**Ordinance (2007) 302zc609**
**September 18, 2007**

1. **Z-7-07 – Monument Lane and Old Lead Mine Road,** located on the northeastern quadrant of its intersection with Monument Lane and Old Lead Mine Road, being Wake County PIN's 1708-30-1457, and 1708-20-7421. Approximately 12.65 acres rezoned to Office and Institution-1 Conditional Use.

**Conditions: 09/12/07**

As used herein, the "Property" means and refers to all of those two (2) certain tracts or parcels of land containing approximately 12.65 acres located at the northeast quadrant of the intersection of Old Lead Mine Road and Monument Lane in the City of Raleigh, Wake County, North Carolina, having Wake County PINs 1708-30-1457 and 1708-20-7421, and identified as all of 'Lot 1" and "Lot 2" on plat recorded at Book of Maps 2001, Page 881 in the Wake County Registry. The terms "Tract 1" and "Tract 2" as used herein shall refer to those areas so designated on Exhibit C-1 attached hereto.

a) Reimbursement Values. Reimbursement for required future right-of-way dedications for the Property shall be at Residential-6 values.

b) Transit Easement. Prior to the first recording of a subdivision plat or the issuance of the first building permit for the Property (or any portion thereof), whichever shall first occur, there shall be dedicated to the City a transit easement measuring twenty (20) feet in length and fifteen (15) feet in width. The location of the transit easement shall be approved by the Transit Division of the City and the City Attorney or his Associate shall approve the transit easement deed prior to recordation.

c) Landscaped Streetyard. Except where there are townhouse or single family detached dwelling units (and their accessory uses as set forth in Section 10-2071 ("The Schedule of Permitted Land Uses in Zoning Districts")), a streetyard a minimum of fifty (50) feet in width and landscaped in accordance with the SHOD-3 standards of the Raleigh City Code shall be maintained along the boundary of the Property with the right-of-way of Monument Lane and adjacent to the Allyn's Landing residential subdivision located to the south of Monument Lane (being all of that subdivision identified as Lot 1, Lot 2 and Lot 3, inclusive, on plat recorded at Book of Maps 2001, Page 1240). Utility lines, curb cuts and signage authorized by the Raleigh City Code maybe located within such streetyard.

d) Height Limits. The maximum height for buildings constructed upon Tract I shall be the lesser of forty five (45) feet or two (2) stories in height entirely above grade. Only single family detached or townhome dwelling units shall be permitted upon Tract 1. The maximum height for buildings constructed upon Tract 2 shall be sixty (60) feet in height. Only buildings,

including parking decks, no greater than three (3) stories in height entirely above grade or forty-eight (48) feet in height may be located within seventy-five (75) feet of the right-of-way of Monument Lane; and only buildings, including parking decks, no greater than four (4) stories entirely above grade or sixty (60) feet in height may be located within one hundred (100) feet of the right-of-way of Monument Lane.

e) Residential Development. Only single family detached dwelling units and townhomes, together with their accessory uses (as set forth in Section 10-2071 ("The Schedule of Permitted Land Uses in Zoning Districts"), shall be permitted within Tract I as shown on the attached Exhibit C-I.

f) Limitation on Square Footage of Office Uses. Buildings (other than parking structures) constructed upon Tract 2 containing office uses cumulatively shall not exceed 75,000 square feet floor area gross.

g) Limitation on Residential Density. There shall be a maximum of six (6) dwelling units per acre constructed upon the Property. Dwelling units on Tract 1 shall consist only of single family detached dwelling units or townhomes.

h) Access. There shall be no more than: (i) two (2) street accesses onto Monument Lane from the Property and (ii) one (1) street access onto Old Lead Mine Road from the Property.

i) Residential Materials for Single Family Detached and Townhouse Dwelling Units. The front exterior wall of townhouse or single family detached dwelling units, exclusive of windows, doors and foundations, constructed upon the Property shall contain at least twenty percent (20%) brick, stone, masonry or concrete. The combined area of front windows and doors shall represent no less than fifteen percent (15%) and no greater than sixty percent (60%) of the front façade of any townhouse or single family detached dwelling unit constructed upon the Property. Except for soffets, eaves and other architectural accents, vinyl siding shall not be permitted as an exterior wall covering for townhouse or single family detached dwelling units. All townhouse or single family detached dwelling units shall be residential in character with the principal roof structure either flat with parapets or having a minimum 6:12 pitch.

j) Structured Parking. A minimum of 70% of all parking for office uses located on Tract 2 shall be included in a parking deck/garage. Any parking deck/garage located on the Property shall be setback at least 150 feet from the right-of-way of Monument Lane and shall be separated from the right-of-way of Monument Lane by at least one (1) building. Any stand alone parking deck/garage located on the Property shall be separated from any public right-of-way by a 30-foot wide, Type B vegetative buffer.

k) Open Space. A minimum of twenty percent (20%) of Tract 1 shall be maintained in open space. A minimum of forty-five percent (45%) of Tract 2 shall be maintained in open space. Open space, as used in this Condition k), shall be defined as any area of the Property not covered by buildings (including dwelling units), parking decks, vehicular service and/or parking areas, and streets.

l) Prohibited Uses. The following uses shall be prohibited upon the Property:

-Cemetery
-Church, synagogue or religious education building
-Hospital (medical/psychiatric/veterinary)
-Utility services and substation
-Dance, recording, music studio
-Emergency shelter type A, emergency shelter type B, religious shelter units, multi-unit supportive housing residence, supportive housing residence
-Governmental building and grounds
-Private or parochial school (elementary, middle and high)
-Recreational use — restricted to membership profit and not for profit
-Telecommunication towers complying with designated height and setback standards, otherwise, a special use approved by City Council
-Airfield landing strip and heliport
-Manufacturing — specialized
-Multifamily dwelling units, other than unit ownership
-Congregate care structure or congregate living structure
-Fraternity house
-Sorority house
-Rooming house, boarding house, lodging house, guest house, tourist home
-Beauty salon
-Barbershop
-Funeral home
-Crematory
-Life care community
-Group housing
-Radio and television studio
-Residential related services
-Bank

m) Stormwater Retention. Stormwater control devices shall be constructed to provide retention of stormwater to maintain existing (pre-development) discharge rates for the two (2) year, ten (10) year and twenty-five (25) year storms.

n) Existing Pond to be Maintained. Upon development of the Property: (i) the surface area of the pond that currently exists on the Property shall be no less than one (1) acre in size, and (ii) the stormwater storage capacity of the pond that currently exists on the Property shall be equal to or greater than the stormwater storage capacity that exists as of the effective date of this rezoning. Prior to issuance of the first grading permit for the Property, a licensed stormwater engineer shall certify the stormwater storage capacity of such pond. Prior to issuance of the first certificate of occupancy for the Property a licensed stormwater engineer shall certify that the stormwater storage capacity of the pond is equal to or greater than the capacity as previously certified.

o) Building Materials for Offices. Facades of office buildings constructed upon the Property shall be pre-cast, stone, brick clad or glass/Spandrelite or like high quality material; provided however no EIFS or synthetic stucco shall be permitted.

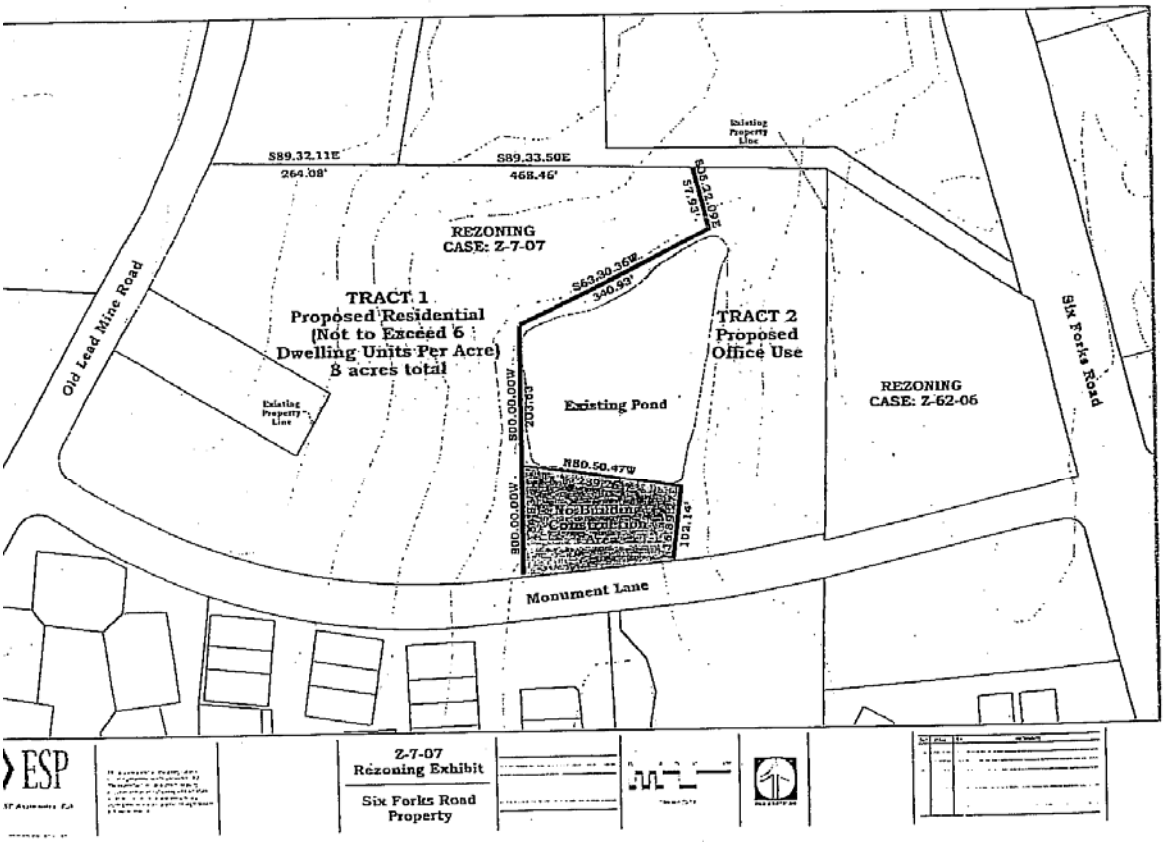
p) Construction Traffic Prohibited on Private Drives. Any construction contracts for improvements to be located on the Property shall include a clause requiring contractors, their employees and subcontractors to use only public rights-of-ways to access the Property and shall further provide a penalty for violation of the same.

q) No Dry Detention Facilities. With regard to stormwater detention for the Property, dry pond detention facilities shall not be permitted.

r) Site Lighting. All outdoor area and parking lot fixtures shall be of full cutoff (shielded) design. Outside of required transitional protective yards where the maximum height shall be twelve (12) feet, freestanding on-site lighting fixtures shall not be more than twenty (20) feet in height.

s) Landscaping of Property in Excess of Code Requirements. Except as otherwise provided herein, including without limitation Condition c) hereof, all landscaping for Tract 2 shall be planted to include 15% more plant material than otherwise required by the Code.

t) No Building Zone. There shall be no buildings, vehicular surface and/or parking areas, or streets located within that portion of the Property designated as “No Building Construction Zone” on the attached Exhibit C-1.

u) Sidewalks. Pedestrian sidewalks shall be constructed and installed along Old Lead Mine and Monument Lane consistent with City standards for the same.

Z-7-07
EXHIBIT C-1