

ORDINANCE NO. (2022) 338 ZC 834

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF RALEIGH WHICH IS CODIFIED IN PART 10 OF THE CITY OF RALEIGH CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Zoning District Map, which is codified in Part 10 of the City of Raleigh Code, be and the same is hereby amended as follows:

1. Z-52-21: 323 & 327 W. Morgan Street, located at the southeast corner of the intersection of Morgan Street and Harrington Street, one block west of the Raleigh Municipal Building, being Wake County PINs 1703584832 and 1703583864. Approximately 0.7 acres rezoned to Downtown Mixed Use-40 stories-Shopfront-Conditional Use (DX-40-SH-CU).

Conditions dated: December 30, 2021

1. The following uses shall be prohibited on the property; Dormitory, fraternity, sorority; pawnshop; detention center, jail, prison; self-service storage; vehicle repair; vehicle fuel sales; and adult establishment.
2. Parking Structure Façades: When a parking structure façade is adjacent to or facing any public park or plaza, public right-of-way, public sidewalk, or property line adjoining 317 W Morgan Street (Deed Book 011288 Page 00129), façades shall comply with the following:
 - a. All such façades shall have openings screened to prevent views into the structure except for perpendicular vehicular ingress and egress openings at a maximum width of thirty feet (30') and pedestrian access openings at a maximum width of eight feet (8').
 - b. Screening elements shall be designed in a structurally sound manner and have a gap of no more than eighteen inches (18") from the frame of the screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, vegetated walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings is used in conjunction with the screening frame, no individual opening shall exceed four square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.
 - c. In addition to the elements contained in condition 2.b., when a parking structure façade is adjacent to or facing the eastern property line of the subject property, it shall include a naturally or artificially vegetated screen/living fence, and/or mural.

3. Parapet walls. On all levels where parking is provided adjacent to an exterior wall, all façades shall have exterior opaque walls a minimum height of forty-two inches (42") above any finished grade and any finished floor.
4. Lighting of Structured Parking. Lighting shall be designed to reduce light spillage outside the parking structure according to the following:
 - a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.
 - b. Internal illumination shall conform to the standards of UDO Section 7.4.7. Vehicular Canopies
 - c. Rooftop lighting shall be no taller than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of fifteen feet (15') from the exterior perimeter of the rooftop wall at a maximum mounted height of twelve feet (12') above finished floor with cutoff light fixtures that have a maximum ninety (90) degree illumination.
 - d. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.
5. The following are prohibited in the area measuring fifteen feet (15') from the adjoining property at 317 W. Morgan St (Deed Book 011288; Page 00129) for a depth of one hundred twenty feet (120') from the public street right-of-way along W. Morgan Street: any building, dumpsters; loading docks, outdoor storage, delivery drop-off, surface parking and exhaust vents.
6. Any development of thirteen (13) stories or more is required to place a setback of at least ten feet (10') deep starting at the floor/level immediately above the structured garage along the eastern side of the property line adjoining 317 W. Morgan Street (Deed Book 011288; Page 00129).

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. No written comments were received by the City Clerk within twenty-four hours following the close of the public hearings for each rezoning application referenced herein.

Section 5. That this ordinance shall become effective five (5) days after adoption.

Adopted: February 15, 2022

Effective: February 20, 2022

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