

ORDINANCE NO. (2025) 719 ZC 897

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 it hereby amended as follows:

- 1. Z-4-24 – 5009 Louisburg Road**, located approximately 200 feet south of the intersection of Fox Road and Louisburg Road and south of I-540, being Wake County PIN 1726847004. Approximately 20.71 acres rezoned to Residential Mixed Use 7-stories, Conditional Use (RX-7-CU).

Conditions dated: February 5, 2025

1. The following uses shall be prohibited on the property: Boardinghouse, Rest home, Dormitory, fraternity, sorority.
2. Residential uses shall be limited to a maximum of 700 units.
3. Building height shall not exceed a maximum of six (6) stories, and shall not exceed ninety (90) feet.
4. Where primary Tree Conservation Area is not required, development shall include a minimum 25-foot wide planted buffer measured from the right-of-way of Louisburg Road (the "Protective Yard"). The Protective Yard shall be required for the length of the property's frontage on Louisburg Road, excluding areas encumbered by easements or designated as floodplain or flood hazard soils. The Protective Yard shall include a minimum of 4 shade trees and 15 shrubs per 100 linear feet. Existing vegetation may be used to meet the planting requirements in this condition.
5. The property owner will dedicate no less than three and a half percent (3.5%) of the total units as affordable for a period of no less than thirty (30) years starting from the date of issuance of the first certificate of occupancy on the property or the date dwelling units are so dedicated, whichever is last to occur (the "Affordable Period") for low-income households earning no more than 80% of the Area Median Income ("AMI"), adjusted by household size, for the Raleigh, NC Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development. The required number affordable units shall be rounded up to the next whole number. The affordable units shall be dedicated as such that at no time shall the number of affordable units be less than 3.5% of the total number of units for which a certificate of occupancy has been issued. Nothing herein shall prevent units from being designated as affordable units in groups or phases to match phased construction plans. The property owner shall certify to the City compliance with this zoning condition on an annual basis. Prior to the issuance of the first residential certificate of occupancy for the property, a restrictive covenant between the City and property owner shall be executed and recorded in the Wake County

Registry to memorialize the affordable housing terms and conditions (the "Covenants"). If the development is constructed in multiple phases, each phase shall be subject to the Covenants, as indicated by recordation in the Wake County Registry, prior to issuance of a certificate of occupancy for that phase. Following expiration of the Affordable Period, this affordable housing condition shall expire and the affordable units may be marketed and leased at market-rate rents; however, the property owner shall provide tenants of any such affordable units with 60 days' written notice before termination of their tenancy or of any increased rent to market rates; and the Property owner, or their designee, shall provide the Housing and Neighborhoods Staff with an affidavit confirming that the 60-day notice of lease termination or rent increase was properly served. A rent roll and sample copy of the notification letter shall be attached to and referenced in the affidavits.

6. Developer will construct a paved multi-use path ("Greenway Trail") along the Beaverdam Creek Greenway Corridor with a continuous pedestrian connection from Louisburg Road to Wallingford Drive, as more specifically described in the development agreement between the developer and City of Raleigh ("Development Agreement"). The Development Agreement, and any modifications or amendments, shall supersede the requirements of this condition.
7. If the UDO does not require a wall or fence, the neighborhood transition yard required along the northern and eastern property lines, as more particularly shown on Exhibit A, shall include an opaque privacy fence at least 6.5 feet tall. Provided, however, that no wall or fence is required in portions of the transition yard that are dedicated as tree conservation areas pursuant to UDO Article 9.1. Exhibit A only depicts the location of the fence and other items shown on Exhibit A shall not be zoning conditions.

