



Planning & Development

Zoning Division
 One Exchange Plaza, Suite 300
 Raleigh, North Carolina 27601
 Phone 919-996-2626

City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
<p>UDO Section 6.4.11.C.2.b. states that the floor area of the retail uses in the OX district cannot exceed 15% of the gross floor area of the entire building. We are requesting an interpretation regarding the words “entire building” to mean the structure as evaluated from a plain meaning, as well as a zoning standpoint and not from a building code standpoint. For example, please look at the attached exhibit. In this example, there are three building permits in order to meet the fire code, but only one building from a functional, appearance and zoning perspective. In this example, the retail use is entirely in area #3, but the 15% calculation is based on the gross floor area of the areas 1, 2, and 3, which comprise the entire building.</p> <p>Please confirm that “entire building” is interpreted as the entire structure and not an individual permitted area.</p>		UI-4-2016
<p>Site Address/PIN: Not Applicable</p>		
<p>Date Submitted: March 11, 2016</p>	<p>Date Issued: March 24, 2016</p>	<p>Code Sections Affected: Sec. 6.4.11.C.2.b.</p>

STAFF ANALYSIS

For the purposes of Sec. 6.4.11.C.2.b. of the Unified Development Ordinance (UDO), the gross floor area of a building is measured from the exterior walls of the overall connected structure on the individual lot, even though there may be firewalls etc. that separate the structure into further divisions from a building code perspective. In your example where one building, from a zoning perspective, is split into 3 buildings from a building code perspective, the entirety of the permits must be applied for and constructed such that upon the issuance of a Certificate of Occupancy, the retail use area would not exceed 15% of the gross floor area to be permitted or occupied. The various sub-buildings would need to be connected above ground by enclosed and conditioned space, all located on the same parcel of land and would be governed by the UDO as one building for all aspects of the regulations in order for it to qualify as one overall building for the purposes of this section.

STAFF INTERPRETATION

Under Sec. 6.4.11.C.2.b., the gross floor area of a building may be comprised of various buildings, from a building code perspective, so long as it is all part of a structure that is connected above ground by enclosed and conditioned space, all located on the same parcel of land, compliant with the UDO if treated as one building. 100% of the overall building gross floor area needed to allow for the retail square footage would need to be permitted simultaneously. A certificate of occupancy cannot be given to the retail space until the requisite non-retail square footage of the overall building gross needed to support the retail percentage has been granted a certificate of occupancy. Assuming all of these requirements can be met, an individual building, from a zoning perspective, can be broken into various sub-buildings from a building-permit perspective and continue to be treated as one individual building under the Unified Development Ordinance.

SIGNATORY

Travis R. Crane, Planning and Zoning Administrator