

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:

- 1. Z-83-22** - 3415, 3413, 3411 Hillsborough Street; and 10, 12, 14, 18, 20, 104, 106, 108, 110, 112, 114 Turner Street, located west of the intersection between Hillsborough Street and Turner Street, being Wake County PINs 0794339499, 0794337203, 0794336229, 0794335383, 0794338124, 0794338479, 0794337593, 0794337361, 0794338395, 0794339442, 0794337241, 0794337187, 0794336266, 0794337395. Approximately 3.85 acres rezoned to Commercial Mixed Use-7 stories-Conditional Use (CX-7-CU), Commercial Mixed Use-7 stories-Urban Limited-Conditional Use (CX-7-UL-CU) with Special Residential Parking Overlay District (SRPOD).

Conditions dated: September 6, 2024

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- district shall be prohibited: (i) Dormitory, fraternity, sorority; (ii) Adult establishment; (iii) Vehicle Fuel Sales; (iv) Vehicle Sales/Rental; (v) Detention center, jail, prison; (vi) Car wash; (vii) Vehicle repair (minor); and (viii) Vehicle repair (major).
2. No Tier 3 site plan shall be filed for a drive-thru or drive-in facility, a hookah bar, or a vape/tobacco shop.
3. For any Tier 3 site plan, the facades of any building shall be constructed from one or more of the following materials: glass, concrete, clay or brick masonry, stone masonry, stucco, cementitious siding, native and manufactured stone, and pre-cast concrete.
4. For any new Tier 3 Site plan, synthetic stucco (EIFS), hardy panel, and vinyl shall be prohibited as building siding materials, but may be used as trim or similar accents.
5. The total amount of non-residential uses shall not exceed 300,000 square feet. The "Office" and "Research & Development" uses, individually and collectively, shall not exceed 250,000 square feet. The "Retail Sales" use shall not exceed 50,000 square feet. References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO Section 6.1.4). This condition shall not act as a prohibition on specific land uses not expressly enumerated in this condition. Additionally, the floor area for any non-residential

land use permitted by this rezoning ordinance that is not expressly listed above shall be counted against the amount of floor area assigned for the “Office” land use.

6. Non-residential uses shall be prohibited south of the CP&L Transmission Line Easement as shown in Book of Maps 2023, Page 1693, Wake County Registry. This Condition shall not act as a prohibition against leasing offices in an Apartment building.
7. Building height on that portion of the property located south of the 50-foot wide CP&L transmission line easement shall be limited to five stories and sixty feet (60'). This condition shall not act as a prohibition against allowable height encroachment as described in UDO Section 1.5.7.D.
8. Any building that contains the Overnight Lodging use shall not exceed five (5) stories.

The following conditions shall apply for any Tier 3 Site Plan that proposes at least: (i) twenty-five (25) dwelling units within an Apartment or Mixed-Use building type; (ii) 50,000 square feet of nonresidential uses; or (iii) 50-room Hotel:

9. The Development shall install a vertical element, including but not limited to flexible posts or planters, along the Hillsborough Street bike lane to create a separated bike lane along the Property's Hillsborough Street frontage, subject to City approval during subdivision or site plan review. If installed, the Development shall be responsible for maintenance of the vertical elements.
10. If residential units are constructed, a minimum of 0.5 vehicle parking spaces per residential unit shall be provided.
11. Electric car charging stations shall be provided with each development at the following rates: (i) two per 100,000 square feet of gross floor area of nonresidential use, (ii) two per 100 dwelling units of multi-unit living, and (iii) two per 100 hotel rooms. At least one (1) electric car charging station shall be required if the development meets one of the 3 thresholds above.
12. The Applicant shall provide two outdoor amenity areas within the CP&L Transmission Line Easement area as shown in Book of Maps 2023, Page 1693, Wake County Registry. Each outdoor amenity area in this Condition shall measure at least 4,000 square feet. The outdoor amenity areas shall contain at least one of the following: benches, eating areas, active recreation areas, or public art. These outdoor amenity areas shall be open to the public via a public access easement recorded in Wake County Registry. Each outdoor amenity area shall include at least two (2) species of plants native to North Carolina. This condition is contingent on the written approval of the holder of the CP&L Transition Line Easement.

13. For any Tier 3 Site Plan proposing at least 25 dwelling units within an Apartment building type, the Applicant will dedicate a minimum of five percent (5%) of all dwelling units shown on the Site Plan as affordable units for low-income households earning no more than sixty percent (60%) of the Area Median Income (“AMI”) adjusted by household size, for the Raleigh, NC Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development (the “Affordable Units”) for a period of no less than twenty (20) years (the “Affordability Period”). The number of Affordable Units shall be rounded up to the nearest whole number. The maximum rent and income limits will follow the affordable housing standards determined annually by the City of Raleigh Housing and Neighborhoods Department (the “Department”).

Affordability restrictions for the Affordability Units shall be filed and recorded before the issuance of the first certificate of occupancy (“CO”) which includes any residential units. The Affordability Period applies on a per unit basis and shall commence from the date of initial occupancy for a unit that is dedicated as affordable. This date shall be provided to the City as of the date of initial occupancy for each Affordable Unit. At or before the time any Affordable Unit is dedicated, the Property Owner shall execute and record with the Wake County Register of Deeds a restrictive covenant in a form approved by the City and enforceable by the City which memorializes the affordable housing terms set forth in this Condition. The Applicant shall certify compliance with this Condition to the City on an annual basis.

14. The Property Owner(s) shall provide tenants with 120 days’ written notice before the termination of their leases due to redevelopment of the Property, so long as said leases are in full force and effect and not in default. The Property Owner(s) shall provide a letter to the City Clerk’s Office confirming that the required notice has occurred.

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