

Z-35-14 – Raleigh Beach Road, Conditional Use - northeast of its intersection with New Bern Avenue, being Wake County PIN 1734258509. Approximately 1 acre is requested to be rezoned from Residential-4 (R-4) to Residential Mixed Use-3 stories-Conditional Use (RX-3-CU).

1. The following uses shall be prohibited:
 - Dormitory, fraternity, sorority;
 - Rest Home;
 - Outdoor sports or entertainment facility of less than 250 seats; and
 - Hospitality House

2. Except for Multi-Unit Supportive Housing Residences and Supportive Housing Residences, all other Limited Uses and Special Uses shall be prohibited on all portions of the property, except
 - Health Club shall be allowed as a limited use accessory use;
 - Community Garden shall be allowed as a limited use accessory use; and
 - Produce Stand shall be allowed as a limited Use accessory use.

3. A principal building, parking, and accessory setback of at least fifty (50) feet shall be provided on all portions of the subject property that abut a residentially zoned parcel, but not to include any adjacent non-residentially zoned properties that are later rezoned to a residential zoning designation after the date of approval for this application. Within the setback area created under this Condition, an area at least thirty two (32) feet in width measured from the subject property's boundary with adjacent residentially zoned parcels, shall be designated as secondary tree conservation area subject to the provisions of UDO Art. 9.1., including the observation of any applicable excluded areas set out in UDO. § 9.1.4.C.

4. Residential development on the subject parcel, if recombined with the adjacent 57.27 acre parcel (PIN 1734261556) shall not exceed six hundred fifty (650) total dwelling units, and no portion of the property shall exceed a density of sixteen (16) dwelling units per acre.

5. Prior to the approval of any recombination of the suspect property with the adjacent 57.27 acre parcel (PIN 1734261556), the owner of the subject property shall cause to be recorded in Wake County Registry a restrictive covenant that allocates allowable development upon the property as provided in the foregoing Condition No. 4 among all resulting parcels. Said recordation shall be made within fifteen (15) days following approval of the City Attorney or his or her deputy as to the form and substance of the restrictive covenant. Such restrictive covenant shall provide that it become null and void and of no effect whatsoever in the event that a court enters a final judgment (not subject to appeal) declaring the rezoning resulting from the approval of this case invalid. The restrictive covenant and the allocation of development set forth therein may be amended from time to time following recordation. Any such amendment shall require (a)

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the approval of the **City** Attorney or his or her deputy as to the form and substance of the amendment and (b) the written concurrence of the owner(s) of all portions of the subject property affected by the amendment. Following recordation, a copy of each amendment shall be mailed to the City of Raleigh Planning Director, P.O. Box 590, Raleigh, North Carolina 27602 with reference to Zoning Case Z-35-14.

6. During construction, no construction materials, debris or equipment shall be stored, handled or parked within the setback areas described in Condition No. 3.