

ORDINANCE NO. (2022) 400 ZC 841

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

- 1. Z-71-21 – 1321 Strickland Road**, located , on the north side, approximately 1/5 of a mile east of its intersection with Leesville Road and adjacent to I-540, being Wake County PIN 0788155943. Approximately 16.25 acres rezoned to Residential-4-Conditional Use w/FWPOD and SHOD-1 (R-4-CU w/FWPOD & SHOD-1).

Conditions dated: April 27, 2022

1. There shall be no more than twenty (20) residential dwelling units on the property.
 2. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the R-4 district shall be prohibited: (i) Two-unit living; (ii) Multi-unit living; (iii) Multi-unit supportive housing residence; (iv) Congregate Care; (v) Continuing Care Retirement Community; and (vi) Rest home; (vii) School, public or private (K-12); (viii) Day care center; (ix) Golf course; (x) Outdoor sports or entertainment facility (<250 seats); and (xi) Outdoor sports or entertainment facility (>250 seats).
 3. There shall be a minimum fifty-foot (50') principal building setback from the shared boundary lines of the following properties: PIN 0788-16-8450 (Deed Book 16499, Page 806, Wake County Registry), PIN 0788-16-8076 (Deed Book 9062, Page 639, Wake County Registry), PIN 0788-15-8758 (Deed Book 18768, Page 465, Wake County Registry), PIN 0788-15-8469 (Deed Book 14694, Page 169, Wake County Registry), PIN 0788-15-8291 (Deed Book 3347, Page 270, Wake County Registry), and PIN 0788-14-8972 (Deed Book 18524, Page 2661, Wake County Registry).
 4. The property shall provide a Type B1 Protective Yard as defined by UDO Section 7.2.4. along the shared boundary lines of the following properties: PIN 0788-16-8450 (Deed Book 16499, Page 806, Wake County Registry), PIN 0788-16-8076 (Deed Book 9062, Page 639, Wake County Registry), PIN 0788-15-8758 (Deed Book 18768, Page 465, Wake County Registry), PIN 0788-15-8469 (Deed Book 14694, Page 169, Wake County Registry), PIN 0788-15-8291 (Deed Book 3347, Page 270, Wake County Registry), and PIN 0788-14-8972 (Deed Book 18524, Page 2661, Wake County Registry), except for those areas to be designated as tree conservation area (TCA), areas encumbered by road improvements, or subject to any governmental easements.
- 2. Z-74-21 – 3151 New Bern Avenue, 130 Shanta Drive, 3030 Milburnie Road**, located south of Milburnie Road, between Shanta Drive and New Bern Avenue, being Wake County PINs 1724221587, 1724129451, 1724128276. Approximately 4.89 acres rezoned

to Commercial Mixed Use-12 stories-Urban General-Conditional Use (CX-12-UG-CU) with Transit Overlay District (TOD).

Conditions dated: April 25, 2022

1. A minimum of one public art installation shall be visible from any portion of the public greenway system located within the Milburnie Road right of way. The Raleigh Arts Commission through its Public Art and Design Board shall be consulted in the selection of an artist or artists and shall advise on content.
 2. A maximum of 20,000 gross square feet of retail use is permitted on the property.
 3. A maximum of 75,000 gross square feet of office use is permitted on the property.
3. **Z-82-21 – 4716, 4800, 4804, 4807, 4808, 4814, 4900, 4904, 4908, 4912, 5000, 5004 Edwards Mill Road; 4201, 4204, 4212 Arckelton Drive; 4807, 4824 Cornwall Place,** located approximately one mile southwest of the intersection of Creedmoor Road and Glenwood Avenue (US-70), being Wake County PINs 0795391934, 0796303102, 0796302108, 0796303287, 0796306147, 0796209173, 0796300296, 0796301382, 0796302389, 0796303474, 0796304477, 0796305476, 0796306359, 0796307332, 0796308224, 0796309117. Approximately 8.01 acres rezoned to Residential Mixed Use-Seven Stories-Parking Limited-Conditional Use (RX-7-PL-CU) and Office Mixed Use-Seven Stories-Parking Limited-Conditional Use (OX-7-PL-CU).

Conditions dated: March 4, 2022

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the RX- District shall be prohibited: (i) cemetery; and (ii) outdoor sports or entertainment facility (250 seats).
2. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the OX- District shall be prohibited: (i) cemetery; (ii) college, community college, university; (iii) detention center, jail, prison; and (iv) outdoor sports or entertainment facility (250 seats).
3. The maximum building height for 4716 Edwards Mill Road (DB 18298/PG 820; PIN # 0796209173) and 4201 Arckelton Drive (DB 18298/PG 820; PIN # 0795391934) shall be three (3) stories and fifty feet (50').
4. Public façades of Structured Parking: When a parking structure façade is adjacent to or facing any public park or plaza, public right-of-way, public sidewalk, or private street, façades shall comply with the following: a. Any such façades of the parking structure shall have openings screened to prevent views into the structure except for perpendicular vehicular ingress and egress openings at a maximum width of 30 feet and pedestrian access openings at a maximum width of eight feet. b. Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass,

or similar screening elements shall be used. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.

5. Parapet walls: On all levels where parking is provided adjacent to an exterior wall, all façades shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.
 6. Lighting of Structured Parking: Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies
 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 12 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.
 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
 7. Existing tenant leases: For buildings that exist as of the effective date of these conditions, the property owner(s) shall provide tenants with sixty (60) days written notice before the termination of their leases, so long as said leases are in full force and effect and not in default.
4. **Z-89-21 – 227 West Davie Street**, located at the southeast corner of the intersection of West Davie Street and South Dawson Street and consisting of Wake County PIN 1703578323. Approximately 0.59 acres rezoned to Downtown Mixed Use-40 Stories-Shopfront-Conditional Use (DX-40-SH-CU).

Conditions dated: December 9, 2021

1. The following uses shall be prohibited on the property; Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle fuel sales; and adult establishment. Vehicle repair shall be a prohibited principal use on the property except that the existing vehicle repair use located on the property shall be permitted use; upon discontinuance of such existing use for 180 consecutive days, vehicle repair shall be a prohibited principal use on the entire property.
2. Any such façades of the parking structure shall have openings screened to prevent views into the structure except for perpendicular vehicular ingress and egress openings at a maximum width of 30 feet and pedestrian access openings at a maximum width of eight feet.

3. Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.
 4. Parapet walls. On all levels where parking is provided adjacent to an exterior wall, all façades shall have exterior opaque walls a minimum height of 42 inches above any finished grade and any finished floor.
 5. Lighting of Structured Parking. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies
 - c. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of 15 feet from the exterior perimeter of the rooftop wall at a maximum mounted height of 12 feet above finished floor with cutoff light fixtures that have a maximum 90 degree illumination.
 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
5. **Z-1-22 – 521, 729 South Wilmington Street; 108, 112 Stronach’s Alley**, located at the northeast corner of the intersection of Wilmington Street and Lenoir Street, being Wake County PINs 1703763594, 1703765478, 1703764663, and 1703765632. Approximately 1.45 acres rezoned to Downtown Mixed Use-20 stories-Shopfront-Conditional Use (DX-20-SH-CU).

Conditions dated: June 3, 2022

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the DX- district shall be prohibited: (i) Dormitory, fraternity, sorority; (ii) Adult establishment; (iii) Pawnshop; (iv) Vehicle Fuel Sales; and (v) Detention center, jail, prison.
2. Public facades of structured parking: Parking structure facades adjacent to or facing any public park or plaza, public right-of-way, public sidewalk, or private street shall comply with the following: Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the

screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.

3. Lighting within structured parking: Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination of parking structures shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to minimize such visibility.
 - b. Internal illumination of parking structures shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies.
 - c. Lighting levels measured at the property line of privately-owned parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
 4. Any construction in connection with the development of the subject properties shall prohibit the installation of sheet piles and pile driving operations within one hundred and fifty feet (150') of the Pope House structure located at 511 S. Wilmington Street.
 5. The first story of any building situated within forty feet (40') of Stronach's Alley shall include any combination of brick, stone, concrete masonry, metal, glass, cementitious siding and/or wood on that facade of the building facing Stronach's Alley. Such facade shall comprise a minimum 50% brick and/or concrete masonry and a maximum 50% of glass and metal.
 6. Any building situated within forty feet (40') of Stronach's Alley shall include at least one door for pedestrian access to the building from Stronach's Alley.
 7. Any building situated within forty (40') of Stronach's Alley shall not contain loading docks on that side of the building facing Stronach's Alley.
5. **Z-19-22 – Southern Transit Overlay District (TOD)**, located along Wilmington Street between Downtown Raleigh and Garner Town Limits, consisting of various Wake County PINs. Approximately 517.8 acres rezoned to add Transit Overlay District (TOD)

Conditions dated: None.

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 is being adopted following a recommendation from the Raleigh City Planning Commission and a duly advertised public hearing of the Raleigh City Council.

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

Adopted: July 5, 2022

Effective: July 10, 2022

Distribution: Development Services
City Planning
Inspections
City Attorney
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