

Z-37-21 – 8304 and 8308 Falls of Neuse Road, located on the southern side of Falls of Neuse Road, roughly halfway between its interchange with I-540 and its intersection with Strickland Road, being Wake County PINs 1718205794 & 1718206671. Approximately 1.28 acres rezoned to Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU).

Conditions dated: September 17, 2021

1. The following uses shall be prohibited: cemetery; college, community college, university; school; telecommunication tower; adult establishment; funeral home; shooting range (indoor or outdoor); movie theater (indoor or outdoor); golf course; outdoor sports or entertainment facility; riding stables; bed and breakfast; hotel, motel, inn; animal boarding; animal shelter; kennel/cattery; tattoo parlor, body piercing; taxidermist; wedding chapel; heliport; vehicle fuel sales; vehicle sales/rental; detention center, jail, prison; vehicle repair (minor).
2. Any standalone eating establishment shall be limited to two stories with a square footage of no more than 8,000 square feet and a building height no higher than 30 feet.
3. An eating establishment shall not include drive-thru or drive-in facilities.
4. An eating establishment must be located at least 100 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).
5. Temporary uses or special events located to the rear of any principal building on the Property, as defined in UDO Section 6.8.2, shall be limited to no more than four (4) per calendar year and all outdoor activities related to such temporary uses shall not commence prior to 10:00 am and shall be discontinued by 11:00 pm.
6. Personal service and retail sales uses not prohibited in Condition 1 above shall be subject to the limited use standards for personal service and retail sales uses in the OX zoning district as outlined in UDO Section 6.4.11 and 6.4.9.
7. All exterior refuse containers shall not be within 30 feet of 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); or 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592).
8. Vehicular access to Falls of Neuse Road shall be limited to no more than two access points, with no access to other roads.
9. For any building containing an eating establishment, no outdoor dining service or amplified speakers (except in connection with a temporary event consistent with these conditions) are permitted to the rear of any principal building or along the side of any building facing 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps

- 1978 Vol 5 Page 592); or 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592).
10. Unless a stricter UDO standard applies, freestanding light poles shall not have lights affixed that exceed 16 feet (16') in height. The light fixtures shall be of full cutoff design.
 11. For any Neighborhood Transition Area, the following shall apply:
 - a. Zone A shall consist of a Type 2 protective yard and all existing vegetation within Zone A shall not be disturbed unless the vegetation is diseased or dying or to facilitate compliance with requirements of the UDO, including but not limited to, any fencing requirements. A black vinyl coated chain link fence at least eight (8) feet, but not greater than nine (9) feet, in height shall be installed in the Type 2 protective yard and shall be in addition to the existing six (6) foot wooden fence that currently runs along the property line shared with 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); and 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592). The black vinyl coated chain link fence shall be wrapped on one side with a UV resistant, opaque, noise reducing barrier, such as Acoustifence AF-6 or material of similar quality and specifications, running the entire height and length of the black vinyl coated chain link fence. The noise reducing barrier shall be installed on the interior side of the black vinyl coated chain link fence (facing Falls of Neuse Road) to facilitate maintenance of the noise reducing barrier and to minimize the impact on existing vegetation along the existing six (6) foot wooden fence.
 - b. Any new trees required to be planted in Zone A shall be evergreen species.
 - c. Zone B shall prohibit the following permitted activities: outdoor dining; service area; park, playground.