. **Z-41-05 – Wake Forest Road**, west side, southwest of its intersection with Poplar Street, being Wake County PIN 1704-94-1133. Approximately 0.40 acre rezoned from Special Residential-6 With Neighborhood Conservation Overlay District to Residential-10 Conditional Use With Neighborhood Conservation Overlay District.

Conditions dated: August 17, 2005

1. Reimbursement for future right-of-way dedication shall be based on the rate for the existing SP R-6 zoning.

2. Uses permitted shall be all uses allowed in the Special R-6 zone **and** Multifamily dwelling development (outside cluster unit development) **and** Unit Ownership (condominium) development (subject to all approval requirements).

3. Minimum front yard setback shall be thirty-five feet (35').

4. Maximum building height shall be thirty-five feet (35').

5. All buildings shall be residential in character as defined by Code Section 10-2002. Roofs shall be pitched with a minimum pitch of 2.5:12. Building material shall be residential in character and limited to masonry block, concrete, brick, stone, shingles, shakes, standing seam metal roofing, board and batten and lap siding. The total window opening area for all building sides combined shall be not less than five percent (5%) nor more than fifteen percent (15%).

6. No parking, vehicular access or other vehicular use area shall be located between the main building facade and Wake Forest Road. Vehicular access to the property shall be limited to one driveway entrance from Poplar Street. This driveway entrance shall be no wider than eighteen feet (18') in width.

7. All trees eighteen inches (18") or more in caliper DBH shall be subject to active tree preservation as defined by City Ordinance No. (2005) 762TC264 except existing impervious areas and impervious areas which have current valid permits for construction at the time this condition becomes effective (City Transaction Number 112207) are excluded from active tree protection requirements. Existing impervious areas and impervious areas which have valid permits for construction include, but are not limited to, buildings, sidewalks, patios and parking areas. Repair, maintenance and reconstruction of existing impervious areas and impervious areas which have valid permits for construction are specifically excluded from active tree preservation requirements. Prior to receiving a Certificate of Occupancy for permits issued by the City for Transaction Number 112207 or within one hundred and eighty (180) days of approval of this rezoning, which ever occurs first, a survey showing all existing trees greater than eighteen inches (18") in caliper DBH with the critical root zone areas shown and all

impervious areas excluded from active tree preservation requirements shall be submitted to the Chief Zoning Inspector.

8. All site lighting fixtures shall be cut off type mounted at a height not greater than twelve feet (12') above grade and oriented or screened such that the source of light is not visible from any point four feet (4') above grade at any point along the property line. This visibility restriction shall not apply to lights directly above building entrances and exits.

9. Any required trash receptacle enclosures shall be the same as or compatible in terms of texture, quality and materials to the principal building on site. Fence type enclosures with vertical boards are specifically prohibited.