

REZ-23-05: SCARBORO APARTMENTS  
REZONING CONDITIONS of Approval  
[\_\_\_ always add a revised date \_\_\_\_\_], 2023

1. No more than 240 dwelling units shall be permitted on the property. RE-order – 1<sup>st</sup> condition should be the standard “general compliance with the concept plan”. Make #2 the limitation on Permitted Uses. #3 can be the limitation on maximum dwelling units.
2. The following Principal Uses otherwise listed as Permitted or Special uses in the Principal Use Table of Section 5.1 (“Table 5.1”) shall be prohibited: (i) College/University; (ii) Lodging; (iii) Artisanal Manufacturing; (iv) Bank; (v) Commercial Parking; (vi) Retail Sales and Services, Community; (vii) Retail Sales and Services, Shopping Center; and (viii) Urgent Care. (See attachment – convert this set of Tables for use with this Rezoning request, submit back with Conditions going forward.)
3. The hours of operation for nonresidential uses shall be between 7:00 AM and 9:00 PM. This is virtually impossible to enforce by Town Staff and in some regards, like a coffee shop in the morning, or a sit down restaurant at night, these limits are not similar to how such businesses operate in most other localities. They can remain if applicant seeks to self-regulate and to curry approval from (neighbors, Planning Board, Town Board).
4. At least twenty percent (20%) of the gross land area shall be dedicated for nonresidential uses, and those buildings with ground-floor nonresidential uses (i.e., mixed-use buildings) shall count towards this Condition’s twenty percent (20%) gross land area minimum. Attached is Exhibit A, which illustrates the location of the mixed-use buildings / nonresidential use area.
5. Nonresidential uses, as described in Condition 4, shall not be less than ~~exceed~~ 20,000 square feet of gross floor area.
6. Prior to the submittal of a demolition permit for the removal of the single-family home at 201 S. Main Street (PIN 1758-99-8909), the applicant and its successor and assigns (the “Applicant”) shall document the existing structure through photographs and detailed exterior elevation drawings. The Development Applicant shall send the documentation to the Town of Rolesville Planning Department and Board of Commissioners. Prior to the demolition, the Development Applicant will allow any non-profit entity, individual or for-profit entity to relocate any of the existing single-family home at no cost to the Development Applicant and without payment to the Development Applicant so long as the party relocating the single-family home is solely responsible for the relocation, including without limitation, securing all permits and approvals required by law. Development Applicant will provide general public notice in the News & Observer of the offer for relocation or salvage. Public notice shall occur at least one hundred eighty (180) days prior to the scheduled demolition of the home. Prior to demolition of the single-family home that has not been relocated within thirty (30) days prior to demolition, the Development Applicant will allow the Town of Rolesville or any local organization (such as Habitat for Humanity) at least fifteen (15) days to remove items of historic significance and building

materials for reuse. This condition shall not require the **Development Applicant** to demolish or remove the single-family home.

7. Permitted building siding materials shall be limited to include any combination of brick, stone, concrete, masonry, cementitious siding, wood, hard coat stucco, metal, terracotta and/or glass. This Condition shall apply to residential, nonresidential and mixed-use buildings.
8. Vehicular ingress and egress via School Street are prohibited. This condition shall not act as a prohibition on pedestrian access to School Street, nor shall it require pedestrian access to School Street.
9. The **Development Applicant** shall dedicate and construct the proposed north-south right-of-way, as shown on the Town of Rolesville Community Transportation Plan, subject to approval from any and all governmental entities with jurisdictional authority.
10. The **Development Applicant** shall construct a 10' wide sidepath (the "Path") from the S. Main Street right-of-way to the boundary line with adjacent property with PIN 1768-09-8727, subject to all governmental reviews and approvals, in accordance with the Town of Rolesville Greenway Plan. The Path shall be paved with either asphalt or concrete. A planting strip at least five feet (5') wide shall separate the Path from the back of curb vehicular travel lanes. The Path shall be located within the to-be-dedicated and -constructed public right-of-way, as shown on the Concept Plan. Along the side of the proposed right-of-way on which the Path travels, the Path shall take the place of and serve as the sidewalk.
11. ~~Approval of this rezoning and Concept Plan shall not preclude the Developer from pursuing any administrative amendments to the Concept Plan as prescribed in LDO Section 3.4.~~  
**Move to #1 per the usual.**
12. For the development to comply with the building placement standards in Table 3.4.1., the thirty feet (30') Street Buffer shall not apply along S. Main Street and the fifteen feet (15') Street Buffer shall not apply along the proposed north-south right-of-way (collectively, the "Rights-of-Way"). **This is not necessary as this is an LDA determination.**
13. The **Development Applicant** shall install a minimum ten feet (10') wide planting area, measured from the edges of the Rights-of-Way, with five (5) shade trees planted per 100 linear feet of Rights-of-Way frontage.

**Commented [ME1]:** This eliminates Vinyl, without saying vinyl