Z-15-00 Edwards Mill Road, west side, north of Carriage Drive, being Wake County PIN Map 0785.08 98 0213. Approximately 6.5 acres rezoned to Residential-10 Conditional Use.

Conditions: (02/23/00)

1. Where applicable, the property will be developed in accordance with Planning Commission Certified Requirement 7107.

2. Reimbursement for future right-of-way dedications shall be based upon the pre-existing zoning, R-4.

3. Exterior lighting shall be aimed downward and shielded so as to prevent direct view of the light source from adjacent residential properties. Freestanding light poles adjacent to residential properties shall not exceed 18 feet in height.

4. At the time of initial site plan or subdivision approval, a unity of development plan will be formulated for all buildings on the site assuring complementary architectural style, construction materials and cross-access ways.

5. Upon development of the subject property, a brick fence, a minimum of six feet (6') in height, will be established and maintained parallel to the boundary line with Wake County PIN numbers: 0785.08 88 6182 (Smith) and 0785.08 88 7010 (Bilderback). The fence may stagger or meander along the boundary line in order to avoid removal or disturbance of existing trees.

6. Upon development of the subject property, a vegetative buffer, comprised primarily of evergreen trees and shrubs including Nelly R. Stevens and Wax Myrtle among others, shall be planted and maintained by a property owners association parallel to the boundary line with Wake County PIN numbers: 0785.08 88 6182 (Smith) and 0785.08 88 7010 (Bilderback). Vegetation shall be a minimum of 5-7 feet at planting. Landscaping shall be planted in three staggered rows to create a dense buffer.

7. The primary building materials for the residences shall be brick and hardiplank siding or similar high quality material.

8. Any refuse containers, satellite dishes and heating and air-conditioning unit shall be maintained within enclosures constructed of materials comparable to those used in the principal building or otherwise screened from direct view from adjacent residentially zoned lots. Refuse containers shall not be emptied before 8 a.m. or after 7:00 p.m. No refuse container shall be located within 100 feet of the boundary line with Wake County PIN numbers: 0785.08 88 6182 (Smith) and 0785.08 88 7010 (Bilderback).

9. No boat or recreational vehicle storage shall be permitted on-site.

10. Subject to approval of City and State Departments of Transportation, upon development of the subject property and after acceptance by the City of Glen Eden Drive extension, there shall be no driveway access onto Edwards Mill Road.

11. A minimum of a thirty foot (30') building setback shall be maintained from the curb of Edwards Mill Road including state slope easement, city right-of-way and the street protective yard described below. Outside of slope easements, a minimum twenty foot (20') street protective yard shall be maintained along Edwards Mill Road. The area will remain undisturbed except for:

a. Storm drainage facilities except for a storm water retention basin, streets, driveways, sidewalks, erosion control devices, electric, telephone, cable television and similar installation (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the area as possible while honoring public service, health and safety requirements.

b. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

c. Treatment or removal of nuisance or diseased vegetation as certified by city arborist or other public official designated by the Raleigh City Manager. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over adjacent properties, overhead electric lines, streets or drives may be removed; pine trees infested with or threatened by pine bark beetles or similar pests may be removed.

Not more than thirty percent (30%) of the street protective yard may be disturbed by those exceptions noted in paragraphs b-c of this condition.

12. A minimum building setback of forty-five (45'), or such greater setback as may be required by the Raleigh City Code, shall be maintained for all buildings adjacent to the properties with PIN's 0785.07 88 6182 (Smith) and 0785.08 88 7010 (Bilderback).

13. A natural protective area, as defined by the Raleigh City Code, with an average width of thirty-five feet (35') and a minimum width of twenty feet (20') shall be established adjacent to the properties with PIN's 0785.07 88 6182 (Smith), and 0785.08 88 7010 (Bilderback).

14. Residential density shall be limited to ten (10) units per acre. The potential transfer of density from Wake County PIN numbers 0785.08 98 8885 and 0785.08 87 8648 shall be encouraged, as allowed by the Raleigh City Code.

15. Only residential uses allowed within the R-10 zoning district shall be permitted except the following residential uses which shall be prohibited:

a. Congregate care facilities, life care facilities or resthomes; or
b. Apartments, other than townhomes or condominiums approved under Part 10, Chapter 2 of the City Code; or
c. Fraternity or sorority houses; or
d. Above ground storage tanks except as required by city, state or local law; or
e. No freestanding storage sheds; or
f. Duplexes; or
g. Rooming houses.

16. A minimum of one acre shall be maintained as open space, including walking trails, a pond and other similar amenities. The open space will be located in the northernmost corner of the site near the existing pond and adjacent to the planned Glen Eden Extension. A minimum of 50% of the trees within this open space area above 5 inches in caliper shall remain undisturbed.