

ORDINANCE NO. (2024) 622 ZC 880

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-50-23 – 1530 Varsity Drive**, located west of the intersection of Varsity Drive and Avent Ferry Road, being Wake County PIN 0793472384. Approximately 3 acres rezoned to Residential Mixed Use-7 stories-Urban Limited-Conditional Use (RX-7-UL-CU).

Conditions dated: April 11, 2024

1. The following Principal Uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the RX- district shall be prohibited: (i) cemetery, (ii) telecommunication tower (of any height), (iii) outdoor sports or entertainment facility (of any seating capacity), (iv) bed and breakfast, (v) hospitality house, (vi) parking facility.
2. Neither vinyl siding (notwithstanding vinyl window components) nor EIFS shall be used as a building siding material.
3. The number of dwelling units constructed on the property shall not exceed 340 dwelling units.
4. The following condition shall apply only to development qualifying as a Tier 3 site plan:
 - A. **Affordable Housing.** The Property Owner shall pay to the City a fee in the amount of \$140,000 in lieu of dedicating affordable units. The payment shall be placed in the fund designated for the City’s Affordable Housing Program. The amount shall be paid in full prior to the issuance of the first certificate of occupancy. Prior to the issuance of any building permit, this payment obligation shall be evidenced by a promissory note to 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.
 - B. **Bikeshare.** The site plan for development of the property shall provide for a mutually acceptable location on adjacent public right-of-way to accommodate a City bikeshare station. The property owner shall provide a station of no fewer than 8 docks, at least 6 electric-assist bikes, and installation of all necessary equipment for a functional bikeshare station, prior to issuance of a certificate of occupancy for the first building closest to the proposed bikeshare station. The “mutually acceptable location” for

the bikeshare station shall be determined by the property owner and the City.

- C. **Tenant Notice.** Residential tenants of buildings that exist on the Property prior to the effective date of these conditions (the “Existing Buildings”) are entitled to 90 days written notice before the termination of their leases due to redevelopment of the property. The owner of the Property, or their designee, shall provide the Planning and Development Staff with a sworn affidavit confirming compliance with this condition prior to issuance of a demolition permit for a building on the property. A sample copy of the notification letter shall be attached to and referenced in the affidavit. This condition is not intended to amend any lease or lease term. This condition does not expand the notice period that the Landlord is required by North Carolina law to give such holdover tenants to quit a tenancy from month to month.
- D. **Relocation Assistance.** In the event that Property Owner is required by these zoning conditions to provide tenants of the Existing Buildings with 90 days written notice of lease termination under Condition 4.C., the Property Owner or its designee shall provide relocation assistance in an amount of \$2,500 for each dwelling unit, irrespective of the number of occupants or bedrooms in each dwelling unit.

Prior to issuance of a demolition permit for buildings on the property, the Property Owner or its designee shall provide to the Planning and Development Staff a sworn affidavit confirming that notice of eligibility for relocation assistance was given to each residential unit located in the Existing Buildings on the Property. A copy of the eligibility notice, identification of the residential units receiving relocation assistance, and the dates such assistance payments were made shall be included in the affidavit required by this condition.