

Ordinance (2013) 200ZC191

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:

Z-13-13 – New Bern Avenue located on the Westside, southwest of its intersection with Milburnie Road being Wake County PIN 1724-22-1587. Approximately 3.01 acres are to amend conditions for property zoned NB Conditional Use District.

Conditions Dated: 05/31/13

Narrative of conditions being requested:

For purposes of the following conditions, tax parcel PIN 1724-22-1587 is referred to as the “Property.”

a. The driveway on New Born Avenue serving the Property is operating as right in only. The driveway may be improved, but no change to the operation movement or location of this driveway is permitted. The Property shall have no additional curb cut on New Bern Avenue.

b. The following land uses shall be prohibited:

- Non-governmental recreational indoor use – commercial
- Non-governmental commercial outdoor stadium/theater/amphitheater/racetrack
- Governmental outdoor stadium/theater/amphitheater/racetrack
- Riding Stable
- Rifle range-indoor
- Fraternity House
- Sorority House
- Transitional Housing-except supportive housing residence
- Civic Club
- Civic/Convention center and assembly hall
- Correctional/penal facility
- Orphanage
- Schools
- Adult establishments
- Bar, nightclub, tavern, lounge
- Kennel/cattery
- Home building supply store
- Any use engaged in the sale of gasoline to the public
- Mini warehouse storage facility

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Landfill debris from on-site
Flea market
Pawn shop as defined in Chapter 91 A of the NC General Statutes
Check cashing store (excluding banks, credit unions, and savings and loans)
Bailbond office
Vehicle sales
Automotive washing and cleaning as a primary use
A shop for automotive body work and painting

All other uses authorized in the Neighborhood Business District, including eating establishments with a drive-through, shall be allowed upon the Property.

c. A street protective yard shall be provided along New Bern Avenue with a minimum width of fifteen (15) feet and an area equal to the length of the right-of-way multiplied by thirty-five (35) feet. Within this street protective yard trees shall be installed at a rate of two shade trees and one understory tree for every forty (40) feet of right-of-way. Shade trees shall be a minimum of three and one-half inches (3.5") in caliper (10.99 inches in circumference) measured one-half foot above ground and nine (9) feet in height. Understory trees shall be a minimum of two inches (2") in caliper (6.28 inches in circumference) measured one-half foot above ground and seven (7) feet in height. Evergreen shrubs shall be installed in a continuous hedge to screen the view of parked cars. The shrubs shall be a minimum of thirty inches (30") in height when installed and shall be a species that shall attain a height of at least forty-two inches (42") at maturity. The shrubs shall be installed three feet (3') on center. Flowering shrubs (evergreen or deciduous) shall be installed at a rate of one shrub for every twenty (20) linear feet of right-of-way. Flowering shrubs shall be a minimum height of twenty-four (24) inches when installed and may be clustered. It is acknowledged that compliance with the provisions of both the City Code Part 10 Chapter 2 and the Unified Development Ordinance with respect to tree conservation may preclude compliance with this condition.

d. Unity of Development Guidelines and Unified Sign Criteria approved for New Bern Crossing (5-103-98) shall be applicable to the Property.

e. The height of buildings upon the Property shall not exceed thirty-five (35) feet for Retail uses, fifty (50) feet for Office uses, and sixty (60) feet for Hotel uses. Building height shall be determined in accordance with the Unified Development Ordinance.

f. Any building constructed upon the Property shall have a building side that faces New Bern Avenue, and such building side shall contain a primary entrance to the building.

g. If desired by the City of Raleigh, the property owner shall offer to the City of Raleigh prior to recordation of a subdivision plat or issuance of a building permit whichever shall first occur, a transit easement along New Bern Avenue measuring fifteen feet (15') by twenty feet (20'). The location of such easement shall be approved by the Transit Division at the time of such subdivision or site plan approval and the City Attorney shall approve the form of the conveyance document.

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h. A bicycle rack that will accommodate no fewer than four (4) bicycles shall be provided adjacent to each building upon development of the Property.

i. With respect to any building upon the Property, there shall be no parking between the side of the building facing New Bern Avenue and New Bern Avenue.

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

Section 4. That this ordinance shall become effective upon the date of adoption.

Adopted: June 18, 2013

Effective: June 18, 2013

Distribution: Planning Department (3)
City Attorney
Inspections Department (5)
Jackie Taylor