

3f & 3h

We request the initiation of two code provisions:

- 1) Definition of "bedroom"
- 2) "Unfinished space" exemption

Definition of bedroom

- The bedroom limit on duplexes (LDC- 25-5-555D) is not enforced due to the lack of determining criteria for a "bedroom". The bedroom limit is easily circumvented by labeling bedrooms as gamerooms, studies, playrooms, etc...
- BOA recommendation at 1917 David interpretations appeal:

A room designated on the floor plan of a residential project should be considered a "Bedroom" for the purposes of determining the number of bedrooms allowed under section 25-2-555(D) of the Land Development Code if:

the room is configured so that it is or is capable of being a private space separated from **all** other areas of the building by a permanent door or doors, and

the room is a minimum of 70 square feet in area and is not a kitchen, utility room, **common living area** or common circulation space (halls or stairs),

Unfinished space exemption from Gross Floor Area Calculation

- There has been a historical practice of exempting unfinished space from the Gross Floor Area calculation. However, that exemption is not in the Land Development Code.
- The Land Development Code clearly states that if it is not exempted in the Code, it must be counted:

3.3.1. In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

- If the practice is to continue, there must be clear guidelines in the Land Development Code, with qualification requirements and limits.

§ 25-2-555 FAMILY RESIDENCE (SF-3) DISTRICT REGULATIONS.

- (A) This section applies in a family residence (SF-3) district.
- (B) The rear yard setback is five feet for an accessory building that is not more than one story or 15 feet in height.
- (C) For a retirement housing (small site) use:
 - (1) the minimum site area is 18,675 square feet;
 - (2) a site may be developed with not more than 122 dwelling units;
 - (3) at least 6,225 square feet of site area is required for each dwelling unit; and
 - (4) except for a parking space in a driveway, a parking space may not be located in a front street yard.
- (D) This subsection applies to a duplex residential use.
 - (1) On a lot with a lot area of less than 10,000 square feet, a duplex structure may not exceed 4,000 square feet of gross floor area or contain more than six **bedrooms**.
 - (2) On a lot with a lot area of 10,000 square feet or more, a duplex structure may not exceed a floor-to-area ratio of 0.57 to 1.

Source: Section 13-2-635; Ord. 99025-70; Ord. 030605-49; Ord. 031211-11.

§ 3.3. GROSS FLOOR AREA.

In this Subchapter, GROSS FLOOR AREA has the meaning assigned by Section 25-1-21 (*Definitions*), with the following modifications:

3.3.1. In this Subchapter, GROSS FLOOR AREA means all enclosed space, regardless of its dimensions, that is not exempted under subsections 3.3.2, 3.3.3, or 3.3.4.

3.3.2. Subject to the limitations in paragraph C below, the following parking areas and structures are excluded from gross floor area for purposes of this Subchapter:

A. Up to 450 square feet of:

1. A detached rear parking area that is separated from the principal structure by not less than 10 feet;
2. A rear parking area that is 10 feet or more from the principal structure, provided that the parking area is either:
 - a. detached from the principal structure; or
 - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width; or
3. A parking area that is open on two or more sides, if:
 - i. it does not have habitable space above it; and
 - ii. the open sides are clear and unobstructed for at least 80% of the area measured below the top of the wall plate to the finished floor of the carport.

B. Up to 200 square feet of:

1. An attached parking area if it used to meet the minimum parking requirement; or
2. A garage that is less than 10 feet from the rear of the principal structure, provided that the garage is either:
 - a. detached from the principal structure; or
 - b. attached by a covered breezeway that is completely open on all sides, with a walkway not exceeding 6 feet in width and a roof not exceeding 8 feet in width.

C. An applicant may receive only one 450-square foot exemption per site under paragraph A. An applicant who receives a 450-square foot exemption may receive an additional 200-foot exemption for the same site under paragraph B, but only for an attached parking area used to meet minimum parking requirements.

3.3.3. Porches, basements, and attics that meet the following requirements shall be excluded from the calculation of gross floor area:

A. A ground floor porch, including a screened porch, provided that:

1. the porch is not accessible by automobile and is not connected to a driveway; and
2. the exemption may not exceed 200 square feet if a porch has habitable space or a balcony above it.

B. A habitable portion of a building that is below grade if:

1. The habitable portion does not extend beyond the first-story footprint and is:

a. Below natural or finished grade, whichever is lower; and

b. Surrounded by natural grade for at least 50% of its perimeter wall area, if the habitable portion is required to be below natural grade under paragraph 1.a.

2. The finished floor of the first story is not more than three feet above the average elevation at the intersections of the minimum front yard setback line and the side property lines.

C. A habitable portion of an attic, if:

1. The roof above it is not a flat or mansard roof and has a slope of 3 to 12 or greater;

2. It is fully contained within the roof structure;

3. It has only one floor;

4. It does not extend beyond the footprint of the floors below;

5. It is the highest habitable portion of the building, or a section of the building, and adds no additional mass to the structure; and

6. Fifty percent or more of the area has a ceiling height of seven feet or less.

3.3.4. An enclosed area shall be excluded from the calculation of gross floor area if it is five feet or less in height. For purposes of this subsection:

A. Area is measured on the outside surface of the exterior walls; and

B. Height is measured from the finished floor elevation, up to either:

1. the underside of the roof rafters; or

2. the bottom of the top chord of the roof truss, but not to collar ties, ceiling joists, or any type of furred-down ceiling.

Source: Ord. 20060216-043; Ord. 20060309-058; Ord. 20060622-022; Ord. 20060928-022; Ord. 20080618-093.

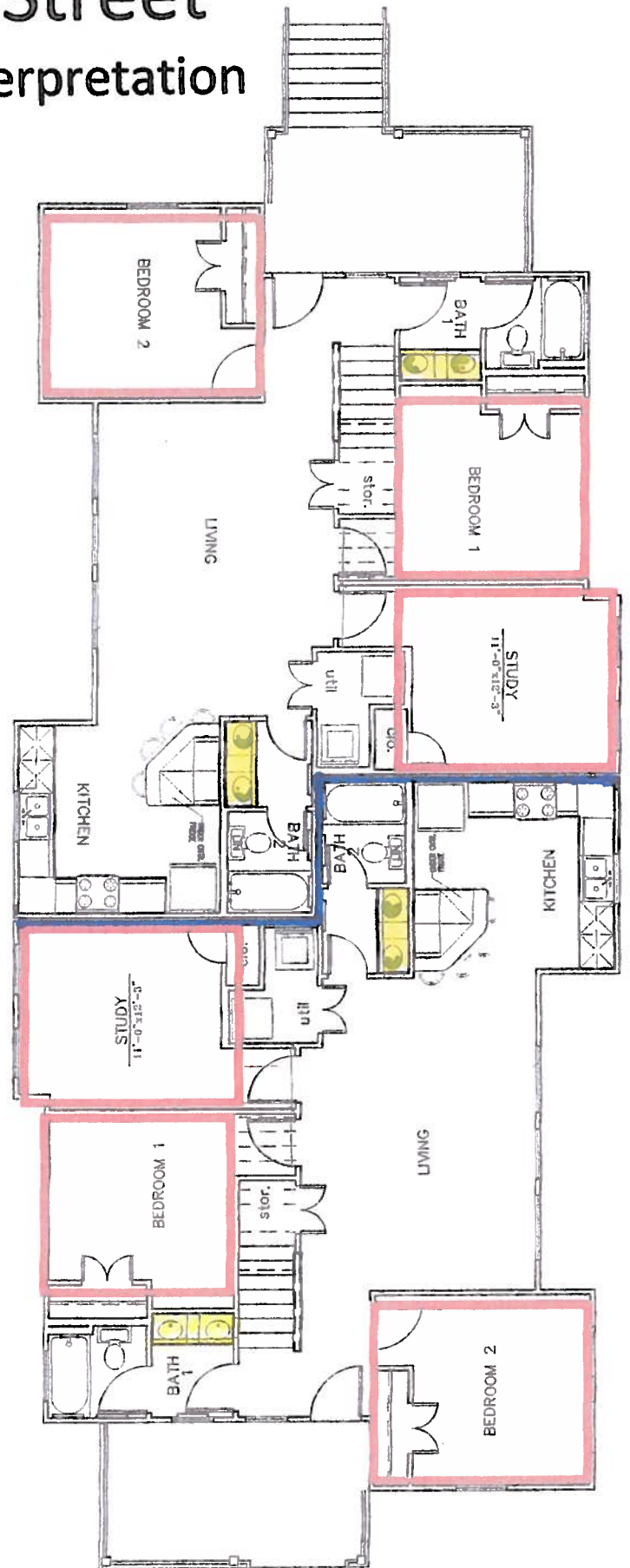
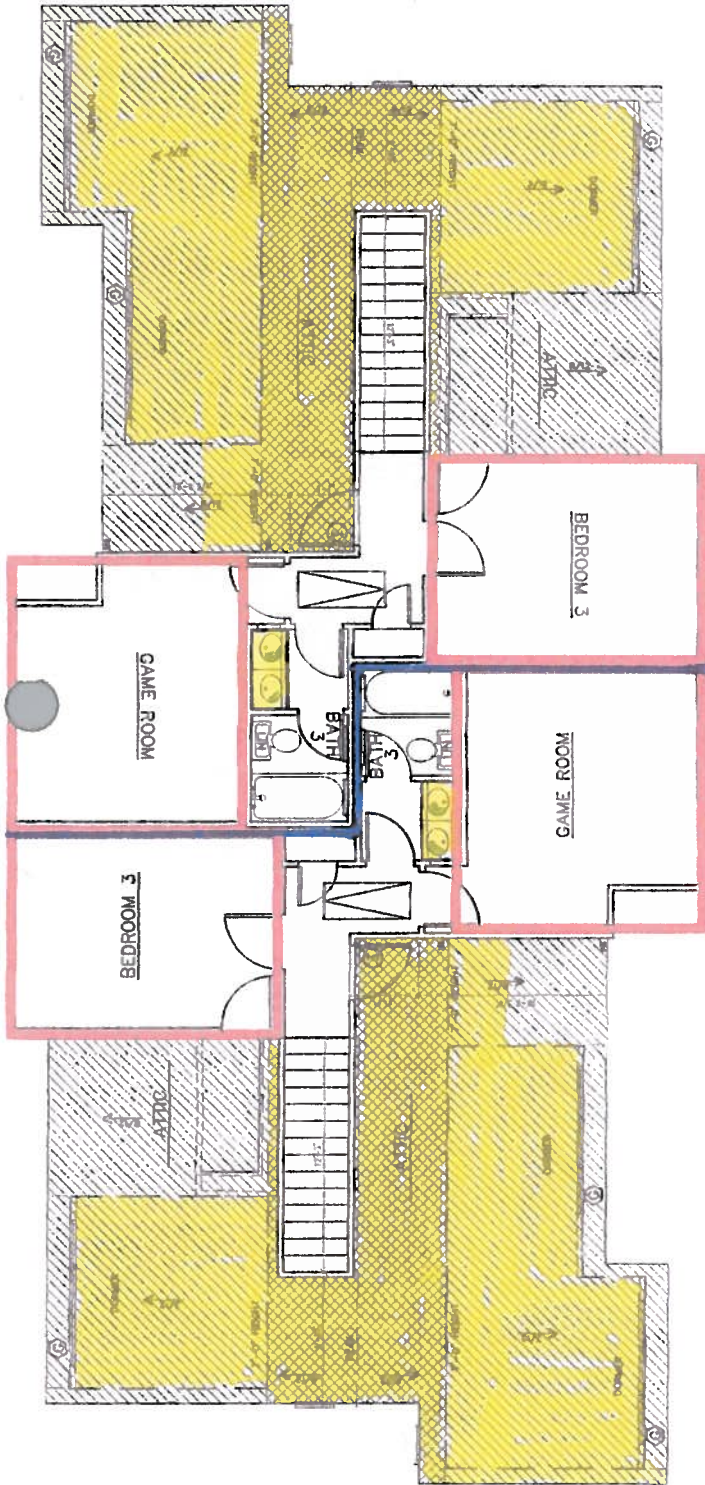
Additional LDC Definitions-

(37) **ENCLOSED** means a roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight feet in height.

(43) **GROSS FLOOR AREA** means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

1917 David Street

BOA Appeal for Interpretation



1917 David Street
507 Acres for Reclamation