

ORDINANCE NO. (2024) 626 ZC 882

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 it hereby amended as follows:

- 1. Z-35-23 – 0 Gorman Street**, located 0.27 mile south of the intersection of Gorman Street and Avent Ferry Road and west of the intersection of Gorman Street and Shire Lane, being Wake County PIN 0793023945. Approximately 17.88 acres rezoned to Residential Mixed-Use-3 Stories-Green-Conditional Use with Special Residential Parking Overlay District (RX-3-GR-CU with SRPOD).

Conditions dated: May 3, 2011

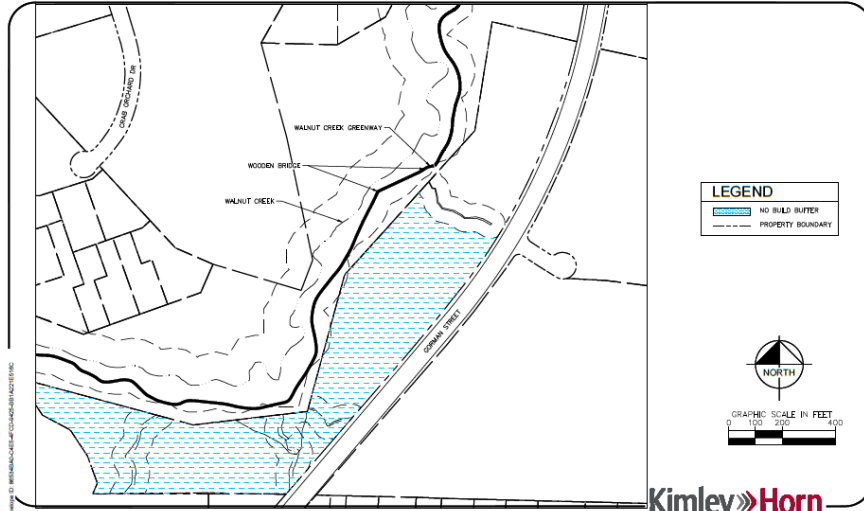
- The following Principal Uses listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the RX-District shall be prohibited: (1) Single-unit living; (2) Two-unit living; (3) Cottage court; (5) Multi-unit supportive housing residence; (6) Supportive housing residence; (7) Group Living; (8) Boardinghouse; (9) Congregate care; (10) Dormitory, fraternity, sorority; (11) Continuing care retirement community; (12) Rest home; (13) Emergency shelter type B; (14) Special care facility; (15) Civic; (16) School, public or private (K-12); (17) Telecommunications tower; (18) all uses in Commercial use category; (19) Community garden; (20) Produce stand; (21) Urban farm.
- The Rental fees for dwelling units on the property shall be affordable for households earning an average of sixty percent (60%) of the area median income or less for a period of no less than thirty (30) years from the date of issuance of a certificate of occupancy on the property. Affordable housing units will be subject to rent and income limits determined annually by the US Department of Housing and Urban Development. A declaration of restrictive covenants for affordable housing in a form approved by the North Carolina Housing Finance Agency shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy.
- There shall be no more than 140 primary dwelling units on the Property.
- There shall not be any new construction, improvements or new development within the area labeled "No Build Buffer" in Exhibit A. Notwithstanding the foregoing, the installation of stormwater conveyances, greenway trails, utilities, and other public improvements may be installed in the area labeled "No Build Buffer" in Exhibit A. In the event that the City or NCDOT prohibit the installation of the vehicular entrances to multifamily dwelling units within the portions of the property where new development is permitted under this zoning condition, new vehicular

entrance(s) and associated private drives to the multifamily dwelling units may be constructed in the area labeled “No Build Buffer” in Exhibit A.

5. No new construction, improvements or new development, except for the installation of stormwater conveyances, greenway trails, utilities, or other public improvements, shall be permitted within one hundred feet (100') or less of the most landward limit of the top of bank of Walnut Creek measured horizontally on a line perpendicular to the stream.
6. The 100-year floodplain shall remain undisturbed from structures, impervious surfaces and added fill except for the installation of stormwater conveyances, greenway trails, fencing, sidewalks in public rights of way (including easements), public streets, utilities, or other public improvements. No construction materials or equipment may be stored in the 100-year floodplain except for construction materials necessary for the installation of permitted stormwater conveyances, greenway trails, fencing, sidewalks in public rights of way (including easements), public streets, utilities, or other public improvements within the 100-year floodplain.
7. Developer will construct a privately-maintained, paved multi-use path (“Greenway Connection”) between the site’s internal pedestrian network to the existing greenway trail along Walnut Creek. The Greenway Connection will conform to City of Raleigh standards of either an Asphalt Typical Trail Section (GW 10.01.1 & GW 10.01.2) or a Concrete Typical Trail Section (GW 10.02.1 & GW 10.02.2). The Greenway Connection shall consist of a minimum 10'-wide paved area travelway, set within a 20'-wide City of Raleigh Bicycle and Pedestrian Access Easement, in a location subject to approval by the City of Raleigh at the time of Subdivision or Administrative Site Review, whichever occurs first. The Greenway Connection shall be constructed prior to issuance of a certificate of occupancy for the 1st residential unit.
8. As part of the approval of any site plan for development of any portion of the Property, the Property owner shall delineate a minimum of thirty percent (30%) of the Property's net site area as tree conservation area. Proposed tree conservation areas must be in compliance with UDO Section 9.1.
9. No tree disturbing activity shall take place within the area labeled “No Build Buffer” in Exhibit A except in conformity with the requirements for Permitted Tree Disturbing Activities in UDO 9.1.6. Notwithstanding the foregoing, tree disturbing activity in the area labeled “No Build Buffer” in Exhibit A does not need to conform with the requirements of Permitted Tree Disturbing Activities in UDO 9.1.6 when such activity is associated with the construction of vehicular entrances, private drives, stormwater conveyances, greenway trails, utilities, or other public improvements permitted in the “No Build Area” by Condition #4.
10. Prior to the issuance of the first certificates of occupancy for dwelling units on the Property, the Property owner shall delineate all undisturbed areas and deliver a written offer to grant a conservation easement over such areas (the "Conservation Easement Offer") to at least two bona fide land trusts or land conservancies permitted to own open space pursuant to UDO 2.5.7 that hold conservation easements over other properties in Wake County. The Property owner, or their designee, shall provide Planning and Development Staff with a sworn affidavit

confirming compliance with this condition prior to issuance of certificates of occupancy for dwelling units on the Property. Copies of the Conservation Easement Offers shall be attached to and referenced in the affidavit.

- This condition recognizes that a conservation easement on the Property may include certain rights that the UDO deems to be incompatible with tree conservation areas. Accordingly, this condition does not require the Property owner to offer or grant a conservation easement over portions of the Property designated as tree conservation area.
 - If the Conservation Easement Offer is not accepted and subjected to an executed contract within 180 days, the Conservation Easement Offer shall expire. This condition does not permit the City to delay issuance of certificates of occupancy until the Conservation Easement Offer is accepted or expires.
 - If the Conservation Easement Offer expires, the Property owner will establish as an undisturbed area the area described in the Conservation Easement Offer. Any undisturbed area meeting the requirements of UDO Section 9.1 shall be established as tree conservation area.
11. In addition to the stormwater runoff limitations for the two-year and 10-year storms required by the UDO, development on the property shall include sufficient mitigation measures so that the post-development peak stormwater flow for 100-year storm events as modeled immediately upstream of the Gorman Street culvert does not exceed pre-development peak stormwater flow for 100-year storm events as modeled at the same location.
 12. Development of the site shall include the following green stormwater infrastructure (GSI) measure: bio-retention area(s), rainwater cisterns, or permeable pavers. The GSI device(s) shall be sized to treat 100% of the water quality volume for the overall site. Incorporation of GSI measures on site does not preclude the ability to use above- or below-ground stormwater management devices.
 13. The impervious surface area of the Property shall not exceed 18%.
 14. During construction, erosion and sedimentation control measures shall include double silt fencing and inlet sediment control device(s), which shall be in addition to those inlet protections otherwise required. The temporary erosion control sediment basins installed during construction shall have a minimum of 5,000 cubic feet of storage area per disturbed acre.



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RECEIVED
By Sarah Shaughnessy at 9:00 am, May 03, 2024

EXHIBIT A
HIA PROJECT - DATE: 03/14/2024

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