

ORDINANCE NO. (2023) 577 ZC 870

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 Part 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

- 5. Z-29-23 – A portion of 8113 Ligon Mill Road**, located 1 mile north of the intersection of Ligon Mill Road and Louisburg Road, being Wake County PIN 1738839789. Approximately 105.16 acres rezoned to Residential-10 Conditional Use (R-10-CU) and Residential Mixed Use, 3 stories, Conditional Use (RX-3-CU).

Conditions dated: October 11, 2023

1. Overall residential density shall not exceed 5 dwelling units per acre and shall not exceed a maximum of 475 dwelling units on the Property.
2. At least 20 acres will remain as natural area and/or open space and will not be developed except for greenway, utility and stormwater management purposes. At least 15 acres of said open space/natural area shall be contiguous.
3. If an apartment building type is developed on the Property, it must be used for a Congregate Care, Continuing Care Retirement Center, Rest Home and/or independent and/or assisted living facility.
4. All buildings shall be set back at least twenty (20) feet from the right-of-way of Ligon Mill Road.
5. On or before the issuance of the first certificate of occupancy, developer shall make a \$65,000.00 contribution to the City of Raleigh Fire Department to help fund a new fire station and /or fire equipment to serve the surrounding community.
6. Affordable Housing: For any approved site plan containing residential units on the Property, the Property owner shall 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.

7. At least 60 days prior to any blasting with explosive materials on the Property, the Property owner will notify all homeowners within 500 feet of property of the expected blasting and provide an opportunity for a pre-blasting inspection (“PBI”) of the homeowner’s property to establish a baseline condition of the homeowner’s property. If a noticed homeowner provides a written election for a PBI and provides reasonable access to its property at reasonable times, Property owner through its consultant (“Blasting Consultant”) will cause a PBI with regard to such homeowner’s property to be performed prior to blasting activities. If a PBI was performed and the homeowner provides notice of damage caused by blasting within 30 days following blasting, Property owner shall cause an after blasting inspection (“ABI”) to be performed and if a comparison of the PBI to the ABI indicates that damage was caused by Property owner’s blasting, in the reasonable opinion of the Blasting Consultant, Property owner shall make commercially reasonable efforts to repair such damage within 180 days of following completion of blasting activities on the Property.

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 21, 2023

Effective: November 26, 2023

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