

**APPEAL OF BUILDING PERMIT 2012-084972 BP**

**OWNER/AGENT:** Michael Said/Mike McHone

**ADDRESS:** 1917 David St.

**PROPOSED USE:** New Construction - Duplex Residential

**APPELLANT:** Nuria Zaragosa/OWUNA

**STAFF SUMMARY**

On August 28, 2012, a building permit (2012-084972 BP) was issued for construction of a new duplex residential structure.

On September 17, 2012 an appeal of this building permit was filed by Nuria Zaragoza, president of the neighborhood association. Ms. Zaragoza is registered as an interested party and submitted the appeal in a timely manner.

No work has begun on the site.

**REQUEST:**

Ms. Zaragoza requests the Building and Fire Code Board of Appeals declare the proposed structure as a “rooming house” based on a previous decision by the Board on May 5, 2010 concerning 1915 David St. If this were the case, this project at 1917 David St. would need to be reviewed under the 2009 International Building Code (IBC) and not under the 2006 International Residential Code (IRC).

**STAFF RECOMMENDATION:**

The property is currently zoned as SF-3-NP, is under the Central Austin Combined Neighborhood Plan and also needs to comply with **SubChapter F: Residential Design Compatibility Standards** (McMansion) of the Land Development Code (LDC). Under this zoning, a duplex structure is allowed.

The IRC provides minimum requirements for room areas, sanitation, emergency escape and rescue openings, and means of egress. The proposed two-family dwelling clearly falls within the scope of the IRC and appears to comply. There are no definitions for bedrooms, game rooms, studies, etc., in the IRC. However, the IRC does require every sleeping room to have at least one operable emergency and rescue opening. On this particular project, the sleeping areas are limited under **Section 25-2-511 Dwelling Unit Occupancy Limit**. No more than 3 unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use.

The proposed construction plans demonstrate compliance with the zoning requirements of the LDC and technical code requirements as provided under the IRC and does not warrant a review under the IBC. Therefore, staff recommends denial of the appeal.

ATTACHMENT: Miscellaneous Sections from the IRC and LDC.

## ATTACHMENT - CODE REFERENCES

### § 25-2-511 DWELLING UNIT OCCUPANCY LIMIT.

(A) Notwithstanding any other provision of this code, except as provided in Subsection (B):

- (1) not more than six unrelated persons may reside in a dwelling unit;
- (2) not more than three unrelated persons 18 years of age or older may reside in a dwelling unit of a duplex residential use, unless:
  - (a) before June 5, 2003:
    - (i) a building permit for the duplex structure was issued; or
    - (ii) the use was established; and
  - (b) after June 5, 2003, the gross floor area in the duplex structure does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act; and
- (3) for a two-family residential use or a site with a secondary apartment special use, not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit, unless:
  - (a) before November 18, 2004:
    - (i) a building permit for the second dwelling unit was issued; or
    - (ii) the use was established; and
  - (b) after November 18, 2004, the gross floor area does not increase more than 69 square feet, except for the completion of construction authorized before that date or to allow for compliance with the Americans with Disabilities Act.

(B) A group of not more than ten unrelated persons may reside in a dwelling unit if:

- (1) a majority of the persons are 60 years of age or older;
- (2) the persons are self-caring and self-sufficient and participate in the daily operation of the dwelling unit; and
- (3) the persons live together as a single, non-profit housekeeping unit.

*Source: Section 13-2-1; Ord. 990225-70; Ord. 030605-49; Ord. 031211-11; Ord. 0411118-59; Ord. 20100923-127.*

## **2006 International Residential Code minimum requirements that is applicable to the Structure.**

The following code language is provided from the 2006 International Residential Code to provide the Board a short overview of the minimum important criteria of the code as it relates to new construction or a one-and-two-family dwelling.

### **Chapter 1**

#### **R101.2 Scope.**

The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

#### **R101.3 Purpose.**

The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

### **Chapter 2 Definitions**

**STRUCTURE.** That which is built or constructed.

**BUILDING.** Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

**DWELLING.** Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

### **Chapter 3 Building Planning**

#### **SECTION R304**

#### **MINIMUM ROOM AREAS**

##### **R304.1 Minimum area.**

Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet (11 m<sup>2</sup>) of gross floor area.

##### **R304.2 Other rooms.**

Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m<sup>2</sup>).  
Exception: Kitchens.

##### **R304.3 Minimum dimensions.**

Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.  
Exception: Kitchens.

##### **R304.4 Height effect on room area.**

Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

## **SECTION R306**

### **SANITATION**

#### **R306.1 Toilet facilities.**

Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

#### **R306.2 Kitchen.**

Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

#### **R307 Toilet, Bath, Shower spaces**

#### **R310 Emergence Escape and Rescue openings**

## **SECTION R310**

### **EMERGENCY ESCAPE AND RESCUE OPENINGS**

#### **R310.1 Emergency escape and rescue required.**

Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m<sup>2</sup>).

#### **R310.1.1 Minimum opening area.**

All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m<sup>2</sup>).

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m<sup>2</sup>).

#### **R310.1.2 Minimum opening height.**

The minimum net clear opening height shall be 24 inches (610 mm).

#### **R310.1.3 Minimum opening width.**

The minimum net clear opening width shall be 20 inches (508 mm).

#### **R310.1.4 Operational constraints.**

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

**R310.2 Window wells.**

The minimum horizontal area of the window well shall be 9 square feet (0.9 m<sup>2</sup>), with a minimum horizontal projection and width of 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception: The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches (152 mm) into the required dimensions of the window well.

**R310.2.1 Ladder and steps.**

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

**R310.3 Bulkhead enclosures.**

Bulkhead enclosures shall provide direct access to the basement. The bulkhead enclosure with the door panels in the fully open position shall provide the minimum net clear opening required by Section R310.1.1. Bulkhead enclosures shall also comply with Section R311.5.8.2.

**R310.4 Bars, grilles, covers and screens.**

Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided the minimum net clear opening size complies with Sections R310.1.1 to R310.1.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening.

**R310.5 Emergency escape windows under decks and porches.**

Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches (914 mm) in height to a yard or court.

**SECTION R311****MEANS OF EGRESS****R311.1 General.**

Stairways, ramps, exterior egress balconies, hallways and doors shall comply with this section.

**R311.2 Construction.****R311.2.1 Attachment.**

Required exterior egress balconies, exterior exit stairways and similar means of egress components shall be positively anchored to the primary structure to resist both vertical and lateral forces. Such attachment shall not be accomplished by use of toenails or nails subject to withdrawal.

**R311.2.2 Under stair protection.** Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with ½-inch (13 mm) gypsum board.

**R311.3 Hallways.**

The minimum width of a hallway shall be not less than 3 feet (914 mm).

**R311.4 Doors.****R311.4.1 Exit door required.**

Not less than one exit door conforming to this section shall be provided for each dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.

**R311.4.2 Door type and size.**

The required exit door shall be a side-hinged door not less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Other doors shall not be required to comply with these minimum dimensions.

**R311.4.3 Landings at doors.**

There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent).

Exceptions:

1. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.
2. The exterior landing at an exterior doorway shall not be more than 7¾ inches (196 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing.
3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than 7¾ inches (186 mm) lower than the top of the threshold. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

**R311.4.4 Type of lock or latch.**

All egress doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.

**R311.5 Stairways.****R311.5.1 Width.**

Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height. Handrails shall not project more than 4.5 inches (114 mm) on either side of the stairway and the minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31.5 inches (787 mm) where a handrail is installed on one side and 27 inches (698 mm) where handrails are provided on both sides.

Exception: The width of spiral stairways shall be in accordance with Section R311.5.8.

**R311.5.2 Headroom.**

The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches (2036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

**R311.5.3 Stair treads and risers.****R311.5.3.1 Riser height.**

The maximum riser height shall be 7¾ inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.5.3.2 Tread depth.**

The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.5.3.3 Profile.**

The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14 mm). A nosing not less than ¾ inch (19 mm) but not more than 1¼ inch (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed ½ inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

**R311.5.4 Landings for stairways.**

There shall be a floor or landing at the top and bottom of each stairway.

Exception: A floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.

A flight of stairs shall not have a vertical rise larger than 12 feet (3658 mm) between floor levels or landings.

The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

**R311.5.5 Stairway walking surface.**

The walking surface of treads and landings of stairways shall be sloped no steeper than one unit vertical in 48 inches horizontal (2-percent slope).

**R311.5.6 Handrails.**

Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

**R311.5.6.1 Height.**

Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

**R311.5.6.2 Continuity.**

Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

#### **R311.5.6.3 Handrail grip size.**

All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1¾ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

#### **R311.5.7 Illumination.**

All stairs shall be provided with illumination in accordance with Section R303.6.

#### **R311.5.8 Special stairways.**

Spiral stairways and bulkhead enclosure stairways shall comply with all requirements of Section R311.5 except as specified below.

##### **R311.5.8.1 Spiral stairways.**

Spiral stairways are permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a 7½-inches (190 mm) minimum tread depth at 12 inches from the narrower edge. All treads shall be identical, and the rise shall be no more than 9½ inches (241 mm). A minimum headroom of 6 feet 6 inches (1982 mm) shall be provided.

##### **R311.5.8.2 Bulkhead enclosure stairways.**

Stairways serving bulkhead enclosures, not part of the required building egress, providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R311.4.3 and R311.5 where the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 8 feet (2438 mm), and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

#### **R311.6 Ramps.**

##### **R311.6.1 Maximum slope.**

Ramps shall have a maximum slope of one unit vertical in twelve units horizontal (8.3-percent slope).

Exception: Where it is technically infeasible to comply because of site constraints, ramps may have a maximum slope of one unit vertical in eight horizontal (12.5 percent slope).

### **R311.6.2 Landings required.**

A minimum 3-foot-by-3-foot (914 mm by 914 mm) landing shall be provided:

1. At the top and bottom of ramps.
2. Where doors open onto ramps.
3. Where ramps change direction.

### **R311.6.3 Handrails required.**

Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

#### **R311.6.3.1 Height.**

Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

#### **R311.6.3.2 Handrail grip size.**

Handrails on ramps shall comply with Section R311.5.6.3.

#### **R311.6.3.3 Continuity.**

Handrails where required on ramps shall be continuous for the full length of the ramp.

Handrail ends shall be returned or shall terminate in newel posts or safety terminals.

Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails.

## **SECTION R312**

### **GUARDS**

#### **R312.1 Guards.**

Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

#### **R312.2 Guard opening limitations.**

Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102mm) or more in diameter.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4 3/8 inches (107 mm) to pass through.

## **SECTION R313**

### **SMOKE ALARMS**

#### **R313.1 Smoke detection and notification.**

All smoke alarms shall be listed in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station.

**R313.2 Location.**

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

**SECTION R317**

**DWELLING UNIT SEPARATION**

**R317.1 Two-family dwellings.**

Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 1-hour fire-resistance rating when tested in accordance with ASTM E 119. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

Exceptions:

1. A fire-resistance rating of ½ hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 1/2 -inch (12.7 mm) gypsum board or equivalent.

**R317.1.1 Supporting construction.**

When floor assemblies are required to be fire-resistance-rated by Section R317.1, the supporting construction of such assemblies shall have an equal or greater fire-resistive rating.

LDC allows uses for SF3 zoning classification:

<p><u>Residential Uses include:</u></p> <ul style="list-style-type: none"> <li>• Single Family attached</li> <li>• 2 Family Residential</li> <li>• Duplex Residential</li> <li>• Bed &amp; Breakfast Group 1</li> <li>• Retirement Housing</li> <li>• Duplex Residential</li> <li>• Can have an art gallery or art workshop</li> <li>• Food preparation is allowed</li> </ul>	<p><u>Civic Uses Include:</u></p> <ul style="list-style-type: none"> <li>• Commercial facility</li> <li>• Club or Lodge</li> <li>• College or university facility</li> </ul> <p>*Hotels are not allowed.</p>
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SF3 Technical Code Requirement – Regulated by 2006 International Residential Code

**§ 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.