ORDINANCE (2003) 389 ZC 531
Effective: 2/18/03

Z-3-03 Western Boulevard, south side, being Wake County PIN 0784.19-70-4819. Approximately 0.5 acre rezoned to Office and Institutional-1 Conditional Use.

Conditions dated: (2/12/03)

1. The existing structures/building shall remain except for necessary repairs, renovations or improvements. The existing building is a +/-1900 sf brick and wood ranch style structure. In the event the existing structure/building is destroyed by fire to other catastrophe, any new construction shall be residential in scale and character. Construction standards shall include a roof pitch of at least 3:12, brick and/or wood exterior and structure height shall be no more than 30 feet.

2. Use of the subject property shall be limited to a single-family dwelling or duplex, an office use including professional or medical office as set forth in the "Schedule of Permitted Land Uses in Zoning Districts" in the Code, an insurance agent, and insurance adjuster, or mortgage agent but specifically excluding all other finance uses. No outdoor storage of trucks, equipment or materials shall be permitted.

3. The area being zoned from R-6 to O&I-1 CUD, the western-most 30' of the subject property, may only be used for off street parking for the building or use located on the balance of the subject property subject to the limitations of the Transitional Protective yard regulations of the landscape ordinance and condition 5, below.

4. In the event parking is installed within the area specified in the area described in Item 3, above, a six foot (6') high 'shadow box' type fence shall be installed along the rear and western property lines unless the Code otherwise requires the installation of a solid wall or fence.

5. A 20 foot average width (25.0' maximum, 12.5' minimum width) Street Protective Yard shall be maintained along the subject property's Western Boulevard frontage. A 25 foot average width (35.0' maximum, 10.0' minimum width) Transitional Protective Yard shall be maintained along the rear and west property lines. Any construction within the Street Protective Yard or Transitional Protective Yard shall be designed and undertaken so as to allow no more than thirty percent (30%) disturbance of either the Street Protective Yard or the Transitional Protective Yard. Existing vegetation in the Protective Yards shall remain undisturbed except for:

- Treatment or removal of nuisance or diseased Vegetation.

- Relocation of exiting trees and shrubs within the Transitional Protective Yard to allow relocation of on-site parking as allowed by Item 4, above. Removal of existing groundcover to allow installation of the parking allowed by Item 4, above.

- Construction of public or private sidewalks, pedestrian paths, storm drainage facilities, electric, telephone, gas, water, sanitary sewer and similar utility installations approved by the appropriate local government authorities. Any such construction shall be designed and undertaken so as to create as little disturbance of the Protective Yards as possible while honoring public health and safety requirements.

- The planting of new vegetation, construction of fences, wall, berms, entrance features or similar construction which tends to enhance the area's visual appeal.

6. Reimbursement for required right-of-way dedication shall remain at the current R-6 value.