ORDINANCE NO. (2024) 675 ZC 891

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:

2. **Z-39-23 - 902 and 906 Nowell Road,** located approximately 0.2 miles north of Chapel Hill Road, being Wake County PINs 0774839647 and 0774837706. Approximately 1.9 acres rezoned to Residential Mixed Use, 4 Stories, Parking Limited, Conditional Use (RX-4-PL-CU).

   Conditions dated: September 5, 2024

   1. Only residential uses shall be allowed as a principal use.
   2. All parking shall be located behind the building facade located closest to and facing the primary street.
   3. The building setback from parcels having Wake County PINs 0774931557 (Book 17157, Page 474), 0774931664 (Book 19414, Page 2750 and 0774931761 (Book 11676, Page 1452) shall be a minimum of 115 feet.
   4. The building setback from primary street shall be twenty (20) feet minimum.
   5. The maximum building height shall be fifty five (55) feet.
   6. Without benefit of the exceptions found in UDO Sec. 8.3.5.D.5., the subject property shall comply with the cross-access requirements of UDO Sec. 8.3.5.D. with regard to (a) one of the following abutting parcels to the north having Wake County PINs 0774836883 (Book 8095, Page 2531), 0774838878 (Conveyed through Estate) or 0784031634 (Book 2672, Page 73); and (b) with regard to one of the following abutting parcels to the south, having Wake County PINs 0774839527 (Conveyed through Estate) or 0774837532 (Book 2026, Page 146).
   7. The parking setback from parcels having Wake County PINs 0774931557 (Book 17157, Page 474), 0774931664 (Book 19414, Page 2750 and 0774931761 (Book 11676, Page 1452) shall be a minimum of 30 feet.
   8. If a four-story building is developed on the subject property, the following additional conditions shall apply:
      (a) The building setback from parcels having Wake County PINs 0774931557 (Book 17157, Page 474), 0774931664 (Book 19414, Page 2750) and 0774931761 (Book 11676, Page 1452) shall be a minimum of 135 feet.
      (b) The building setback from primary street shall be thirty (30) feet minimum.
      (c) The maximum building height shall be fifty (50) feet.
      (d) Subject to UDO 9.1, except where utility lines are located and/or easements are recorded, a protective yard shall be maintained adjacent to parcels having Wake County PINs 0774931557 (Book 17157, Page 474), 0774931664 (Book 19414, Page 2750 and 0774931761 (Book 11676, Page 1452) and shall

i. be a minimum of twenty-five (25) feet wide;
ii. include, as to each one hundred (100) linear feet, at least five (5) shade trees (minimum 3-inch caliper and height of ten (10) feet), at least twelve (12) evergreen trees, (minimum height of six and a half (6.5) feet at planting), and at least thirty (30) shrubs (minimum height at planting of twenty-four (24) inches); and
iii. include a solid wood fence which shall be a minimum height of eight (8) feet., and if approved by the City of Raleigh, a portion of the fence, which may include a gate, shall span the thirty (30) foot wide City of Raleigh sanitary sewer easement which extends into the property, and abuts parcels having PINs 0774931664 (Book 19414, Page 2750) and 0774931761 (Book 11676, Page 1452).

(e) Parking lot light fixtures shall be full cut-off design and shall not exceed fifteen (15) feet in height.

9. Residential development shall not exceed sixty-five (65) dwelling units.

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: September 17, 2024

Effective: September 22, 2024

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