ORDINANCE (2004) 603 ZC 549

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

1. Z-48-03 – Hillsborough Street and Friendly Drive, southwest quadrant, being Wake County PIN 0794.19-52-9395 and 0794.19-62-0333. Approximately 0.32 acre rezoned to Neighborhood Business Conditional Use with Pedestrian Business Overlay District.

Conditions dated: (4/5/04)

A. Prior to taking advantage of any allowed parking reductions, building facades and streetscape will be renovated to comply with the Streetscape Plan for University Village on Hillsborough Street, Raleigh, North Carolina as amended May 19, 1992, provided that the existing setback from right-of-way need not be increased.

B. Uses not allowed: Automotive service and repair, landfill, manufacturing, mini-warehouse, all special uses per zoning ordinance section 10-2042(b)(3).

C. Building height will be limited to 3 stories, and 45 feet maximum.

D. The above referenced Streetscape Plan will be amended with a new exhibit showing proposed width of sidewalk construction, street trees, and sidewalk furniture.

2. Z-16-04 – Sunnybrook Road – east side, being Wake County PIN 1723377404, 1723377623, 1723473716, and 1723470544. Approximately 1.84 acres rezoned to Office and Institution-1 Conditional Use.

Conditions dated: (3/30/04)

1. Reimbursement for required right-of-way dedication along Sunnybrook Road shall remain consistent with the R-6 value.

2. Upon development of the site and established by the Site Plan or Subdivision Plan, a Transit Easement (15 LF wide by 20 LF long, along the right-of-way) adjacent to the Sunnybrook Road right-of-way shall be dedicated to the City of Raleigh for use as a bus stop and shelter for future transit services to the area. Prior to development, the Transit Division requests review and approval of the easement location.

3. Vehicular access to the site from Sunnybrook Road shall be limited to a maximum of one curb cut, with or without a landscaped median and will be shared with the adjacent property to the south (Ref. DB 2006, PG 548).

4. If the subject site is developed prior to Site Plan approval or development of the adjacent property to the south, a temporary access to Sunnybrook Road may be provided until such time as a shared access to Sunnybrook Road is constructed. Once the shared access is constructed the temporary access shall be removed and the natural protective yard revegetated.

5. A Natural Protective Yard, parallel to the Sunnybrook Road right-of-way, with an average width of 50 LF, with a minimum width of 25 LF and a maximum width of 100 LF, shall be provided.

6. A 10 LF wide Transitional Protective Yard, parallel to the eastern property line (REF. DB 10637, PG 708), shall remain undisturbed with the exception of the installation of a driveway access to the adjacent residential zoning district for interconnectivity, if necessary. If a driveway access is needed, it will be specified on the Site/Subdivision Plan and subject to approval.

7. A 20 LF wide Transitional Protective Yard, parallel to the southern property line (Ref. DB 2006, PG 548), shall remain undisturbed with the exception of a driveway connection to the future, shared access to the Sunnybrook Road. (Ref. condition 3 above).

8. Post-development stormwater discharge will not exceed Pre-development stormwater discharge for both the 2-YR and 10-YR storms.

9. All office buildings shall be residential character design. The building shall utilize a minimum of two different building materials such as brick, stone, textured block, vinyl siding, wood siding, a composite siding, a minimum of two colors, a minimum 3:12 roof pitch, and no less than 15% nor more than 60% of any building side shall be devoted to window openings. Architectural elements shall include the use of quoins, pilasters, soldier courses, friezes, cornices, or details.

10. The maximum height of the building shall be limited to 35 feet, which may accommodate parking at the ground level, below two floors of office area. The building height and parking configuration will be specified on the Site Plan and subject to approval.

11. The building shall be situated on the site to prevent parking between the building and the Sunnybrook Road right-of-way, such that all parking areas are either to the side and rear of the building or below the office floors.

12. Any light fixtures within 20 LF of Transitional Protective Yards adjacent to residentially zoned properties be no more than 18 LF in height and shielded from the residential properties.

3. **Z-18-04 – Southall Road**, east side, being Wake County PIN 1735067894, 1735067686, 1735067497, 1735068208, 1735068004, 1735058806, 1735058633, 1735160953, 1735161854, 1735161667, 1735160556, 1735161309, 1735160141, 1735150879, 1735150643, 1735162134, 1735163291, 1735152940, 1735154911, 1735152642, 1735154603, 1735156643, 1735156838, 1735166017, 1735166216, 1735165495, 1735166613, and 1735163577. Approximately 28.3 acres rezoned to Residential-2 District.

4. **Z-22-04 – Executive Drive**, southwest quadrant, being Wake County PIN 1715371261, 1715374267, 1715375009, and 1715374090. Approximately 5.62 acres rezoned to Office and Institutional-1 Conditional Use District.

Conditions dated: (12/19/03)

For the purposes of these conditions, parcels number PIN 1715.10-37-1261, 1715.10-37-4267, 1715.10-37-5009, and 1715.10-37-4090 are referred to as the "Property".

(1) Reimbursement values for road right-of-way will be based upon the prevailing rate for R-6 zoned property.

(2) The Property shall be utilized only for a hospital, parking facilities as a principal use, non-residential related services, and offices related to the practice of medicine or related to the provision of hospital or health care/medical services.

(3) No building shall be located within forty feet of the boundary of the property with tax parcels PIN 1715.06-37-5513 (Lu), 1715.10-37-5376 (Russell), and 1715.10-37-6228 (Kemp) [the "Tax Parcels"]. A transitional protective yard 30 feet in width shall be maintained along the boundary of the Property with Tax Parcels.

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

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

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the Raleigh Planning Commission following a recommendation of the Planning Commission.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: 4/20/04
Effective: 4/20/04

Distribution: Planning: Chapman, Hallam, Powell, Sumpter, Brandon
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