Ordinance (2019) 986 ZC 780
Adopted: 8/20/19

Z-4-19 – Freedom Drive, west side, south of New Bern Avenue, being Wake County PINs 1734049216, 1734049541, 1734049744, 1734059036, 1734143205, 1734143511, and 1734143715. Approximately 17.2 acres rezoned to Industrial Mixed Use-3 Stories-Conditional Use (IX-3-CU).

Conditions dated: May 16, 2019

1. The following principal uses as set forth in UDO section 6.1.4. Allowed Principal Use Table shall be prohibited: adult establishment; pawnshop; detention center, jail, prison; vehicle repair (commercial vehicle). Any car wash, vehicle repair (minor) and vehicle repair (major) use shall be located at least 500 feet from that property identified as Tract C on the plat recorded in Book of Maps 2004, Page 2084, Wake County Registry.

2. As used in this Condition 2, the following terms shall be defined as follows: (i) "industrial" means all uses allowed in the IX zoning district under the "Industrial" land use category as listed in UDO section 6.1.4; (ii) "office" means the "office" and "medical office" land uses permitted in the IX district under the "Commercial" land use category as listed in UDO section 6.1.4.; and (iii) "retail" means all land uses under the "Commercial" land use category other than "office" and "medical office" that are permitted in the IX district as listed in UDO section 6.1.4.

   The maximum number of dwelling units permitted on the property shall be 140 dwelling units. The maximum amount of gross floor area for industrial land uses permitted on the property shall be 868,000 square feet. Floor area of industrial land use can be converted to floor area for office land uses at a rate of 5 square feet of industrial land use for 1 square foot of office land use. Also, floor area of industrial land use can be converted to floor area for retail land uses at a rate of 5 square feet of industrial land use for 1 square foot of retail land use. However, the maximum amount of floor area for office and retail land uses, collectively, shall not exceed 114,000 square feet, and the maximum amount of floor area for retail land uses shall not exceed 57,000 square feet.

   This condition shall not act as a prohibition on specific land uses not prohibited in Condition 1 of this rezoning ordinance.

3. There shall be no principal structures located on the property north of the Bullock Farm Road extension.

4. So long as a manufactured home development exists on those certain tracts of land as described in Book 16825, Page 1013, Wake County Registry (the

"Mobile Home Park Property"), the following conditions shall apply, unless a more restrictive standard is required by the UDO:

a. Setback: No principal building shall be located on the property within fifty (50) feet of the Mobile Home Park Property.
b. Height Limitation: Any building taller than forty-five (45) feet in height shall be located at least sixty (60) feet from the Mobile Home Park Property.
c. Fence: A closed fence measuring at least six (6) feet in height shall be installed between the Mobile Home Park Property and the principal building wall plane closest to the Mobile Home Park Property on the property. However, such fence shall not be required for those portions of the area used for streets, driveways or sidewalks serving the property, or in areas where fences are prohibited such as utility easements and sight triangles.
d. Plantings: The following vegetation shall be planted on the property between the Mobile Home Park Property and the closer of: (i) the principal building wall plane closest to the Mobile Home Park Property, or (ii) a surface parking area (not including a street or drive-aisle): two (2) shade trees and two (2) understory trees per 100 feet of the length of the shared property line of the property and the Mobile Home Park Property.
e. Loading Areas: Within 100 feet from the shared property line with the Mobile Home Park Property, no outdoor loading bay or dock shall face south toward the Mobile Home Park Property.
f. Service Areas: Trash and recycling service areas shall be located at least 100 feet from the shared property line with the Mobile Home Park Property.
g. Lighting: Within 100 feet from the shared property line with the Mobile Home Park Property, pole-mounted light fixtures shall be full cut-off and no higher than 18 feet in height, unless a more restrictive standard is required by the UDO.
h. Use Limitation: Any 'car wash', 'vehicle service (minor)' and 'vehicle service (major)' use shall not be permitted within 300 feet of the Mobile Home Park Property.