

**ORDINANCE (2004) 597 ZC 548**

**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-2-04 – Atlantic Avenue**, east side, being Wake County PIN's 1715436252 and 1715427896. Approximately 10.38 acres rezoned to Office and Institutional-2 Conditional Use.

Conditions dated: (3/23/04)

- A. Vehicular ingress and egress to and from the subject properties from Atlantic Avenue is prohibited, unless said vehicular ingress and egress from Meadow Wood Boulevard is not obtained.
- B. The area one hundred fifty (150) feet in width measured from the northwest property lines of subject Tax Parcel PIN No. 1715.14-43-6252 (i.e. parallel to Atlantic Avenue right of way and the common property line of Tax Parcel 1715.14.-43-3473) shall be a natural protective yard, save and except for signage located thereon in proximity to the intersection of Meadow Wood Boulevard and Atlantic Avenue and as allowed in the Schedule of Permitted Land Use Within Types of Yard Areas, Section 10-2075(e) of the Raleigh City Code.
- C. Permitted uses upon these properties shall be limited to:
  - (1) Group housing development, multi-family dwellings, townhouse developments, residential unit (condominium) ownership developments and any other dwelling unit with a residential density of 24 units or less per acre (subject to Planning Commission Site Plan approval, if applicable) and recreational uses related to residential development. These uses may be included within a cluster unit development;
  - (2) Office, agency and studio uses and Office Center as allowed in the Schedule of Permitted Land Uses in the zoning districts in Raleigh City Code Section 10-2071, including other professional or service office, studio or agencies not otherwise listed as permitted in the zoning districts;
  - (3) Accessory uses associated with the uses in Paragraph C(1) and (2).
- D. Open-air stormwater facilities, if any, will be designed as visual site amenities and landscaped with site appropriate vegetation to SHOD-4 standards, with or without fences.

- E. At the time of Site Plan submission the two parcels which are the subject of this case will be recombined or in the alternative cross access will be provided between the two parcels. Furthermore, from the date of submission to the City of the Site Plan for the development of these properties there shall be in effect an offer of cross access for a vehicular driveway to be located on the west line of the subject property within 150 feet of its southwest corner, i.e., a common corner with Beaver Dam, LLC (PIN No. 171514 42 2559).
- F. No trash/garbage dumpsters or recycle bins shall be located within two hundred (200') feet of the common property line with Atlantic Place Condominium I (PIN No. 1715 14 42 7698).
- G. No active recreational amenities (defined as swimming/wading pools, tennis courts, basketball courts, horseshoe pits, health/spa clubs, clubhouses) shall be placed on the subject properties within two hundred (200') feet of the common property line with Atlantic Place Condominium I (PIN No. 1715 14 42 7698), provided, however, passive recreational amenities (benches, picnic tables, pedestrian and bike paths) are not prohibited by this provision.
- H. Parking lots and spaces for motor vehicles shall not be permitted between the south lines of the subject properties and the buildings located closest to said south lines of the two parcels which comprise the property.
- I. No above-ground utility facilities or appurtenances shall be located within two hundred (200') feet of the common property line with Atlantic Place Condominium I (PIN No. 1715 14 42 7698), provided, however, there are excluded from the prohibition utility facilities or appurtenances necessary for services such as water, gas, telephone, stormwater, sewer, electricity, cable and television services for the development of the subject properties.
- J. No building or portions of buildings (including patios and porches attached to buildings) may be constructed closer than forty (40') feet to the south lines of the subject properties.
- K. The area twenty-five (25') feet in width adjacent to the south lines of the subject properties (common line with Atlantic Place Condominium I PIN No. 1715 14 42 7698 and a portion of the common line with Beaver Dam, LLC – PIN No. 1715 14 42 2559) shall remain as undisturbed buffer, save and except for the installation of underground utilities necessary to develop the properties, the installation of a drive for cross access if required by the Conditions of this case, the installation of the species and number of trees within this buffer area substantially as specified on the Concept Landscape Plan and Plant Schedule attached hereto and incorporated herein prepared by The John R. McAdams Company, Inc. dated March 8, 2004 (or comparable species substituted from some or all of the designated species upon the Concept Landscape Plan and Plant Schedule approved by the owner of the properties, and the Arborist of the City of Raleigh) and the removal

April 6, 2004

of unsafe, dying or dead trees and vegetation from the buffer area as approved by the Arborist of the City of Raleigh.

Additionally, there shall be planted within the area approximately five (5') feet in width adjacent to the twenty-five (25') foot width undisturbed area those trees specified upon the Concept Landscape Plan and Plant Schedule. All plantings specified herein in the area adjacent to the common line with Atlantic Condominium I (PIN No. 1715 14 42 7698) shall be installed prior to the issuance of the first Certificate of Occupancy for dwelling unit or office building located upon the portion of the property within two hundred (200) feet of said common property line.

- L. Prior to development provision for one (1) transit easement twenty (20') feet in width and fifteen (15') feet in depth for a bus stop and shelter shall be provided adjoining the Atlantic Avenue right of way. The City's Transit Division shall timely review and approve the location for the transit easement as part of the Site Plan or subdivision approval process and prior to building permit issuance the transit instrument approved by the City Attorney or his designee shall be recorded in the Wake Registry.

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:** 4/6/04

**Effective:** 4/6/04

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