

**Ordinance (2004) 570 ZC 546**

Effective Date: 02/17/04

**Z-7-04** – on the west side of Six Forks Road, due west of Monument Lane. Approximately 2.48 acres to be rezoned from Residential-4 to Neighborhood Business Conditional Use.

**Conditions: 02/09/04**

- A. Reimbursement for any future right-of-way dedication for Six Forks Road shall be based on the pre-existing zoning, R-4.
- B. Land uses permitted in this conditional use zoning district shall be limited to those uses permitted in the Office & Institution-1 zoning district under the Table of Permitted Use in Section 10-2071 of the Raleigh City Code, plus an eating establishment without drive-thru window as a general use. Notwithstanding the foregoing, the maximum residential density permitted on this property shall be limited to six (6) dwelling units per acre, and the maximum office density permitted on this property shall be .45 FAR, and the following uses are prohibited: bed and breakfast inn, guest house, rooming house, boarding house, lodging house and tourist home. Except as provided herein, if the type of approval in the Neighborhood Business District conflicts with Office and Institution-1 District, the more stringent approval process shall apply.
- C. The existing structure, with future additions, if any, shall remain for so long as the property is used as an eating establishment. In the event the existing structure, with additions, if any, is destroyed, only a replacement structure of similar size, height and architectural character will be permitted for an eating establishment use to continue. In the event the property is redeveloped for any other use permitted herein, the existing structure need not remain or be replaced. The existing structure is approximately 5,200 square feet (approximately 85'x45') with a height of 35 feet with pitched roofs (having a minimum pitch and run of 4-12). The architectural features include multiple chimneys, brick exterior façade, windows on all sides (minimum of 15%, maximum of 70% façade window coverage), and dormer windows. Any expansion of the structure shall be limited to 4,500 square feet and shall continue the architectural characteristic above with the possible addition of stucco facades.
- D. For any non-residential use, seventy-five percent (75%) of all parking shall be located in the rear of the property (the western portion of the property opposite the building from the Six Forks Road right-of-way, or either sides of the building behind the front building line.
- E. A natural protective yard averaging 50 feet width (with 75 foot

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maximum and 25 foot minimum widths) shall be maintained along the property's Six Forks Road frontage. Within 45 days following the adoption of this rezoning ordinance, a survey of trees located within the protective yard shall be provided to the chief zoning inspector.

- F. Freestanding signage shall be limited to low-profile monument signs.
- G. Prior to development, the property owner shall make available one 20-foot by 15-foot transit easement to support a bus stop along Six Forks Road. The specific location of such easement shall be approved by the Transit Division of the City and may encroach upon the buffer described in condition E above.
- H. Subject to condition C above, any new building(s) shall be no more than two stories in height above finished grade. An additional level shall be permitted provided that it be entirely below grade as it relates to the side of the building facing Six Forks Road. Such building shall not exceed thirty-five (35) feet in height (if the respective building has a flat roof) or forty-five (45) feet in height (if the respective building has a sloped roof) when measured in accordance with Section 10-2076 of the City Code.
- I. Open-air stormwater facilities, if any, shall be designed as site amenities or landscaped with site appropriate vegetation to SHOD-4 standards.
- J. If no higher standard is required, the transitional protective yard (TPY) along the western property line adjacent to Wake County PIN 1707394162 (Deed Book 9025, Page 1792 WCR), shall be installed and maintained as follows:
  - 1. the minimum width of this TPY shall be twenty-five (25) feet;
  - 2. fifteen feet of the TPY shall be a natural protective yard;
  - 3. the TPY planting requirement shall be supplemented with a row of evergreen trees planted a maximum fifteen (15) feet on center (minimum 36" height at planting).
- K. No drive-through facilities shall be permitted on this property.
- L. The existing picket fence shall be removed prior to issuance of a Certificate of Occupancy or change in use.

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- M. The site plan for any change in use of this property shall be subject to Planning Commission approval.
- N. Prior to subdivision recording or issuance of building permit issuance, which ever shall first occur, the owners shall record an offer of cross-access to the southern adjacent property having Wake County PIN 1707398874 (Deed Book 10137, Page 503 WCR).