

ORDINANCE NO. (2024) 638 ZC 885

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-40-23 – 13130 Strickland Road**, located south of Interstate-540, near the Exit 7 at Leesville Road, being Wake County PIN 0788155943. Approximately 16.25 acres rezoned to Residential-10, Conditional Use (R-10-CU w/SHOD-1 and FWPOD).

Conditions dated: May 3, 2024

1. The Property Owner will maintain all dwelling units on the subject property as affordable rental units for low-income households earning no more than 80% of the area median income, as adjusted by household size, for the Metropolitan Statistical Area including Raleigh, North Carolina, as determined and published annually by the U. S. Department of Housing and Urban Development (HUD) (“Raleigh AMI”) for a period of thirty (30) years beginning on the date of issuance of a certificate of occupancy for each respective unit (“Term”). In addition, each dwelling unit shall have a designated imputed income limitation of 20%, 30%, 40%, 50%, 60%, 70% or 80% of Raleigh AMI as described in Section 42(g)(1)(C) of the Internal Revenue Code (“Code”), and the average of the imputed income limitations for all of the dwelling units on the subject property shall not exceed 60% of Raleigh AMI for the Term. Both income and rent restrictions shall be calculated as provided in Section 42 of the Code, including without limitation any exceptions permitted under Section 42 of the Code for tenants whose income increases after initially meeting such restrictions. An Affordable Housing Deed Restriction in a form approved by the City shall be filed with the City 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 the first certificate of occupancy.
2. There shall be a minimum building setback of fifty feet (50’) from the shared boundary line with the following properties: PIN 0788-16-8450 (Deed Book 16499, Page 806, Wake County Registry), PIN 0788-16-8076 (Deed Book 9062, Page 639, Wake County Registry), PIN 0788-15-8758 (Deed Book 18768, Page 465, Wake County Registry), PIN 0788-15-8469 (Deed Book 14694, Page 169, Wake County Registry), PIN 0788-15-8291 (Deed Book 3347, Page 270, Wake County Registry), and PIN 0788-14-8972 (Deed Book 18524, Page 2661 Wake County Registry).
3. The property shall provide a Type B1 Protective Yard as defined by UDO Section 7.2.4 along the shared boundary lines of the following properties: PIN 0788-16-8450 (Deed Book 16499, Page 806, Wake County Registry), PIN 0788-16-8076 (Deed Book 9062, Page 639, Wake County Registry), PIN 0788-15-8758 (Deed Book 18768, Page 465, Wake County Registry) PIN 0788-15-8469 (Deed Book

14694, Page 169, Wake County Registry), PIN 0788-15-8291 (Deed Book 3347, Page 270, Wake County Registry), and PIN 0788-14-8972 (Deed Book 18524, Page 2661, Wake County Registry), except for those areas to be designated as tree conservation area (TCA), areas encumbered by road improvements, or subject to any governmental easements.

4. The provisions of Section 8.3.2 of the UDO entitled “Blocks” shall be increased to 25,000 linear feet. In addition, the stub street standards of 8.3.4 shall be modified so that no vehicular connection shall be made from the subject property to the existing Saxon Way stub. Instead, only a sidewalk shall be required to connect to the existing sidewalk along Saxon Way to the subject property.
5. Subject to approval of the City of Raleigh Department of Transportation, a sidewalk connection to the existing sidewalk on the Leesville Towne Centre (Wake County PIN 0788 15 3351; Deed Book 10648, Page 2330, Wake County Registry) entrance driveway closest to the subject property shall be constructed to city standards along Strickland Road prior to the issuance of the first certificate of occupancy on the subject property; provided, however, that the portion of the sidewalk located off of the subject property can be constructed within the Strickland Road right-of-way or other easements available to the public at the time of site plan approval. Nothing herein shall require the owner of the subject property to acquire any off-site easements, including slope easements or temporary construction easements, for the construction of the sidewalk if the necessary easements not available at the time of site plan approval. The precise location of the sidewalk shall be determined at site plan approval.
6. The post-development stormwater discharge peak flow rate for the property shall not exceed the pre-development peak flow rate for the 2, 10, 25 and 50 year storms. During construction, the first sentence of UDO Section 9.2.2.E.1.b shall be enforced as if it read as follows: “For any denuded areas on sites between 5 and 15 acres in size the peak stormwater runoff leaving the site at each discharge point for the two-year storm, 10-year storm and 25-year storm shall be no greater during construction than for pre-development conditions.”
7. UDO Section 9.5.2.D.1.b.i shall be applied to the subject property as if it said “Nitrogen and phosphorous loads contributed by the proposed new development activity may not exceed the unit-area mass loading rates as follows: a. Nitrogen: 2 pounds per acre per year; and b. Phosphorous: 30/100 of a pound per acre per year.”
8. Impervious surface shall be limited to 28.5% of the subject property.
9. Buildings and parking shall be setback at least fifty feet (50’) from the right-of-way of Strickland Road.
10. The percentage of tree conservation area required on the subject property pursuant to UDO Section 9.1.3.A.1 shall be increased from 10 percent (10%) to twenty percent (20%).
11. The property shall be subject to the use of Green Stormwater Infrastructure (“GSI”) requirements set out in Section 9.5.2.C.3 of the UDO whatever the percentage of built area, including the ability to request a design exception pursuant to 9.5.2.C.3. If a design adjustment is requested, a minimum of fifty percent (50%) the stormwater runoff that is required by the UDO to be treated on site shall be treated using GSI.

12. Sediment basins on the subject property shall be designed and constructed to meet the requirements of 15A NCAC 04B .0124 (2), (3) and (4) (Design Standards in Sensitive Watersheds).
13. For the perennial stream of the Lower Barton Creek located at the north end of the subject property only, the Watercourse Natural Resource Buffer shall be increased to a total width of 125'.
14. Prior to the issuance of any building permit on the subject property, the property owner shall cause at least 10 acres of real property located within that portion of the Falls Lake Watershed within the boundary of Wake County or Durham County and not otherwise restricted from development by private agreement, to be preserved as open space by conservation easement enforceable by the City of Raleigh and benefiting a conservation trust, governmental entity or similar entity authorized to hold an interest in property in a form approved by the City of Raleigh. For avoidance of doubt, the property to be protected need not be located in the City of Raleigh.