

ORDINANCE NO. (2021) 191 ZC 812

Z-29-20 – 320 and 328 West South Street, located on the western side of South Dawson Street, between West South Street and West Lenoir Street, being Wake County PINs 1703563326 & 1703564375. Approximately 1.32 acres rezoned to Downtown Mixed Use-20 stories-Urban Limited-Conditional Use (DX-20-UL-CU).

Conditions dated: December 31, 2020

1. The following principal uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses within the DX zoning district shall be prohibited: (i) adult establishment; (ii) pawnshop; and (iii) detention center, jail, prison
2. The maximum development intensities for the property shall be one of the following scenarios, at the election of the property owner:
 - (a) 300 dwelling units and 97,000 square feet gross floor area of non-residential uses, no more than 50,000 square feet of which may be used for personal service, restaurant/bar, and retail sales uses; or
 - (b) 211,000 square feet gross floor area of Office and Medical land uses.

References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO section 6.1.4). This condition shall not act as a prohibition on specific land uses not prohibited in Condition 1 of this rezoning ordinance. Additionally, the floor area for any land use permitted by this rezoning ordinance that is not expressly listed above shall be counted against the amount of floor area assigned for Office and Medical land uses.

Prior to issuance of the first building permit for development of the property or the recordation of the first subdivision plat for the property, whichever occurs first, the developer shall elect one of the above scenarios. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and filed with the Planning and Development Department by the property owner. Each subdivision or site plan for development of property subject to this rezoning ordinance shall include a note indicating the specific scenario selected by the developer.