

Ordinance (2004) 570 ZC 546

Effective: 02/17/04

1. **Z-3-04** – on the south side of Lake Boone Trail, west of its intersection with Glenwood Avenue. Approximately .46 acre **(to be rezoned from O&I-1 CUD to O&I-1 CUD with changed conditions)**.

Conditions: 02/04/04

- a. Residential density shall not exceed seven dwelling units and accessory uses.
- b. Any structure constructed upon the Property shall not exceed in height thirty-six (36) feet, four (4) inches measured as per the Code of the City of Raleigh.
- c. A buffer yard twenty (20) feet in width, measured from the existing right of way of Lake Boone Trail, shall be imposed upon the northern portion of the Property, which buffer yard may be crossed and/or reduced for driveway installation, maintenance and use, signage installation, maintenance and use and utility installation, maintenance and use and street widening. Hardwood trees existing within the buffer yard as of the date of the approval of this rezoning by the Raleigh City Council which are eight inches (8") or greater in diameter measured four and one-half (4 1/2) foot above the ground level shall be retained, other than those removed as a result of driveway, signage and utility installation, maintenance and use, street widening and such other purposes permitted by the City of Raleigh; provided however, that damaged, diseased or dead trees and vegetation may be removed from the buffer yard as needed. A survey of existing trees greater than eight inches in caliper, as measured four and one-half feet above ground, which are situated in the proposed street yard buffer shall be given to the Chief Zoning Inspector within forty-five (45) days following adoption of this rezoning ordinance.
- d. The following uses are permitted upon the Property:
 1. Single family dwellings, unit-ownership (condominium) residential development, and townhouse development, all as defined in the City of Raleigh Code.

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2. Office, agency and studio of a professional or business agent or political, labor, or service association/office listed as allowed in the Schedule of Permitted Land Uses in Zoning Districts, City of Raleigh Code 10-2071 and/or other professional or service office, studio or agency uses not otherwise listed as permitted in the O&I-1 Zoning District (including without limitation non-residential unit ownership [office condominiums]), together with accessory uses.
- e. That, in the event an office is developed on the property, the size of the building constructed shall not exceed eight thousand (8,000) square feet.
- f. If the property is developed for non-residential uses, unless a higher standard is required by the City of Raleigh Code, a closed fence or vegetative screening, consisting of some or all of the existing vegetation on the Property and, at a minimum, evergreen trees or shrubs maturing at a height of at least six (6) feet within five (5) years after planting or, if already existing, within five (5) years after the adoption of this rezoning ordinance, located at least every ten (10) linear feet, shall be maintained between the subject property and R-6 property to the west.
- g. Any building constructed shall have a residential-style pitched roof with a minimum slope of 6:12.
- h. No parking spaces, other than a maximum of two (2) handicapped parking spaces, shall be permitted in the area immediately adjacent to the building located between the north side of the building and the right of way of Lake Boone Trail.