

3. **Z-15-23 – 513 South West Street, and 514 South Harrington Street**, located southeast of the West Cabarrus Street and South West Street intersections, being Wake County PINs: 1703560831 & 1703561708. Approximately 0.45 acres rezoned to Downtown Mixed Use-12-Urban Limited-Conditional Use (DX-12-UL-CU).

Conditions dated: June 23, 2023

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) Adult establishment; (ii) Detention center, jail, or prison; special (iii) Light manufacturing; (iv) Vehicle repair (minor); (v) Vehicle repair (major); Vehicle fuel sales; and (vii) Pawnshop.
2. The entertainment "Nightclub" use shall be prohibited. For purposes of this condition, "Nightclub" is defined as an entertainment venue serving alcoholic beverages, but not food prepared at the venue for consumption on the premises, during nighttime and comprising elements such as a: (i) dance floor; (ii) light show; and (iii) stage for a disk jockey ("DJ") to play recorded music. This condition shall not prohibit any other uses within the "Restaurant/Bar" use category as listed in Article 6.4 of the Unified Development Ordinance.
3. Eating establishment uses and Bar, Tavern, Lounge uses whose primary entrance faces and abuts S. Harrington Street or which have outdoor seating within 50 feet of S. Harrington Street shall be subject to the following conditions:
 - a. No individual Eating Establishment shall exceed 4,000 square feet.
 - b. Hours of operation for an Eating Establishment shall be limited to 6:00 AM to 11 PM.
 - c. No individual Bar, Tavern, Lounge use shall exceed 4,000 square feet.

If the property is redeveloped with a structure greater than five (5) stories in height, the following conditions shall apply:

4. A minimum six foot (6') tall fence shall be installed along the shared boundary line with the adjoining property at 523 S. West Street (PIN 1703-56-0643, Book of Maps Condominium 2020, Page 131, Wake County registry) (the "Fairweather Property") prior to the demolition of the existing building structures on the Property and such fence shall be maintained until construction of any new building is complete. During the period when a fence is required to be installed and maintained by this condition, some or all of the fence may be temporarily removed as is necessary provided that the portions of the temporarily removed fence shall be restored within two business days of the later of (a) completion of work necessitating the fence's removal, or (b) the City of Raleigh's issuance of permits required to restore the fence.
5. No pole-mounted lighting structure or mechanical equipment located between the building and the shared property line with the Fairweather Property shall exceed three (3) feet in height.
6. Any building with more than five (5) stories in height that is permitted for construction after the effective date of these zoning conditions shall be set back at

least six (6) feet from the shared property line with the Fairweather Property (PIN 1703-56-0643, Book of Maps Condominium 2020, Page 131). The maximum transparency for the first five (5) stories of that portion of the building façade(s) facing and immediately adjacent to the shared property line with the Fairweather Property shall be 25%.

7. For the first five (5) stories of any portion of any new building façade(s) facing and immediately adjacent to the shared property line with the Fairweather Property, the following conditions shall apply:
 - a. No external illumination of the first five (5) stories of any portion of any new building façade(s) facing and immediately adjacent to the shared property line with the Fairweather Property is permitted except for the following: (i) exterior lighting of building entrances, exits, and loading docks; (ii) exterior lighting of common and private terraces; and (iii) and any other exterior lighting required by the City of Raleigh.
 - b. No illuminated exterior signs are permitted on the first five (5) stories of any portion(s) of the building facade(s) facing and immediately adjacent to the shared property line with the Fairweather Property except for (i) illuminated exterior signs marking entrances, exits, and loading docks; and (ii) other illuminated exterior signs required by the City of Raleigh.
 - c. Balconies cannot be located on the first five (5) stories of any portion of any building façade(s) facing and immediately adjacent to the shared property line with the Fairweather Property.
 - d. The first five (5) stories of any portion of any new building façade facing and immediately adjacent to the shared property line with the Fairweather Property (PIN 1703-56-0643, Book of Maps Condominium 2020, Page 131) shall be constructed with one or more of the following materials: brick, stone, concrete or other masonry, glass, metal, steel, plaster, and cementitious materials. Red brick shall not be a permitted building façade material.
8. Prior on to the issuance of any building permits for construction of a new building in excess of five stories on the Property, the Property owner and/or developer of the new building shall submit an offer in writing to the Fairweather Condominium Owners Association Inc. to conduct a structural survey of the condominium now or formerly known as The Fairweather (PIN 1703-56-0643, Book of Maps Condominium 2020, Page 131). If the Fairweather Condominium Owners Association does not accept the offer to conduct a structural survey within sixty (60) days following the receipt thereof, or if the Fairweather Condominium Owners Association fails to provide reasonable access to the engineers conducting said survey, this Condition shall be null and void.
9. In the event of the construction of a new building in excess of five (5) stories, the Property owner and/or developer of the new building(s) of the Property shall install vibration-sensitive equipment at the following locations prior to the commencement of construction and shall maintain such equipment at the following locations until the City of Raleigh issues a certificate of occupancy for any portion of a new structure on the Property. The vibration-sensitive equipment required by this condition shall be installed as close as is reasonably practicable to the locations

of the two existing iron pipes located on the Property's shared property line with the Fairweather as shown Condominium Plat and Plans for The Fairweather Condominium (PIN 1703-56-0643, Book on of Maps Condominium, Page131). Data collected by the vibration-sensitive equipment required by this condition during construction shall be shared with the Cit of Raleigh every six (6) months or whenever requested by the City. For avoidance of doubt, the two existing iron pipes identified in this condition are the existing iron pipes located on the southern property line of the property identified as “N/F 514 S. Harrington Street, LLC, DB 9539, PG 98, PIN 1703561708” in the Condominium Plat.

10. Trash collection service areas for any building in excess of five (5) stories shall be integrated into the building.