

- 2. Z-67-22: 7910 Skyland Ridge Parkway**, being Wake County PIN 0768480312. Approximately 17.67 acres rezoned to Commercial Mixed Use-20 stories-Conditional Use (CX-20-CU).

Conditions Dated: April 19, 2023

1. The following Principal Uses as listed in UDO being Section 6.1.4. that are permitted, limited, or special uses in the CX- District shall be prohibited: (i) cemetery; (ii) adult establishments.
2. Residential development shall not exceed 1,000 dwelling units.
3. The cumulative square footage of all non-residential Principal Uses shall not exceed 300,000 square feet. Of the allowed 300,000 square feet, no more than 150,000 shall be used for either "Office" or "Retail Sales" as defined in UDO Sections 6.4.4 and 6.4.11, respectively. This condition shall not act as a prohibition on specific land uses not expressly enumerated in this condition.
4. Building height shall not penetrate any Title 14, Code of Federal Aviation Regulations Part 77 surface for the runways at RDU.
5. Prior to obtaining a building permit for any building height seventy-five feet (75') or greater, Developer shall obtain approval from RDU Airport Authority, in accordance with the RDU Airport Authority's Height Zoning Ordinance.
6. For any new Tier 3 Site Plan, there shall be at least one outdoor amenity area on the property that is located within 100' of the proposed principal building; if

multiple principal buildings are proposed within a Tier 3 Site Plan, the outdoor amenity area shall be located within 100' of at least one of the proposed principal buildings. This outdoor amenity area shall be at least 1,000 square feet in area. This area shall contain at least one of the following: benches, eating areas, active recreation areas, or public art.

7. Following the effective date of this ordinance, any Tier 3 site plan that proposes the Multi-Unit Living use shall dedicate no less 2.75% of the total residential dwelling units proposed as affordable for households earning 80% area median income or less for a period of no less than 10 years. The required number of affordable units shall be rounded up to the next whole number. The 10-year period shall commence from the date a unit is dedicated to be affordable or the date of certificate of occupancy for such unit, whichever is later to occur.

The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing and Neighborhood Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Registry in order to dedicate a unit as affordable. The property owner may dedicate previously constructed or newly constructed dwelling units within the development as affordable housing units to satisfy this condition. Nothing herein shall prevent units from being dedicated as affordable units in groups or phases to match phased construction plans. The property owner shall certify to the City compliance with this zoning condition on an annual basis.

For any new Tier 3 Site Plan that proposes a new building within 150' of Skyland Ridge Parkway, the following conditions shall apply:

8. Developer shall construct a minimum 8'-wide sidewalk along that portion of Skyland Ridge Parkway fronting the Tier 3 Site Plan.
9. Parking between any new principal building facade within 150' of Skyland Ridge Parkway and Skyland Ridge Parkway shall be prohibited.
10. The build-to range along Skyland Ridge Parkway shall be the minimum street setback as required by the UDO to 100', with at least 40% of the lot width fronting public right-of-way being occupied by building facade within the build-to range.

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: May 16, 2023

Effective: May 21, 2023

Distribution: Planning and Development
Inspections
City Attorney
Transcription Services – Puccini/Taylor