

**Z-46-98** **Lynn Road** and Lead Mine Road, northeast intersection, south of Mine shaft Road, being Wake County Tax Map Parcels 1707.13 03 4330; and 0797.20 92 9326. Approximately 17.1 acres rezoned Residential-6 Conditional Use.

Conditions: (06/24/98)

A. The property will be developed in accordance with Planning Commission Certified Requirement 7107.

B. For any storm of a frequency of one hundred (100) years or greater, no storm water drainage from the subject property shall be released onto the property with PIN 1707.13 13 0440.

C. Any right-of-way required to be dedicated for future improvements to adjacent roadways shall qualify for reimbursement at R-4 values.

D. A minimum building set back forty feet (40') in width shall be maintained adjacent to the property with PIN 1707.13 13 0440 (Gloucester Townhomes).

E. Adjacent to the property line of PIN 1707.13 13 0440 (Gloucester Townhomes) and within the setback area, an opaque screen at least six feet in height will be established and maintained. The screen may consist of a fence or wall, or plant materials, or some combination thereof sufficient to obtain seventy-five percent (75%) opacity within three growing seasons.

F. A tree protection area with an average width of twenty-five feet (25') (twenty feet minimum) shall be maintained along the subject property's frontage on Lead Mine and on Lynn Roads and shall be established from the right-of-way of Lead Mine and Lynn Roads to be established at site plan approval. With the exception of a single drive entrance/exit on Lynn Road and a single drive entrance/exit Lead Mine Road, the area will remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, electric, telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the area as possible while still honoring public service, health and safety requirements.

2. The planting of new vegetation, construction of fences, walls, berms or similar construction which tends to enhance the area's visual appeal, or sight and noise screening characteristics.

3. Treatment or removal of nuisance or diseased vegetation as certified by city arborist or other public official designated by the Raleigh city manager. To

**ORDINANCE 371 ZC 436**  
**EFFECTIVE 7/7/98**

illustrate, by not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over adjacent properties, overhead electric lines, streets or drives may be removed; pine trees infested with or threatened by pine bark beetles or similar pests may be removed.

Not more than thirty percent (30%) of the tree protective yard may be disturbed by those exceptions noted in paragraphs 1 -2 of this condition.

G. Adjacent to PIN 1707.13 03 9637 (City of Raleigh), a tree protection area shall measure not less than one hundred feet (100') in width, which shall remain undisturbed except for:

1. Storm drainage facilities, erosion control devices, electric telephone, cable television and similar installations (fiber optic cable, etc.), gas and/or water, sanitary sewer installations, and similar utilities approved by the appropriate local government authority. Any such construction shall be underground and designed and undertaken so as to create as little disturbance of the tree protection area as possible while still honoring public service, health and safety requirements.
2. The planting of new vegetation, which tends to enhance the area's visual appeal, or sight and noise screening characteristics.
3. Treatment or removal of nuisance or diseased vegetation as certified by city arborist or other official designated by the Raleigh city manager. To illustrate, but not limit, the foregoing: Trees which encroach upon property boundaries or whose limbs hang over adjacent properties, overhead electric lines, streets or drives may be removed; pine trees infested with or threatened by pine bark beetles or similar pests may be removed.