Ordinance (2008) 480 ZC 628
Effective: November 18, 2008

Z-46-08 – Louisburg Road - located on the west side of Louisburg Road, south of its intersection with Perry Creek Road, being various Wake County PIN(s). Approximately 5.27 to be rezoned to Office and Institution-1 Conditional Use w/Special Highway Overlay District-3.

Conditions Dated: 10/30/2008

a. Only the following uses shall be permitted:

(i.) Agriculture
- a. Minor tree removal activity as permitted under City Code;
- b. Tree disturbing activity in designated tree conservation area, as permitted under City Code; and
- c. Tree disturbing activity except minor tree removal activity as permitted under City Code.

(ii) Residential
- a. Single Family detached residential housing;

(iii) Institution/Civic Services
- a. Hospital (medical/veterinary [without a kennel/cattery]);

(iv) Offices
- a. Office, agency, or studio of a professional or business agent, or political labor or service association including but not limited to the following: finance, medical, professional/service or other professional or service office studio or agency not otherwise listed as permitted In the zoning district;
- b. Office center;
- c. Non-residential unit ownership;

(v) Commercial
- a. Bank with or without a drive-through window and with or without an automatic teller machine

(vi) Industrial
- a, Stormwater control structures;
- b. Utility services;

(vii) Other
- a. Accessory Uses to any of the above permitted uses

(viii) Recreational
- a. Recreational use — greenway

Narrative of conditions being requested:

b. A buffer area, 50 feet in width shall be maintained along the entire West property line (abutting the following properties: Joyner, PIN 1737530227 [Deed Book 2030, p366] Chesley PIN 1737530349 [Deed Book 4904, p. 192] Hopson PIN 1737530479 [Deed Book 6865 p 803] Packard PIN 1737531527 [Deed Book 11992, p1844] Rebar PIN 1737531676 [Deed Book 11508, p2413] and Boulom PIN 1737532734 [Deed Book 11734, p655] all Wake County

Registry). No parking, driveway (unless required by the City of Raleigh for cross access), storage, loading areas, or buildings will be permitted within this buffer area; however, utility, water, sewer, storm drainage or other improvements as may be authorized or required by any governmental authority or conditional use zoning conditions, may be located in the buffer area. Diseased or dead trees shall be removed from this buffer area, with the prior authorization of the City of Raleigh Arborist or his designee. Notwithstanding any provision herein to the contrary, tree removal or grading for permitted purposes within the buffer area for any of said purposes which cumulatively exceeds twenty (20%) percent of the buffer area shall not be permitted. Such buffer area shall be planted consistent with the planting requirements of a Type C Transitional Protective Yard.

c. For all buildings constructed after the adoption of this rezoning ordinance, the opaque surfaces of building walls shall be composed of substantial materials. No less than 75% of' opaque wall surfaces shall be comprised of Brick, Architectural Concrete Masonry, Architectural Concrete, Natural Wood siding, and/or Architectural Metal Panels (ACM or horizontal ribbed panels).

d. For all buildings constructed after the adoption of this rezoning ordinance, the aggregate Floor Area Ratio (FAR) for all buildings constructed on properties included within this rezoning ordinance shall not exceed thirty-three percent (33%) and the aggregate Building Lot Coverage (BLC) for all buildings constructed on properties included within this rezoning ordinance shall not exceed fifteen percent (15%).

e. For all buildings constructed after the adoption or this rezoning ordinance, maximum building height shall not exceed 35 feet, as measured by City Code Section 10-2076.

f. Following redevelopment of all parcels within the subject property, direct access to and from Louisburg Road shall he limited to a maximum of two (2) right-in, right-out access points, subject to the approval by the City of Raleigh Public Works Department and the North Carolina Department of Transportation. Notwithstanding any other provision of this condition to the contrary, nothing herein shall prevent the City From reducing the number of driveways to one per recombined, redeveloped parcel and limiting the turning movements of those driveways on redeveloped parcels to right in, right out movements.

g. Prior to obtaining a building permit for any parcel within the subject property, the property owner requesting the permit shall make offers of cross access to all properties which are included in this rezoning ordinance and/or accept previously extended offers from all owners included in this rezoning request.

h. Upon development, reimbursement for any required right-of-way dedication shall be calculated at the applicable R-4 rate.

i. Except for pole mounted lights in transitional protective yards which shall not exceed twelve feet (12') in height, poles for free standing lighting shall not exceed 25 feet in height, and all pole mounted light fixtures shall be full cutoff type, regardless of wattage. The maximum light level shall not exceed four tenths (0.4) maintained foot-candle at any property line adjoining a residential zoning district.

j. Prior to the recordation of a subdivision plat or obtaining a building permit for any parcel of the subject property, whichever first occurs, the owner of the Candler property identified as PIN 1737532105 [Deed Book 2713, page 748) shall dedicate 27.5 feet of right-of-way along its southern property line for the future extension of Pilgrim Road. At such time, the property owner shall also dedicate a 20 foot wide temporary construction easement, if necessary as determined by the City of Raleigh Public Works Department.

k. Prior to recordation of a subdivision plat or the issuance of any building permit, whichever shall first occur, the owner of the Candler Property identified as PIN 1737532105 [Deed Book 2713, Page 748] shall convey to the City of Raleigh a transit easement within the SHOD yard measuring twenty (20) feet by 15 feet along Louisburg Road. The location of the easement shall be approved by the Public Works Department, Transit Division of the City and the City Attorneys shall approve the transit easement deed prior to recordation. In addition, if the City determines that a bus stop is warranted during its site plan review, the owner of the Candler Property shall construct a shelter and/or bench prior to the receipt of a Certificate of Occupancy for any improvements constructed on the site.

l. Emptying of dumpsters, if at all, must occur only between the hours of 7:30 am and 7:00 pm, Monday through Friday.

m. No vehicular surface area constructed on the property after the adoption of this zoning ordinance, other than for purposes of a driveway to be offered or shared for cross access, shall be located between the front of the building (the side adjacent to Louisburg Road) and the right-of-way of Louisburg Road.