

**Ordinance: 764 ZC 648**

**Effective: 7-20-10**

1. **Z-3-10 Conditional Use – Battle Bridge Road** - located on the south side, at its intersection with Whitfield Road, being Wake County PIN 1731-87-2621. Approximately 10.93 acres rezoned to Residential - 6 Conditional Use District.

**Conditions Dated: 07/14/10**

**Narrative of conditions being requested:**

a.) Development will be limited to:

Single family detached dwellings.

or

Daycare Facilities - child - with a maximum of 250 students.

and

Congregate Care Structures, Life Care Community, Rest Home with a maximum of 60 beds.

b.)

Access will be limited to no more than (1) one driveway connection on Battle Bridge Road and no more than (1) one driveway connection on Whitfield Road.

c.)

Prior to lot recordation or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry

d.)

No single family detached dwellings created after the adoption date of this rezoning ordinance will have direct vehicular access to Battle Bridge Road.

e.)

Future development shall preserve and protect the existing cemetery on site. To that end, prior to the filing of any request for site plan or subdivision approval for the subject property or any part thereof, the applicant shall engage the services of a professional archaeologist to inventory and map the cemetery, and thereby confirm its boundaries. Prior to any site development, the resulting archaeological report shall also be filed with the State Archaeology Office. Concurrent with any building permit issuance on the rezoned land, an open (non-opaque) post-and-panel fence (other than chain link) shall be installed a minimum of five (5) feet outward from the confirmed cemetery boundaries. A gate will be provided to

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allow access to the cemetery for maintenance purposes (periodic removal of fallen limbs, brush, etc.), and visitation.

f.)

Prior to lot recordation or the issuance of any building permit, whichever shall first occur, an offer of cross-access recorded with the Wake County Registry of Deeds office shall be provide to the property to the east (DB E/PG 368) of this site.

g.)

If any use of the property other than single-family residences is contiguous with properties adjoining to the south (DB 3794/PG 725) (DB 3794/PG 733) (DB 3794/PG 734) (DB 3794/PG 741) a six (6) foot tall, solid privacy fence will be installed sixteen (16) feet north of the shared property line for the length of that shared property line; if any use other than single-family residences is contiguous with the property adjoining to the east (DB 11119/PG 250) a six (6) foot tall, solid privacy fence will be installed five (5) feet west of the shared property line for the length of that shared property line, provided that a break is included in the eastern fence to permit the construction and operation of the cross-access drive required by Condition f. above. This fence will be required to be in place prior to the Certificate of Occupancy being issued for any facility associated with the said use.

h.)

Compatibility of character between single-family detached houses and future development of any residential institutional use permitted by Condition a. above shall be achieved as follows:

1. Building height shall be limited to a maximum of two (2) stories and thirty-five (35) feet, as measured per Raleigh City Code §10-2076.
2. All buildings' primary entrances shall be oriented to and visible from the street providing primary access to the building lot.
3. All roofs shall exhibit a minimum 4:12 pitch.
4. Any parking lots (exclusive of driveways and porte-cochere's) and any playground facilities shall be located behind the front facade of the primary building.
5. Site outdoor lighting shall be limited to fixtures of full-cutoff design, and site light poles (exclusive of street lighting) shall be limited to no more than twenty (20) feet in height.

**Section 2.** That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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**Section 3.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

**Section 4.** That this ordinance shall become effective upon the date of adoption.

**Adopted: July 20, 2010**

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**Distribution: Planning Department (3)**

**City Attorney**

**Inspections Department (5)**

**Jackie Taylor**