

TC-12-09 O&I Floor Area Ratio (FAR) Regulations

Amends the Zoning Code to allow increased floor area ratios for offices located within the O&I-1 and O&I-2 districts, subject to residential zoning proximity, and incorporates an 'environmental design' standard for additional increases to floor area ratio.

- Increases the maximum FAR from 0.75 to 1.0 for properties zoned O&I-1 and from 1.0 to 1.25 for properties zoned O&I-2 when the subject property is not located adjacent to or across the street from a residentially-developed property zoned RR, R-2, R-4, Special R-6 or Special R-30.

(NOTE: Increasing the base maximum FAR also results in the potential for additional FAR allowances through the performance standard approval process; from 1.0 to 1.33 for O&I-1 properties and from 1.33 to 1.66 for O&I-2 properties.)

- Updates the "Mitigation of Off-Site Impacts" stormwater management performance standard for additional FAR increases to address the 2-year, 10-year and 15-year storm events.
- Adds "Environmental Design" performance standards for additional FAR increases as follows:
 - Water conservation
 - Sewer conservation
 - Green roof architecture

AN ORDINANCE TO INCREASE THE FLOOR AREA RATIO MAXIMUMS WITHIN THE O&I-1 AND O&I-2 ZONING DISTRICTS WHEN THE SUBJECT PROPERTY IS NOT ADJACENT TO A RESIDENTIALLY-DEVELOPED LOT ZONED RR, R-2, R-4, SP R-6 OR SP R-30; AND TO EXPAND THE PERFORMANCE STANDARDS FOR INCREASING THE ALLOWABLE FLOOR AREA RATIO

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

Section 1. Amend Section 10-2035(d)(1) by deleting subsection c. in its entirety and substituting in lieu thereof the following:

- “c. Outside the Downtown Overlay District the following *floor area ratio* and *building lot coverage* limitations are applied to any: Office, agency, and studio of a professional or business agent or political labor or service association, listed in the **Schedule of Permitted Land Uses in Zoning Districts**; see §10-2072(b) for these limitations.

Floor area ratio

- .75 maximum without conditional use approval and adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned Rural Residential, Residential-2, Residential-4, Special Residential-6 or Special Residential-30 (§10-2072, additional *floor area ratio* allowance);
- 1.0 maximum without conditional use approval and not adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned Rural Residential, Residential-2, Residential-4, Special Residential-6 or Special Residential-30 (§10-2072, additional *floor area ratio* allowance).

Building Lot Coverage

- Twenty-five (25) per cent maximum.”.

Section 2. Amend Section 10-2036(d)(1) by deleting subsection c. in its entirety and substituting in lieu thereof the following:

- “c. Outside the Downtown Overlay District the following *floor area ratio* and *building lot coverage* limitations are applied to any: Office, agency, and

studio of a professional or business agent or political labor or service association, listed in the **Schedule of Permitted Land Uses in Zoning Districts**; see §10-2072(b) for these limitations.

Floor area ratio

- 1.0 maximum without conditional use approval and adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned Rural Residential, Residential-2, Residential-4, Special Residential-6 or Special Residential-30 (§10-2072, additional *floor area ratio* allowance);
- 1.25 maximum without conditional use approval and not adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned Rural Residential, Residential-2, Residential-4, Special Residential-6 or Special Residential-30 (§10-2072, additional *floor area ratio* allowance).

Building Lot Coverage

- Thirty (30) per cent maximum.”.

Section 3. Amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association**, by deleting the table (Maximum F.A.R. and Maximum % of Building Lot Coverage) and the associated footnote following the second paragraph in their entirety and substituting in lieu thereof the following”

O&I-1

Floor area ratio

- .75 maximum without conditional use approval and adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned RR, R-2, R-4, Special R-6 or Special R-30.
- 1.0 maximum without conditional use approval and not adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned RR, R-2, R-4, Special R-6 or Special R-30.

Building Lot Coverage

- Twenty-five (25) per cent maximum

O&I-2

Floor area ratio

- 1.0 maximum without conditional use approval and adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned RR, R-2, R-4, Special R-6 or Special R-30;
- 1.25 maximum without conditional use approval and not adjoining the *lot* line, or located directly across a public *street* with a right-of-way width less than one hundred and eighty (180) feet, of any *lot* containing a *dwelling* and zoned RR, R-2, R-4, Special R-6 or Special R-30

Building Lot Coverage

- Thirty (30) per cent maximum

O&I-3

Floor area ratio

- 0.33 maximum

Building Lot Coverage

- Twenty (20) per cent for one (1) story *buildings* and fifteen (15) per cent for all other *buildings*. If both one (1) story *buildings* and *buildings* of two (2) or more stories occur on one (1) lot, the maximum *building lot coverage shall* be increased from fifteen (15) per cent to a maximum of twenty (20) per cent in the same proportion as the amount of square footage contained in *buildings* of one (1) story bears to the total amount of square footage of all *buildings* on the *lot*.”.

Section 4. Amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association in the Office and Institution -1 and -2 Districts – additional floor area ratio (F.A.R.) allowance**, by amending the first sentence to delete the words “from all of the following subsections (1), (2), (3), and (4)” and substitute in lieu thereof “from the following subsections (1), (2), (3), and (4)”.

Furthermore, amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association in**

the Office and Institution -1 and -2 Districts – additional floor area ratio (F.A.R.) allowance, to include a new subsection (5) which shall read as follows:

“(5) Environmental Design.

- a. Water conservation. Potable water use is reduced a minimum of twenty (20) percent from baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers and kitchen sinks.

Potential Technologies & Strategies: Use high-efficiency fixtures, dry fixtures such as composting toilet systems and non-water using urinals, and occupant sensors to reduce the potable water demand. Consider reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses (ten (10) points); or

- b. Sewer conservation. Reduce potable water use for building sewage conveyance by 50% through the use of water-conserving fixtures (water closets, urinals) or non-potable water (captured rainwater, recycled greywater, and on-site or municipally treated wastewater).

Potential Technologies & Strategies: Specify high-efficiency fixtures and dry fixtures such as composting toilet systems and non-water using urinals to reduce wastewater volumes. Consider reusing stormwater or greywater for sewage conveyance or on-site wastewater treatment systems (mechanical and/or natural) (ten (10) points); or.

- c. Reduce urban heat-island effect. A minimum of fifty (50) per cent of the roof surface of the principal building(s) is vegetated and permanently maintained (green roof) (twenty (20) points).”.

Section 5. Amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association in the Office and Institution -1 and -2 Districts – additional floor area ratio (F.A.R.) allowance**, subsection (2)a., by deleting the second sentence in subsection a. in its entirety and substituting in lieu thereof the following:

“All retention and detention devices *shall* limit the peak stormwater runoff for the two-year, ten-year and fifteen-year storms to be no greater for post-development conditions than pre-development conditions and *shall* be

permanently maintained and *shall* otherwise comply with §10-5007 and §10-9027(b); or”.

Section 6. Amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association in the Office and Institution -1 and -2 Districts – additional *floor area ratio* (F.A.R.) allowance**, second to the last paragraph [the paragraph immediately following new subsection (5)], by deleting the words “so that the maximum allowable *floor area ratio* in the Office and Institution-1 District is 1.00 and in the Office and Institution-2 District is 1.33”.

Furthermore, amend Section 10-2072(b), **Office, agency or studio of a professional or business agent or political, labor, or service association in the Office and Institution -1 and -2 Districts – additional *floor area ratio* (F.A.R.) allowance**, last paragraph, by deleting the words “so that the maximum allowable *floor area ratio* in the Office and Institution-1 District is 0.87 and in the Office and Institution-2 District is 1.16”.

Section 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. 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 9. 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 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 11. 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 12. This ordinance shall become effective five (5) days following its adoption.

ADOPTED: November 3, 2009
EFFECTIVE: November 8, 2009
DISTRIBUTION: Planning
Inspection