

AN ORDINANCE TO CLARIFY THE ZONING CODE TO ALLOW NET LOT AREA TO BE USED IN CALCULATING BOTH THE ALLOWABLE RESIDENTIAL DENSITY AND ALLOWABLE FLOOR AREA RATIO FOR OFFICE USES WHEN BOTH LAND USES PROPOSE TO LOCATE ON THE SAME LOT WITHIN THE OFFICE & INSTITUTION-1 AND OFFICE & INSTITUTION-2 ZONING DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Sections 10-2035(b)(3)b., 10-2036(b)(3)b., 10-2041(b)(3)b., 10-2043(b)(3)b. and 10-2045(b)(3)b. by deleting in its entirety the “Cross reference” contained therein.

Section 2. Amend Section 10-2035(d)(1) by adding a new subsection d. which shall read as follows:

“d. Developments proposing to locate *dwelling units* and/or *equivalent dwelling units* and offices, agencies or studios of a professional or business agent or political, labor, or service association listed as allowed in the **Schedule of Permitted Land Uses in Zoning Districts**, §10-2071, on the same *lot* may utilize the total *net lot area* for calculating both the maximum residential density and maximum *floor area ratio* as stated above.”.

Section 3. Amend Sections 10-2035(d)(2) and 10-2036(d)(2), second paragraph within the first and second sentences, by deleting the three references to the “Downtown Residential Housing Overlay District” and substituting in lieu thereof “Downtown Overlay District”.

Section 4. Amend Section 10-2036(d)(1) by adding a new subsection d. which shall read as follows:

“d. Developments proposing to locate *dwelling units* and/or *equivalent dwelling units* and offices, agencies or studios of a professional or business agent or political, labor, or service association listed as allowed in the **Schedule of Permitted Land Uses in Zoning Districts**, §10-2071, on the same *lot* may utilize the total *net lot area* for calculating both the maximum residential density and maximum *floor area ratio* as stated above.”.

Section 5. Amend Section 10-2072(b), Office, agency or studio of a professional or business agent or political, labor, or service association, by adding within subsection (1) the following new second paragraph:

“Developments proposing to locate *dwelling units* and/or *equivalent dwelling units* and offices, agencies or studios of a professional or business agent or political, labor, or service association listed as allowed in the **Schedule of Permitted Land Uses in Zoning Districts**, §10-2071, on the same *lot* may utilize the total *net lot area* for calculating both the maximum residential density and maximum *floor area ratio* as stated above.”

Section 6. Amend Section 10-2072(b), Office, agency or studio of a professional or business agent or political, labor, or service association, by deleting in its entirety the “Cross reference” in subsection (1) and substituting in lieu thereof the following:

“**Cross reference:** Additional F.A.R. is permitted in accordance with conditions specified in this §10-2072: Office, agency or studio of a professional or business agent or political, labor, or service association in the Office and Institutional -1 and -2 Districts - additional *floor area ratio* (F.A.R.) allowance.”.

Section 7. Amend Section 10-2073(c)(1) by adding a new subsection e. which shall read as follows:

“e. Developments proposing to locate *dwelling units* and/or *equivalent dwelling units* and offices, agencies or studios of a professional or business agent or political, labor, or service association listed as allowed in the **Schedule of Permitted Land Uses in Zoning Districts**, §10-2071, on the same *lot* may utilize the total *net lot area* for calculating both the maximum residential density and maximum *floor area ratio*.”.

Section 8. Amend Section 10-2088, first paragraph, by deleting the first sentence in its entirety and substituting in lieu thereof the following:

“With the exception of multiple *uses* locating within the same *building*, all *uses* being permitted by their respective zoning district, no more than one (1) principal *building* or *use* shall be permitted on a *lot* unless excepted by this Code.”.

Section 9. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 10. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 12. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 13. This ordinance shall be enforced by law as provided in G.S.N.C. 160A-75 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 14. This ordinance shall become effective five (5) days following its adoption.

ADOPTED:
EFFECTIVE:
DISTRIBUTION: