

Ordinance: 905 ZC 660

Effective: 6-21-11

Z-05-11 – North Rogers Lane on the north of US 64, and being Wake County PIN(s) 1733582963. Approximately 5.66 acres to be rezoned from Residential-4 to Residential-6 Conditional Use District.

Conditions Dated: 5/27/11

Narrative of conditions being requested:

a) Residential density shall not exceed four (4) dwelling units or equivalent dwelling units per acre.

b) Upon development, a ten foot (10') wide buffer yard containing (i) at least one new or existing tree (which is at least six (6) feet in height or expected to grow to a height of six (6) feet within three (3) years of planting) and (ii) at least eight (8) new or existing evergreen shrubs (which are at least 2.5 feet in height or expected to grow to a height of 2.5 feet within three (3) years of planting) per ten (10) linear feet shall be maintained along the property's north and east property lines and a portion of the south property line abutting the following properties:

PIN#	1733-59-0293	Deed Book 9069-1809
PIN#	1733-59-3202	Deed Book 2695-647
PIN#	1733-59-5211	Deed Book 3448-816
PIN#	1733-59-5091	Deed Book 3496-738
PIN#	1733-58-6861	Deed Book 3681-899
PIN#	1733-58-5612	Deed Book 12516-613
PIN#	1733-58-3594	Deed Book 11016-538

and along the property's frontage along N. Rogers Lane, provided, however that in the event of any conflict between the proposed buffer along N. Rogers Lane and the City required street yard and/or utility easements, the City required street yard or utility easements shall control and provided, further that the buffer along N. Rogers Lane may be crossed by driveways, utility lines and easements and other matters approved by the City of Raleigh.

provided further, however, that such plantings shall not conflict with the critical root zones of trees located in a Tree Conservation Area ("TCA") or other requirements of the tree conservation ordinance, in the event of any conflict with TCAs or critical root zones of TCAs, no plantings within such areas shall be required.

c) Only those uses permitted in R.4 Districts and Rest Homes shall be permitted on the property.

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d) A visually modifying screen shall be installed upon development to buffer the view of all parking areas and handicapped ramps from adjoining single-family residential properties, including some combination of new evergreen vegetation and existing vegetation, fences, walls or earthen berms which (i) as to screens for parking areas, shall be at least three feet (3') in height or, in the case of plantings, shall be expected to grow to the height of three feet (3') within three (3) years of planting and spaced no more than four (4) feet on center; and (ii) as to vegetative screens for handicapped ramps, shall be expected to grow within three(3) years of planting at least as tall as the portion of the ramp being screened and shall be spaced no more than four (4) feet on center.

e) No more than five (5) buildings shall be located on the property.

f) All buildings shall be designed to achieve residential compatibility with the surrounding area. As used herein, "residential compatibility" shall mean:

(i) pitched, shingled roofs with a minimum pitch of 6:12;

(ii) at least eighty percent (80%) of building siding, exclusive of roofs, windows, doors, soffits and trim, to be comprised of wood, brick, stone, or cementitious fiberboard such as Hardiplank (and shall not consist of aluminum or vinyl);

(iii) double hung windows with mullions (except in kitchen(s), bath(s) and utility laundry rooms); and

(iv) at least three (3) of the following

(A) Gable(s)

(B) Dormer(s)

(C) square or round columns

(D) window shutters;

(E) porch (es) or stoop(s)

(F) bay or bow window(s)

g) A maximum of thirty-six (36) patient residents shall live on the property at any one time. This maximum shall not include resident or non-resident medical personnel or day visitors who do not regularly stay overnight on the property. A maximum of 12 patient residents shall live in any single building on the property.

h) Setbacks shall be maintained at R4 setback distances.

i) Prior to the issuance of any building permit for the property, the owner of the property shall convey to the City of Raleigh a transit easement deed measuring twenty (20) feet along Rogers Lane by fifteen (15) feet. The location of the easement shall be approved by the Public Works

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Department, Transit Division of the City and the City Attorney shall approve the transit easement deed prior to recordation.

j) Access from the Property to Rogers Lane shall be limited to a one driveway with a curb out on to Rogers Lane,

k) The maximum building gross floor area of any building shall not exceed 6,000 square feet.

l) The maximum building height shall not exceed one story.