

1. **Z-31-22 – 520 South Harrington Street**, located on the west side of South Harrington Street, mid-block between Cabarrus Street and Lenoir Street, being Wake County PIN 1703561702. Approximately 0.13 acres rezoned to Downtown Mixed Use-12 stories-Urban Limited-Conditional Use (DX-12-UL-CU).

Conditions dated: November 23, 2022

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, prison; (iii) Light Manufacturing; (iv) Vehicle repair (minor); (v) Vehicle repair (major); (vi) Vehicle fuel sales; and (vii) Pawnshop.
2. The "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 disc 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. No individual Eating Establishment use shall exceed 4,000 square feet.
4. Hours of operation for an Eating Establishment shall be limited to 6:00 AM to 11:00 PM.
5. No individual Bar, Tavern, Lounge use shall exceed 4,000 square feet.
6. The first five (5) stories of any new building facade 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.
7. Developer shall install a minimum six foot (6') tall fence along the shared boundary line with the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) for demolition of the existing building and construction of any new building. Developer may remove fencing as is necessary during construction or as required by the City of Raleigh, but shall restore fence within forty-eight (48) hours following work necessitating its removal or as permitted by the City of Raleigh.
8. No pole-mounted lighting structure or mechanical equipment located between the building and the adjacent property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) shall exceed three feet (3') in height.

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

9. If the first five (5) stories of any new building façade facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) have a 0' setback, the maximum transparency for those facades shall be 0%. If the first five (5) stories of any new building façade

- facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) have a 6' or greater setback, the maximum transparency for those facades shall be 25%.
10. For the first five (5) stories of any new building façade facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131), developer shall provide vertical articulation. No portion of said facades shall extend more than thirty (30) linear feet without a projection forward or backward of at least two feet (2').
 11. For the first five (5) stories, any glass facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) shall have a transparency no higher than sixty-five percent (65%).
 12. For the first five (5) stories of any new building façade facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) no external illumination of building is allowed except for exterior lighting of building entrances, exits, loading docks, or as required by the City of Raleigh.
 13. For the first five stories of those building facades facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131) no illuminated signage is allowed except for exterior lighting of building entrances, exits, loading docks, or as required by the City of Raleigh.
 14. For the first five stories of those building facades facing the adjoining property at 523 S. West Street (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131), balconies shall be prohibited.
 15. Prior to issuance of any building permits, Developer shall submit to the City of Raleigh Zoning Administrator a structural survey of the condominium now or formerly known as The Fairweather (PIN 1703-56-0643, Wake County Book of Maps Condominium 2020, Page 131), signed and sealed by a professional engineer licensed in the State of North Carolina. If The Fairweather does not accept Developer's written offer to conduct a structural survey within sixty (60) days following receipt thereof, this Condition shall be null and void.
 16. Prior to the commencement date of construction, install vibration-sensitive equipment as close as is permitted to: (i) the Control Point as shown in Book of Condominium Map 2020, Page 131, Wake County Registry (the "Plat"); (ii) that Existing Iron Pipe located 106.5' due N87° 40' 49"W from the Control Point as shown on the Plat; and (iii) that point located 34.61' due N02°27' 14"E from the Existing Iron Pipe as shown on the Plat. The vibration-sensitive equipment shall monitor vibrations associated with the new structure during all times of construction, and shall remain in place until the City of Raleigh issues a certificate of occupancy for any portion of the new structure.