

## **ORDINANCE NO. (2020) 54 ZC 790**

**Z-6-19 – Davie, Harrington, Martin and West**, being Wake County PINs 1703570766, 1703570622, 1703571786, 1703570886, 1703570692, and 1703571576. Approximately 1.88 acres in the block bounded by Davie Street, Harrington Street, Martin Street, and West Street are rezoned to Downtown Mixed Use-Forty Stories- Shopfront-Conditional Use (DX-40-SH-CU).

Conditions dated: November 25, 2019

1. The following uses shall be prohibited on the property: Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle repair; vehicle fuel sales; adult establishment.
2. No site plan for new development on the subject properties shall be approved without the construction of a pedestrian connection with an average width of 10' and a minimum of 7' from W. Davie Street to W. Martin Street along the property boundary adjacent to S. West Street. If the subject properties are constructed in phases, the pedestrian connection shall be installed in the corresponding phase.
3. Any new building facades on the first level of S. Harrington Street, E. Martin Street, S. West Street and W. Davie Street shall be constructed from on or more of the following materials: masonry, glass, and, metal. For any non-glazed area on the first level, at least 50% of the material shall be brick.
4. For the subject property fronting W. Martin Street with the address of 409 W. Martin Street, the existing front building façade shall be preserved and maintained, including during and after future construction and development of the properties. Building façade is defined as the face of a building that delineates the edge of conditioned floor space or that wall viewed by persons not within the building. This condition does not prohibit the existing front building façade on W. Martin Street from being deconstructed and reconstructed as long as the façade maintains the same setback from the right-of-way.
5. Maximum building heights and set backs on the subject properties shall be in accordance with the attached Exhibit A.
6. Any buildings constructed adjacent to the pedestrian connection between W. Davie Street and W. Martin Street and along the North Carolina Railroad right-of-way shall meet the same transparency requirements as if they were along a public street right-of-way.
7. Prior to issuance of a demolition permit for any building designated as contributing to the National Register of Historic Places, the applicant shall document the building in its original location through photographs (black and white and in color) and provide a copy of the documentation to the City of Raleigh Department of Planning, Historic Preservation.
8. No site plan for new development along W. Martin Street shall be approved without an outdoor amenity area with a minimum dimension of 1,500 square feet to the corner of S. West Street and W. Martin Street and an outdoor amenity area with a minimum dimension of 1,500 square feet to the corner of S. Harrington

Street and W. Martin Street. Portions of the outdoor amenity area subject to this condition may be covered but cannot be enclosed.

9. Any structured parking shall meet the following standards: a minimum of 75% of the top level of the garage shall be covered and a minimum of 50% of the vertical surfaces shall have an opaque screen. Such screening shall be designed to minimize light spillage through solutions including, but not limited to, screen walls, screening devices, and spandrel glass.
10. The property owner(s) shall dedicate a portion of the project's total units as affordable in accordance with one of the following options: (i) 10% of the units as affordable for households earning 80% of area median income or less for a period of no less than 15 years from the date of issuance of a certificate of occupancy; (ii) 10% of the units as affordable for households earning 60% of the area median income or less for a period of no less than 10 years from the date of issuance of a certificate of occupancy; (iii) 5% of the units as affordable for households earning 50% of area median income or less for a period of no less than 5 years from the date of issuance of a certificate of occupancy. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing and Neighborhoods Department. An affordable Housing Deed restriction in a form approved by the City, and which identifies the affordable housing option chosen by the property owner, shall be filed and recorded in the property's chain of title by the property owner(s) in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. Affordable units offered within the condition shall be constructed concurrently with the project's market rate units. The property owner(s) shall certify to the City compliance with this zoning condition on an annual basis.