

ORDINANCE NO. (2019) 9 ZC 782
Effective 10/1/19

Z-13-19 – 8211 and 8225 Louisburg Road - near the intersection of Louisburg Road and Leland Drive, being Wake County PINs 1747295817 & 1747298944, approximately 4.28 acres rezoned to Residential Mixed Use-3 stories-Conditional Use (RX-3-CU).

Conditions dated: August 14, 2019

1. The following principal uses listed in Allowed Principal Use Table (UDO Sec. 6.1.4) shall be prohibited: (i) medical – all types; (ii) office – all types; (iii) overnight lodging – all types; (iv) personal service – all types; (v) eating establishment; and (vi) retail sales – all types; and (vii) boardinghouse, dormitory, fraternity and emergency shelter type B.
2. The maximum density of dwelling units on the property shall not exceed 15 dwelling units per acre.
3. For purposes of this zoning condition, the following properties shall be defined as "Adjacent Properties": 1. PIN: 1747291799 (0812215, PG 1957); 2. PIN: 1747292902 (DB 4354, PG 229); 3. PIN: 1748201095 (DB 6882, PG 202); 4. PIN: 1748201177 (DB 16032, PG 2246); 5. PIN: 1748106524 (DB 15906, PG 821); and 6. PIN: 1748208406 (DB 14387, PG 677). In those areas along the Adjacent Properties where a Neighborhood Transition under UDO Section 3.5 is required: (i) a Type 2 protective yard pursuant to UDO Section 3.5.3.B shall be provided in Zone A; (ii) any additional understory and shade trees that must be planted to satisfy the landscaping requirements shall be an evergreen species; and (iii) the required fence along the Adjacent Properties shall be a minimum of seven (7) feet in height.
4. The building setback from the existing right-of-way for Louisburg Road (U.S. Hwy 401), as shown on Highway Map 0004, Pages 235 and 236, Wake County Registry, shall be a minimum of forty (40) feet.
5. The parking setback from the existing right-of-way for Louisburg Road (U.S. Hwy 401), as shown on Highway Map 0004, Pages 235 and 236, Wake County Registry, shall be a minimum of forty (40) feet; provided that, parking shall be allowed within said 40 foot setback so long as such parking is located along the primary access drive to the property and west of the existing City of Raleigh Sanitary Sewer Easement (DB 14066, PG 959) that runs parallel to Louisburg Road (U.S. Hwy 401).
6. An undisturbed protective yard with an average width of fifty (50) feet shall be provided along the frontage of Louisburg Road (U.S. Hwy 401); provided that, no portion of the protective yard shall be less than ten (10) feet in width. The protective yard set forth in this condition may be located immediately adjacent to the right-of-way regardless of any public or private easements located on the

property and breaks for pedestrian and vehicle access and ground signs are allowed within the protective yard.

7. The Property shall not have to comply with any block perimeter requirements set forth in UDO, including but not limited to, UDO Section 8.3.2.