Z-28-07 – Tryon Road, located on the north side of Tryon Road, east of its intersection with Gorman Street, being Wake County PIN's 0782988263, and 0782975817. Approximately 9.12 acres rezoned to Residential-10 Conditional Use and Conservation Management Conditional Use with Special Highway Overlay District-1.

Conditions: 09/17/07

(a) Uses on the rezoned Property shall be limited to single family homes, townhouse developments and any accessory uses allowed in R-10 districts, under Section 10- 2071 of the City Code;

(b) Residential development shall not exceed a maximum of seventy-five (75) dwelling units;

(c) Buildings constructed on the rezoned Property after the adoption of this rezoning shall not exceed thirty-two foot (32') in height, determined in accordance with City Code Section 10-2076.

(d) Access to Tryon Road shall be limited to a maximum of one access point.

(e) No structure shall be constructed within the CM-CUD zoned portion of the rezoned Property, save and except for stormwater control structures and accessory structures thereto and utility services and accessory structures thereto, as may be allowed by the City Code,

(f) No part of the CM-CUD-zoned portion of the rezoned Property shall be used for parking.

(g) The maximum number of bedrooms in each dwelling shall be limited to three (3).

(h) The exterior of each dwelling unit constructed on the rezoned Property shall include a mix of materials and architectural features, including at least four (4) of the following materials or features: lap siding, shingle siding, brick, stone, masonry, pitched roofs with a minimum pitch of 6:12, decorative window shutters, decorative columns (which shall either be (1) round with a minimum diameter of a (6) inches or (2) square or rectangular with a minimum dimension of six (6) inches), gables, or metal roofs.

(i) The following conditions shall apply to all attached dwelling units constructed after the adoption of this rezoning ordinance:

(i) At least one parking space shall be provided for each bedroom contained in all dwelling units on the rezoned Property.

(ii) At least fifty percent (50%) of the buildings shall contain at least twenty percent (20%) (exclusive of doors, windows and trim) brick or stone on the front facade, provided that foundation bricks shall not be included in determining whether the twenty percent requirement has been satisfied.

(iii) Building elevations shall provide articulation in the footprint or the addition of projecting bays; no portion of the front façade of the building elevation shall extend more than thirty-six linear feet (36') without a projection forward or backward from the principal wall of at east two feet (2').

(iv) No single building shall include more than five (5) dwelling units.

(v) Each dwelling unit shall contain a minimum of 1,300 square feet, Floor Area Gross

(vi) Mechanical equipment shall be screened from view from adjoining public street rights-of-way and lots adjoining the rezoned Property by plantings or by screening constructed of materials comparable in terms of texture, color and quality to those used in the principal buildings. Screening shall form a continuous enclosure around such mechanical equipment at least one foot (1') taller than the equipment being screened, provided the such enclosure(s) may be entered, opened or crossed temporarily to provide access to such equipment.

(vii) Exterior maintenance of attached dwelling units upon the rezoned Property shall be performed by a homeowners' association.

(viii) In the initial sale of dwelling units on the rezoned Property, (i) no more than one (1) dwelling unit on

the rezoned Property shall be conveyed to any individual or entity, and (ii) no dwelling unit on the rezoned Property shall be conveyed to an owner of another dwelling unit on the rezoned Property.

(ix) After the Initial sale of dwelling units constructed on the rezoned Property, such units shall not be offered for sale or rental in any coordinated, centralized manner. The provisions of this condition l(ix) and the foregoing condition l(vlll) shall be included in a Declaration of Covenants, Conditions, and Restrictions recorded with respect to the rezoned Property prior to the sale of any dwelling units on the rezoned Property.

(x) A Declaration of Covenants, Conditions and Restrictions recorded with respect to the rezoned Property shall provide that all garbage disposal containers used by an individual dwelling unit shall be stored in a closed storage unit or otherwise screened from view of properties adjoining the rezoned Property and public street rights- of-way by a fence or vegetation of a height which is in excess of the height of the garbage disposal container.

(xi) At least fifty percent of all dwelling units shall include porches or covered entry areas containing at least twenty (20) square feet.

(j) Prior to development, a right of cross access will be provided to the Sandra and James Radford property (PIN no. 0782978402, Deed Book 9637, Page 830);