

ORDINANCE NO. (2019) 19 ZC 784
Effective 11/6/19

- 1. Z-16-19 – Fayetteville Street**, on its west side, between West Martin Street and West Hargett Street, being Wake County PINs 1703688302, 1703688257, 1703688159, 1703688146, 1703688143, 1703688048, 1703688065, 1703688042, 1703679916, & 1703678946. Approximately 1.52 acres rezoned to Downtown Mixed Use-40 Stories-Shopfront-Conditional Use (DX-40-SH-CU)

Conditions dated: September 13, 2019

For those subject properties facing Fayetteville Street and Hargett Street with the addresses: 208 Fayetteville Street, 216 Fayetteville Street, 220 Fayetteville Street, 224 Fayetteville Street, 228 Fayetteville Street, 230 Fayetteville Street and 19 West Hargett Street, the existing front building façades (defined in the table below) shall be preserved and maintained, including during and after future construction and development of the properties consistent with the attached exhibits corresponding to each front building facade included in the rezoning. Such exhibits depict the front façades of the buildings as of the effective date of the zoning ordinance. Areas with hatching on the exhibits can be modified in accordance with the UDO and any Certificate of Appropriateness. Window openings on the upper stories shall be preserved and maintained, but replacement windows will be allowed. The configuration of window panes in replacement windows will be based on existing window pane configuration or on a historically appropriate configuration. The City shall not issue site plan approval for development on the subject properties without preserving the front façades as shown on the attached exhibits.

A minimum twelve feet (12') building setback shall be provided at the top of the buildings listed above on the side that faces Fayetteville Street. The setback does not apply to 19 West Hargett Street.

There shall be no driveway access to the subject properties from Fayetteville Street.

Subject Property	Front Façades to be Preserved
208 Fayetteville Street	Fayetteville Street
216 Fayetteville Street	Fayetteville Street
220 Fayetteville Street	Fayetteville Street
224 Fayetteville Street	Fayetteville Street
228 Fayetteville Street	Fayetteville Street
230 Fayetteville Street	Fayetteville Street
19 West Hargett Street	Hargett Street, Salisbury Street

208 Fayetteville Street

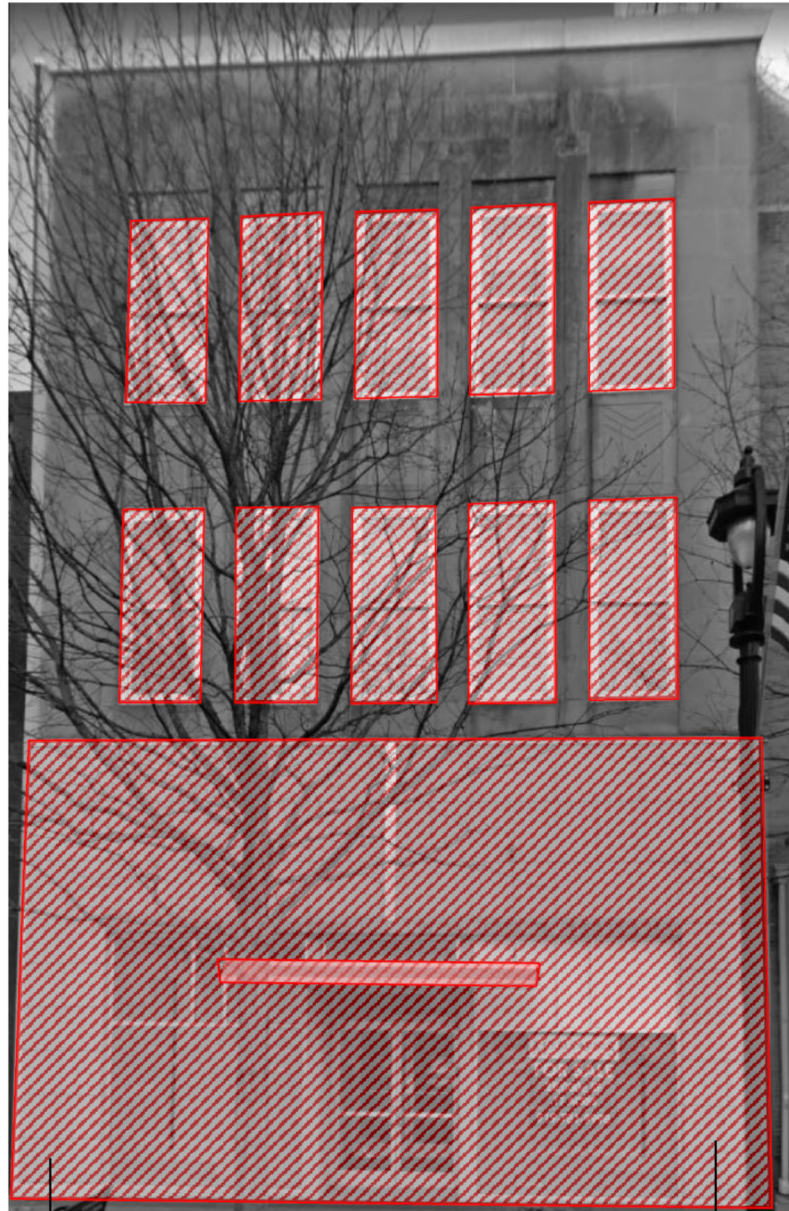


208 Fayetteville Street

 Preservation Exemption

Key

1. Non-historic masonry



1

216 Fayetteville Street



216 Fayetteville Street



Preservation Exemption

Key

1. Non-historic masonry



1

220 Fayetteville Street

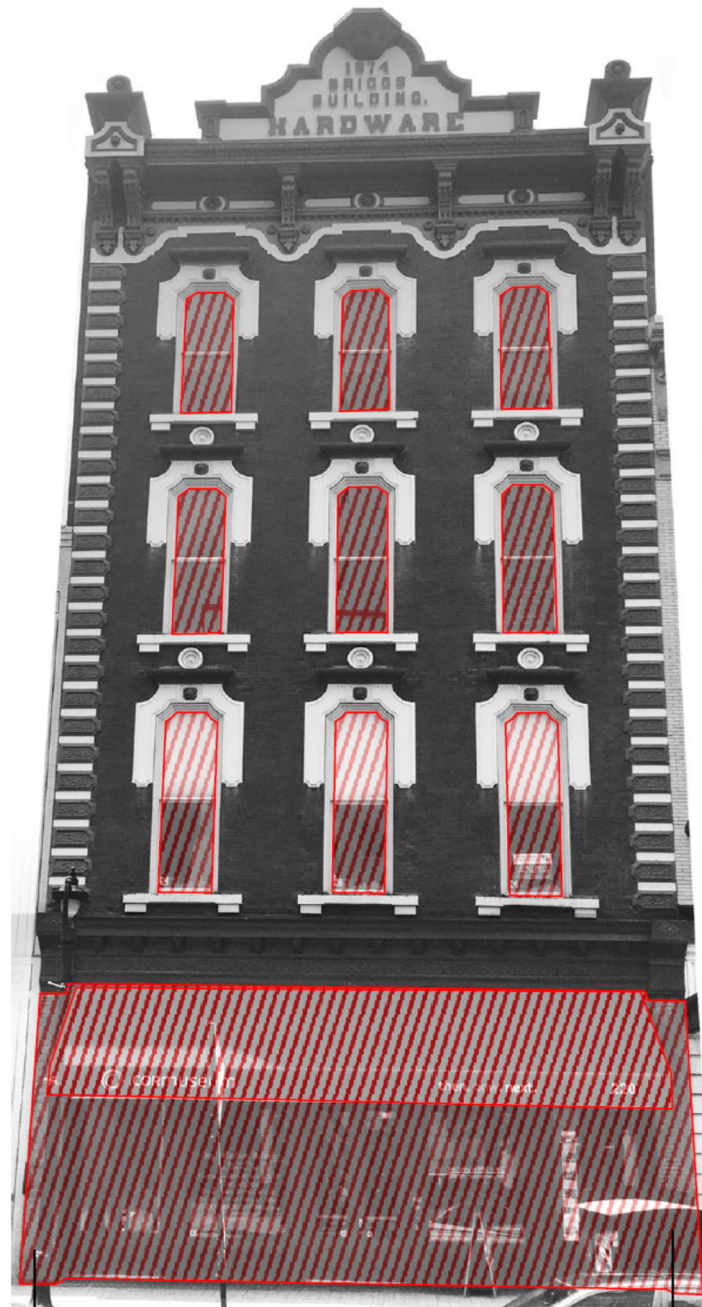


220 Fayetteville Street

 Preservation Exemption

Key

1. Non-historic masonry



224 Fayetteville Street

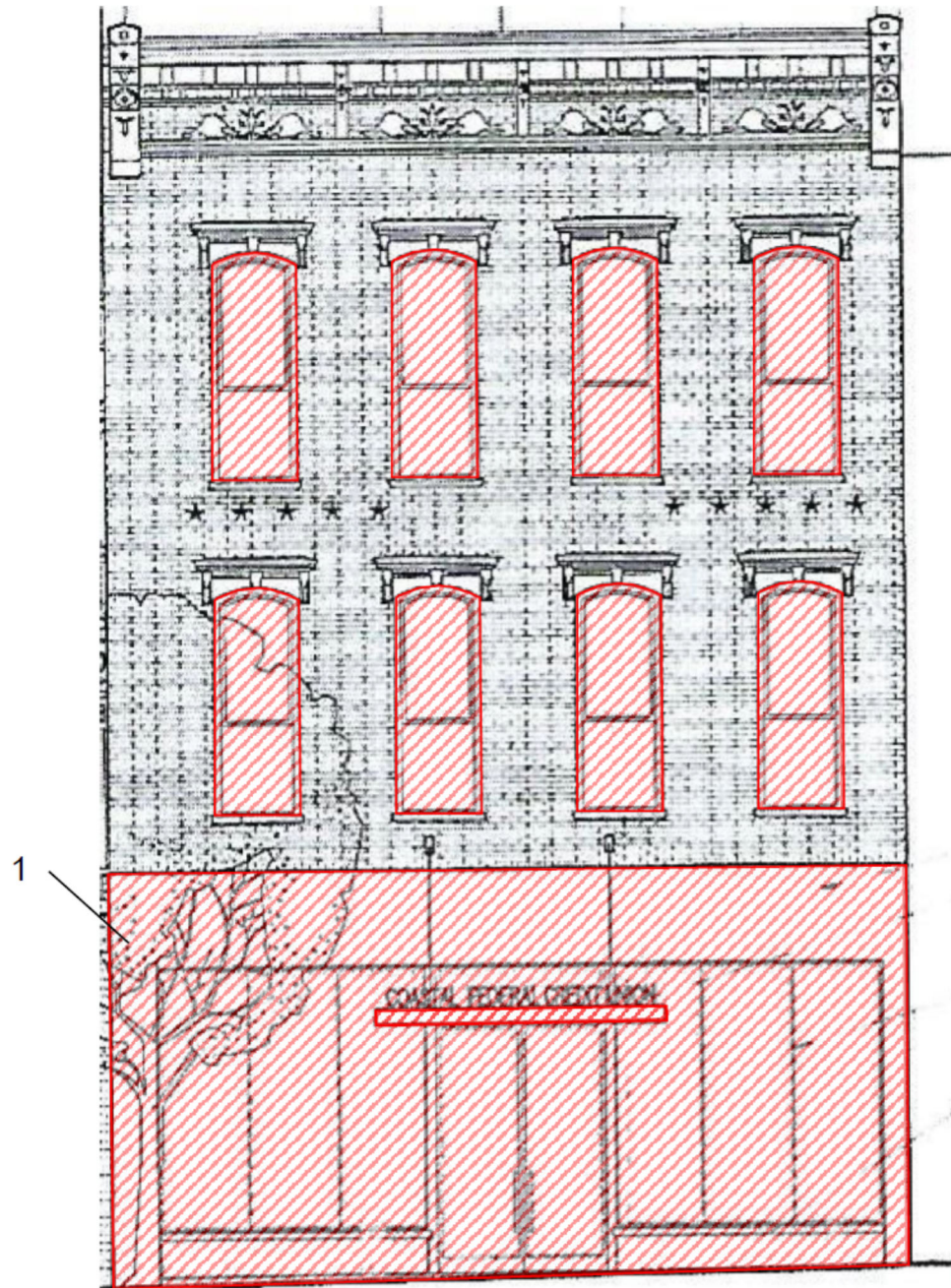


224 Fayetteville Street

 Preservation Exemption

Key

1. Non-historic material



228 Fayetteville Street

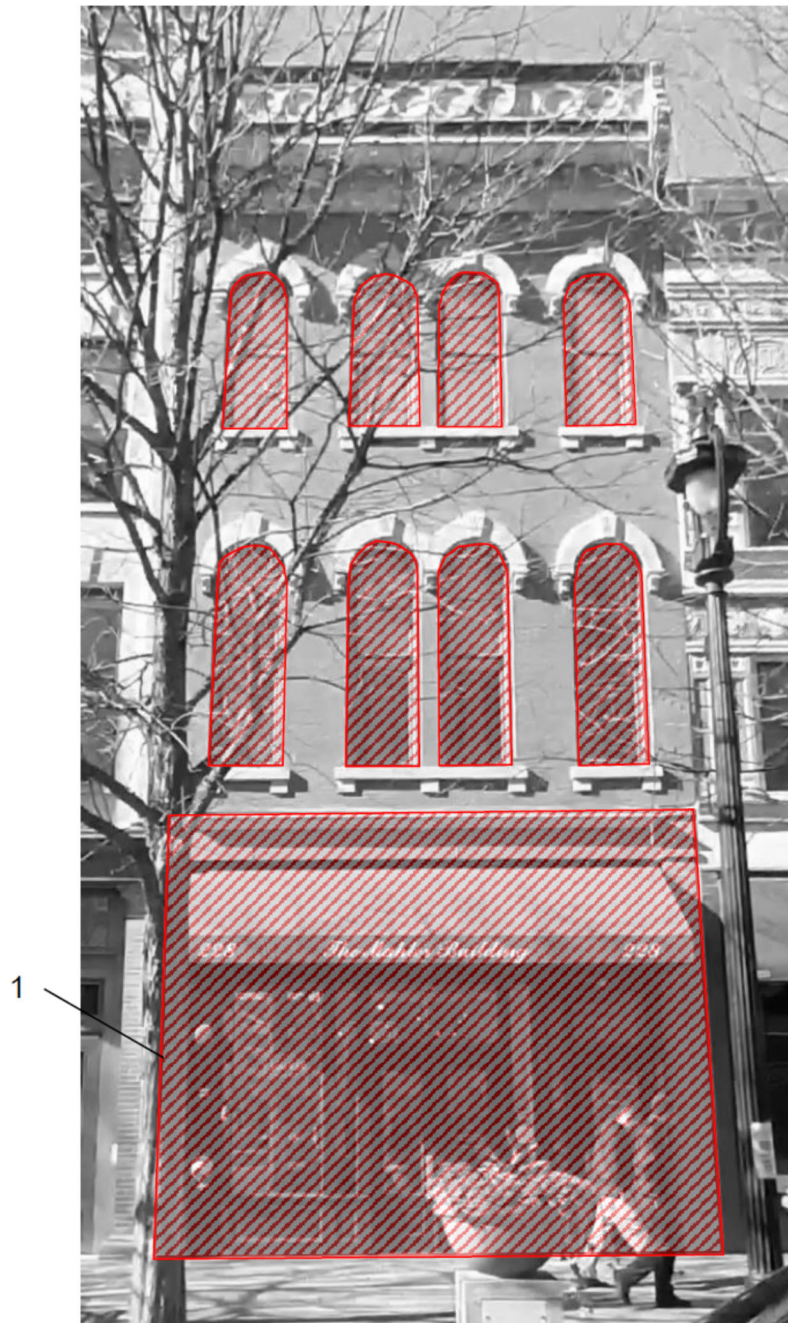


228 Fayetteville Street

 Preservation Exemption

Key

1. Non-historic masonry



230 Fayetteville Street



230 Fayetteville Street

 Preservation Exemption

Key


1. Non-historic masonry

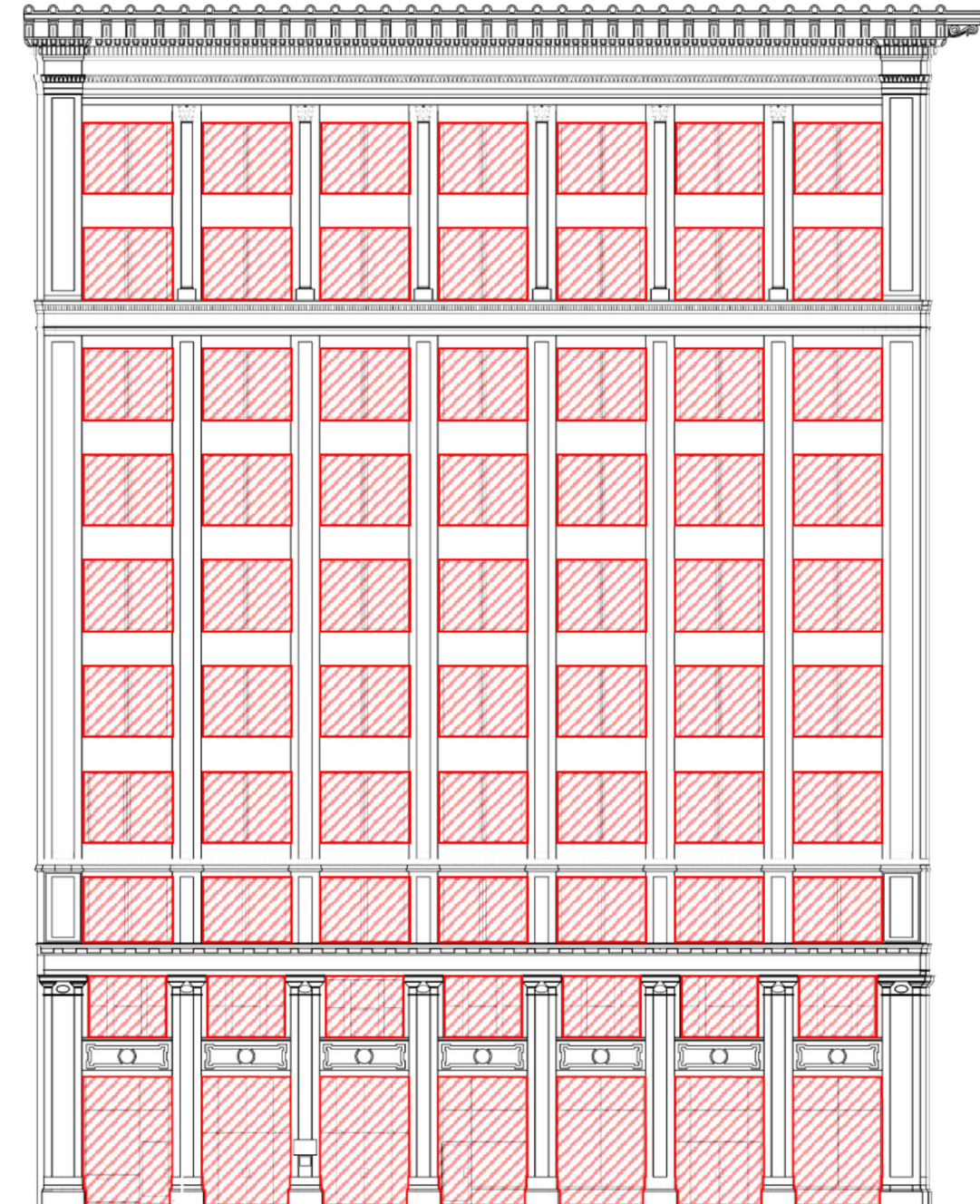


19 W Hargett Street (Hargett Street Façade)



19 W Hargett Street (Hargett Street Façade)

 Preservation Exemption

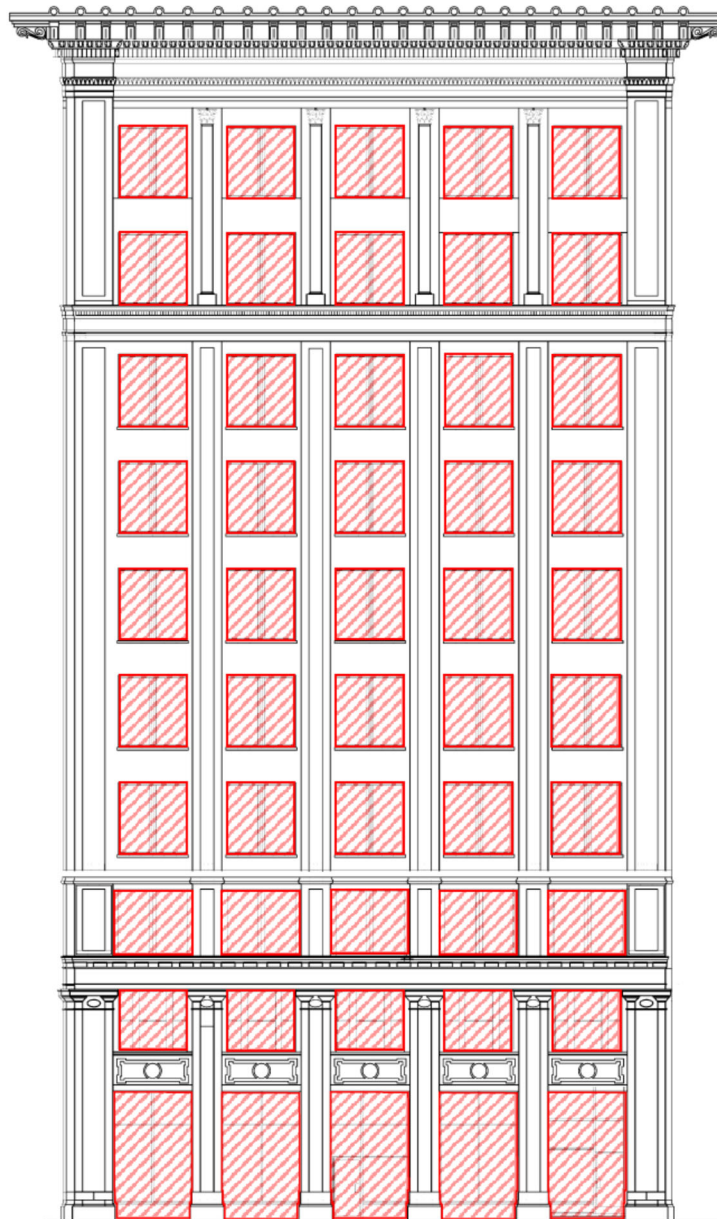


19 W Hargett Street (Salisbury Street Façade)



19 W Hargett Street (Salisbury Street Façade)

 Preservation Exemption



2. **TCZ-1-19 – 5001 Spring Forest Road**, being Wake County PIN #1736173814, revise the zoning conditions as approved in Conditional Use Case Z-47-08 as follows:

Conditions dated: June 4, 2009
Conditions revised: November 6, 2019

As used herein, the “Property” refers to that certain parcel of land containing approximately 11.2 acres located at the northwestern quadrant of the intersection of Louisburg Road and Spring Forest Road, and having Wake County PIN 1736-17-3184.

(a) The following uses shall be prohibited upon the Property:

- Hotel/motel;
- Manufacturing - all types;
- Heliport;
- Telecommunication tower;
- Adult establishment;
- Commercial parking lot;
- Remote parking lot;
- Bar, nightclub, tavern, lounge;
- Vehicle sales/rental;
- Detention center, jail, prison;
- Vehicle repair (minor);
- Vehicle repair (major);
- Car wash;
- Outdoor sports or entertainment.

(b) Upon development, the Zone A protective yard required as part of the neighborhood transition under Section 3.5 of the Unified Development Ordinance shall be limited to the Type 3 (wide) option described therein, provided that Zone A shall not be less than 70 feet in width, and a Zone B protective yard not less than 30 feet in width shall also be provided. Additionally, Tree Conservation Area, not less than 35 feet in width, shall be provided in all areas along the Property’s Old Elizabeth Road frontage (excepting an area reasonably required to permit connection of public utilities to Old Elizabeth Road) and along the common boundary between the Property and the Adjacent Parcels, as defined below, that meet the requirements for Tree Conservation Area pursuant to Section 9.1 of the Unified Development Ordinance. For those portions of the common boundary between the Property and the Adjacent Parcels where Tree Conservation Area required under this paragraph cannot be provided per the standards of Section 9.1 of the Unified Development Ordinance and for which the Zone A protective yard shall be 70 feet in width, the plantings required in the Zone A protective yard shall be a minimum of 8 shade trees, 7 understory trees, and 80 shrubs per 100 lineal feet. “Adjacent Parcels” are those parcels most recently conveyed pursuant to deeds recorded at the following locations in the Wake County Registry: Book 9133 Page 473; Book 17451 Page 2025; Book 16004 Page 1792; Book 15387 Page 1216.

(c) Except for safety fencing, any walls or fences established pursuant to this condition shall be solid, except for gates to access and maintain utilities,

stormwater control facilities and vegetation located in the buffer, and may consist of a mix of materials, including but not limited to brick, metal, PVC pipe and wood. Any gate located in a wall or fence established pursuant to this condition shall include a lock.

- (d) Any building containing any residential use shall have a minimum roof pitch of at least 4:12.
- (e) The exterior of any building containing any residential use shall consist of a mix of brick/masonry, cementitious material, and miratek or hardee material. The facades of any building containing any residential use that face any adjacent R-6 zoning district or public rights-of-way shall consist of at least twenty (20) percent masonry materials, excluding the area of windows and porch openings. Vinyl siding shall be prohibited on any building containing any residential use constructed on the Property.
- (f) The maximum height for any building containing retail uses shall be limited to thirty (30) feet and two (2) stories in height.
- (g) There shall be no access, vehicular or pedestrian, to the Property from Holly Drive or Old Elizabeth Road.
- (h) Any building containing any retail use with hours of operation after 11:00 p.m. or before 6:00 a.m. shall be located within three hundred (300) feet of the public right-of-way along Louisburg Road or Spring Forest Road.
- (i) A minimum of 80% of occupied dwelling units shall be occupied by at least one individual 55 years of age or older.
- (j) No more than 200 dwelling units shall be permitted on the Property.