ORDINANCE (2003) 526 ZC 541
EFFECTIVE: October 21, 2003

Z-39-03 – Six Forks Road, west side, being Wake County PIN 1706.15-54-4435. Approximately 0.84 acres rezoned to Office and Institution-1 Conditional Use.

Conditions dated: (10/13/03)

a) Any non-residential building shall have a maximum height of forty (40) feet from the finished floor elevation as measured by the city code criteria for height. In addition, any non-residential use shall be limited to a single primary structure, not having more than two occupied stories and having a minimum roof pitch of 6:12; the building shall be a four-sided, generally rectangular structure but may have one porch/entrance portico and not less than 2, nor more than 4, wall offsets (no less than 2-feet each) along each side: the primary building material of the exterior walls shall be red or brown brick on all four sides and the roof shall be shingles with dark gray or black shingles; the fenestration shall consist of rectangular windows and doors comprising no more than 70% and no less than 20% of the surface area of any one side.

b) Any non-residential building shall have a maximum thirty (30) foot setback line from Six Forks Road right-of-way. Off street parking shall be prohibited between any building and Six Forks Road. The setback area along Six Forks Road shall be landscaped with six (6) shade trees, four (4) understory trees, and twenty (20) shrubs per 10 linear feet of setback area along the building wall. Shade trees shall meet the caliper inch requirements for street protective yard plantings. Understory trees and shrubs shall meet the planting characteristics set fort in subsection 2 and 3 of Raleigh City Code section 10-2058(e)(2). The remaining areas of the front yard which are not along the building shall be landscaped with four (4) shade trees, two (2) understory trees, and ten (10) shrubs per linear feet.

(c) Parking shall be set back a minimum of fifteen (15) feet from the right-of-way of Six Forks Road. This fifteen (15) foot wide parking setback and street protective yard area shall be landscaped with four (4) shade trees, two (2) understory trees, and ten (10) shrubs per 100 linear feet. Shade trees shall meet the minimum caliper inch requirements to satisfy street protective yard plantings. Understory trees and shrubs may be massed for effect.

(d) Site area lighting shall be located so as to limit light to a maximum of 0.5 maintained foot-candle at the property line of all adjacent properties. Site area lighting shall consist of fixtures and poles or wall packs with a maximum height of eighteen (18) feet. Lighting fixtures shall create down lighting only and shield the light source from being visible from the side. Metal halide light bulbs shall be prohibited. Poles and fixtures shall be located outside the ten (10) foot Transitional Protective Yard described in condition (e) below.

(e) If no transitional protective yard is otherwise required along adjacent lots, a transitional protective yard having a minimum width of ten (10) feet and possessing a six (6) foot high closed wooden fence for the length of the transitional protective yards shall be provided. Plantings within such a yard shall comply with code section 10-2082.9 schedule for D-type yards and shall be evergreen. Existing vegetation where preserved shall be credited toward Transitional Protective Yard landscaping requirements.

(f) That the closed wooden fence proposed in existing Condition (e) will not extend into the thirty (30) foot front yard setback of Six Forks Road, the fence will present a "finished look" on both sides, and will be maintained in good condition.

(g) Permitted uses (subject to special use or site plan approval as the case may be) are limited to the following uses: multi-family and single-family residential, townhouses, art galleries/museums, churches, day care, schools, offices, banks with drive-thru, and parking lots.

(h) Outdoor pay telephones shall not be installed within the zoned area.

(i) Density for any dwelling units shall be a maximum of 8 units per acre.

(j) No land use within the zoned area shall utilize an outdoor paging system with fixed speakers on the site.

(k) Any reimbursement for future right-of-way dedication shall remain at R-4 values.

(l) Upon development, landowner will offer reciprocal cross-access rights to adjacent parcels that have road frontage on Six Forks Roads.