Ordinance (2002) 183 ZC 515
Effective: April 2, 2002

Z-79-01 Tryon Road, north side, west of Lake Dam Road, being Wake County PIN 0782.07-58-4776. Approximately 26.6 acres rezoned to Residential-10 Conditional Use with Special Highway Overlay District-1 to remain.

Conditions dated: (03/18/02)

For the purposes of these conditions, Wake County Tax Parcel 0782.07-58-4776 shall be referred to as the "Property."

1) Only single-family dwellings shall be constructed upon the Property. Such dwellings shall only be detached dwellings or townhouse development. The maximum number of bedrooms in each dwelling shall be limited to three (3).

2) Upon the development and initial sale of dwelling units upon the Property, (i) no more than one (1) dwelling unit upon the Property shall be sold to any individual or entity, and (ii) no dwelling unit upon the Property shall be sold to any individual or entity related by marriage or by more than ten percent (10%) common equity ownership to an owner or contract purchaser of a dwelling unit upon the Property.

3) After the initial sale of dwelling units constructed upon the Property, such units shall not be offered for sale or rental in any coordinated, centralized manner. The provisions of this condition (3) and the foregoing condition (2) shall be included in a declaration of covenants, conditions, and restrictions recorded with respect to the Property prior to the sale of any dwelling units upon the Property.

4) Upon the development of the Property, an offer of cross-access shall be made to parcels PIN 0782.07-58-6442 (Smith and Barnes) and PIN 0782.07-58-9356 (Okanlawon). Cross-access to either such parcel will terminate if it is subsequently zoned for non-residential purposes.

5) At least twenty-five percent (25%) of the front façade of each building upon the Property (excluding doors, windows, and foundation) shall consist of brick or another masonry material. Any vinyl siding placed upon the facades of the buildings upon the Property shall be Certainteed Carolina (or at least equivalent).

6) Mechanical equipment shall be screened from view from adjoining public rights-of-way and parcels by plantings or by screening constructed of materials comparable in terms of texture, color and quality to those used in the principal buildings.

7) Vehicular access to the Property shall be limited to no more than two curb-cuts on Tryon Road. One curb cut shall be a full movement entrance, which, subject to site plan approval, shall be aligned with Dover Farm Road. The other curb cut shall be limited to right-in, right-out movement.

8) Within those areas of the Property within fifty feet (50') of the right-of-way of Tryon

Road (as established upon site plan approval), there shall be a tree preservation area. All trees shall be preserved within this area; provided, however, treatment or removal of unsafe, unhealthy, dead, dying, or diseased trees and any understory plants shall be allowed. It is provided, further, that thirty percent (30%) of the tree preservation area may be disturbed for curb-cuts and for the installation of utilities. Supplemental planting shall be allowed in the tree preservation area.

9) Upon at least twenty-three percent (23%) of the area of the Property, trees shall be preserved.

10) Exterior maintenance of dwelling units upon the Property shall be performed by a homeowners' association.

11) Reimbursement for required right-of-way dedication shall be based on Rural Residential (RR) values.

12) The owner of the Property shall provide a transit easement fifteen feet wide by twenty feet in length along the boundary of the Property with Tryon Road.

13) An undisturbed natural area seventy five feet (75') in width shall be maintained along both sides of any water course, as determined by the North Carolina Division of Water Quality, that runs through the area comprising the northwest corner of the Property, which area is adjacent to the property having Tax Parcel PIN 0782.06-38-9191; provided, however, up to thirty percent (30%) of the aforementioned natural area may be disturbed for the installation of utilities subject to any approval that may be required from any agency, department of division of the State of North Carolina and the provisions of the City Code.

14) The height of any building or buildings on the Property shall not exceed three (3) stories or forty-two feet (42').