensive Transportation Plan**

**Pittard Sears Road is designated as a local road.**

**Existing Section:** 2-lane undivided; approximately 50-foot ROW

**Future Section:** 2-lane undivided; 50-foot ROW

**Sidewalks:** Required on at least one side

**Bicycle Lanes:** N/A

**Status of Planned Improvements:** None planned by the Town

**Transit:** The nearest existing transit service is provided by Triangle Transit Route 311 on NC Hwy 55, approximately 2.4 miles east of the site. There is no current C-Tran service in this area. Long-range C-Tran expansion plans envision a potential future route on Green Level Church Road, approximately 1.9 miles east of the site; however, such expansion is not yet funded, and no future service date has been set.

**Parks, Recreation & Cultural Resources Facilities Master Plan**

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a street-side trail is proposed along the south side of Pittard Sears Road along this property's road frontage. The northern portion of this property is adjacent to the existing American Tobacco Trail corridor.

A recreation fund payment will be required for residential development in accordance with the Land Development Ordinance.

These comments were reviewed and approved by the Town's Greenway Committee at its July 18, 2013 meeting, and by the Parks, Recreation & Cultural Resources Advisory Board at its August 5, 2013 meeting.

**Open Space Plan**

According to the Open Space Plan there is an approximate 7- acre area on the north end of the property with mixed upland hardwood forest and mixed hardwood/conifer forest.

**Historic Preservation Master Plan**

The property contains an older farm house on the south side of Pittard Sears Road, described in the Chatham County tax records as being built in 1900, and about 1,697 square feet (heated), with a condition or "quality grade of D +/-." However, the structure is not listed in the state's Historic Survey and Inventory for Chatham County, nor in the Town's draft Survey Update. Documentation is not available to assess the house.

<b>SUMMARY OF STAFF OBSERVATIONS REGARDING PLAN CONSISTENCY</b>	
<b>Comprehensive Plan Element</b>	<b>Staff Observation</b>
Chatham-Cary Joint Land Use Plan	<ul style="list-style-type: none"> <li>• <b>Land Use.</b> With the proposed zoning conditions limiting use to detached residential with a density cap of 1.4 dwellings per acre, both the proposed use and density conform to the Chatham-Cary Joint Land Use Plan.</li> <li>• <b>Density Transitions.</b> The northern boundary of the site borders the existing Chatham Glen subdivision, which has an average lot size of about 5.5 acres. The applicant has proposed zoning conditions for an average lot size of 19,000</li> </ul>

	<p>square feet adjacent to Chatham Glen, as well as a buffer of 20 feet or 50 feet. The degree to which these conditions satisfy the Joint Plan's recommendations for an appropriate density transition should be evaluated by the Planning and Zoning Board.</p> <ul style="list-style-type: none"> <li>• <b>State Gamelands.</b> The revised rezoning conditions appear to conform to the setback recommendations offered by NC WRC for residential development next to state game lands which are limited to bow hunting.</li> </ul>
Growth Management Plan	No issues or concerns.
Affordable Housing Plan	The rezoning does not compromise the Affordable Housing Plan, but neither does it advance the goals of the plan.
Comprehensive Transportation Plan	No issues or concerns.
PRCR Master Plan	No issues or concerns.
Open Space Plan	No issues or concerns.
Historic Preservation Master Plan	Site includes a farmhouse ca. 1900, but not listed in the Chatham County historic resources inventory/survey; no documentation is available.

**OTHER REFERENCE INFORMATION**

<p><b>Schools</b>  <i>The subject property is located within the Chatham County School District.  The projections are based on multipliers provided by the Wake County Board of Education.</i></p>	Type <sup>1</sup>	Projected Range of Additional Students <sup>2</sup>
	Elementary School	15-22
	Middle School	3-8
	High School	4-10
Total Projected range of additional students <sup>2</sup>		<b>22-40</b>
<p><sup>1</sup>Information regarding specific Wake County Public School assignment options may be found by visiting the following: <a href="http://assignment.wcpss.net/preview/myplan.html">http://assignment.wcpss.net/preview/myplan.html</a></p>		
<p><sup>2</sup> The <i>Projected Range of Additional Students</i> is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 12 three-bedroom homes could yield six additional students, while 12 homes with greater than three bedroom units could yield 10 students. The basis for making this calculation is based on multipliers provided by the Wake County Schools Office of Student Assignment. At rezoning, student yield cannot be accurately determined due to unknown variables.</p>		

**APPLICANT'S JUSTIFICATION STATEMENT**

Attached are the applicant's responses to the justification questions contained in the application form. Please note that these statements are that of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

**ORDINANCE FOR CONSIDERATION  
13-REZ-04 Slade Property**

AN ORDINANCE TO ESTABLISH INITIAL TOWN OF CARY ZONING FOR APPROXIMATELY 37.77 ACRES LOCATED AT 925 PITTARD SEARS ROAD BY APPLYING RESIDENTIAL 12 CONDITIONAL USE (R-12-CU) AND WATERSHED PROTECTION OVERLAY DISTRICT (JORDAN LAKE SUB-AREA) TO PROPERTY CURRENTLY ZONED CHATHAM COUNTY RESIDENTIAL 1 (R-1)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

**Section 1:** The Official Zoning Map is hereby amended by rezoning the area described as follows:

**PARCEL**

<b>Property Owner(s)</b>	<b>County Parcel Number(s) (10-digit)</b>	<b>Real Estate ID(s)</b>	<b>Deeded Acreage</b>
James B. Slade 719 Pittard Sears Road Durham, NC 27713	0725-29-0405 Portion (Chatham Co.)	N/A	37.77 ±

**Section 2:**

That this Property is rezoned from (Chatham County) R-1 to R-12-CU and Watershed Protection Overlay District subject to the individualized development conditions set forth herein, if any, and to all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.

**Section 3:**

The conditions proposed by the applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are:

1. The use on the site shall be limited to detached dwellings.
2. The density shall be 1.4 dwelling units per gross acreage.
3. There shall be a 40-foot Type A buffer along the north property line beginning in the NE corner of the property and extending 250 feet west at which point the buffer is reduced to a 20-foot opaque buffer continuing to the NW corner of the property except where riparian buffers exist (Refer to Exhibit A).
4. The lots abutting the northern property boundary shall average a minimum of 19,000 square feet.
5. No dwelling shall be located less than 50 feet from the adjacent Army Corps of Engineers game lands.
6. The final plat shall include a disclosure statement advising potential buyers of the proximity of certain lots to Army Corps of Engineers game lands.

Section 4: This ordinance shall be effective on the date of adoption.

Adopted and effective: November 21, 2013

\_\_\_\_\_  
Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date