

3. **Z-26-24 – 200 Diversity Way**, located approximately 1/4 mile northwest of the intersection of Poole Road and Sunnybrook Road, being Wake County PIN 1723278898. Approximately 5.67 acres rezoned to Residential Mixed Use, 4 stories, with Conditions (RX-4-CU).

Conditions dated: October 17, 2024

1. Residential density shall not exceed ninety (90) dwelling units for the overall site.
2. For any approved site plan containing residential units on the Property, the Property owner shall either (a) cause at least one percent (1%) of the developed units to qualify as affordable for a period of no less than ten (10) years for low-income households earning no more than 60% of the Area Median Income ("AMI") (adjusted by household size, for the Raleigh, N.C. Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development) (the maximum rent and income limits will follow the affordable housing standards determined annually by the City of Raleigh Housing and Neighborhoods Department); or (b) pay to the City a total of \$40,000.00 per dwelling unit for one percent (1%) of all site plan approved dwelling units. Total site plan approved dwelling units multiplied by 1% shall be measured to the hundredth decimal point. The payment shall be placed in the fund designated for the City's Affordable Housing Program. Upon determination of the payment amount, the amount may be payable in five annual installments, with the first payment being due prior to the issuance of the first certificate of occupancy and with each other annual installment due on or before the same day of the successive years, although the Property owner has a right to prepay any amounts due. Prior to the issuance of any building permit, this payment obligation shall be evidenced by a promissory note to the City if requested by the City. If a sale of the project or the Property (or a portion thereof), including a sale of controlling interests of an ownership entity within the project, occurs subsequent to the issuance of the first building permit and prior to the payment in full of the sum described within this condition, any outstanding amount shall be paid prior to the change of ownership.
3. If an apartment building type is developed, uses within the apartment building shall be limited to age-restricted residential uses, which meet the federal definition of elderly housing, having at least eighty percent (80%) of the occupied units occupied by at least one person aged fifty five (55) years of age or older per unit
4. If a multi-unit project developed on the Property, the property owner shall incorporate at least three (3) of the following elements in the project:
 - (a) colors of white and/or black
 - (b) gables
 - (c) dormers
 - (d) stone accents
 - (e) brick accents
 - (f) vertical and horizontal board and batten siding
5. No vinyl siding shall be permitted; however, vinyl windows and trim shall be permitted.

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

Section 4. This ordinance is being adopted following a recommendation from the Raleigh City Planning Commission and a duly advertised public hearing of the Raleigh City Council.

Section 5. That this ordinance shall become effective as indicated below.

Adopted: November 19, 2024

Effective: November 24, 2024

Distribution: Planning and Development
Inspections
City Attorney
Transcription Services - Taylor