

**Z-38-15 – Shady Grove Road**, east side, north of its intersection with Leesville Road, being Durham County PINs 0779-03-13-9314, 0779-03-13-9427, and 0779-03-12-2728 (portion). Approximately 22.9 acres rezoned to Residential-6-Conditional Use (R-6-CU).

Conditions dated: January 7, 2016

1. The following principal uses, as set forth in the Allowed Principal Use Table in UDO Section 6.1.4, shall be prohibited on the property:
  - (i) special care facility;
  - (ii) school, public or private;
  - (iii) telecommunication tower – all types;
  - (iv) golf course;
  - (v) outdoor sports or entertainment facility – all types; and
  - (vi) two-unit living and multi-unit living.
2. Attached house, townhouse, and apartment building types shall be prohibited on the property.
3. The number of dwelling units constructed upon the property shall not exceed fifty-seven (57). Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the dwelling units permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
4. Prior to the sale of the rezoned property or any lot within the rezoned property, whichever event first occurs, the owner shall record with the local register of deeds in the county where the property is located an aircraft noise notification statement reading as follows:

“This property lies within the Raleigh Durham International Airport composite 60 DNL noise contour projected in the long range facility plans of the airport. This statement shall not be removed without the prior written consent of the Raleigh Planning Director.”

This statement shall be included in restrictive covenants running with the land that are recorded prior to the sale of the property or any lot within the property, whichever event first occurs. Within three days following recording of this statement, a recorded copy shall be provided to Planning Department.