

BOA INTERPRETATION MEETING

11 December 2013

Q: Does the Basement Exemption apply to Second Dwelling Units?



DICK CLARK + ASSOCIATES
ARCHITECTURE + INTERIORS

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Base Code:

§ 25-1-21 DEFINITIONS.

(44) 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.

Subchapter F:

§ 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:

§ 25-2-774 TWO-FAMILY RESIDENTIAL USE.

- (A) For a two-family residential use, the base zoning district regulations are superseded by the requirements of this section.
- (B) For a two-family residential use the minimum lot area is 7,000 square feet.
- (C) The second dwelling unit:
 - (1) must be contained in a structure other than the principal structure;
 - (2) must be located:
 - (a) at least 15 feet to the rear of the principal structure; or
 - (b) above a detached garage;
 - (3) may be connected to the principal structure by a covered walkway;
 - (4) may not have an entrance within 10 feet of a lot line;
 - (5) unless the second dwelling unit has vehicular access from a rear alley, it must be served by a paved driveway, and the portion of the driveway that crosses the front yard must be at least 9 feet and not more than 12 feet wide;
 - (6) may not exceed a height of 30 feet, and is limited to two stories; and
 - (7) may not exceed a gross floor area of:
 - (a) 850 total square feet; or
 - (b) 550 square feet on the second story, if any.
- (D) Impervious cover for the site may not exceed 45 percent.
- (E) Building cover for the site may not exceed 40 percent.
- (F) Other than in a driveway, parking is prohibited in the front yard.

Source: Section 13-2-255; Ord. 990225-70; Ord. 000511-108; Ord. 000831-65; Ord. 031211-11; Ord. 041118-59.

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1.2.2.

Used for a.

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;
- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. **Two-family residential use;**
- J. Urban home special use;
- K. Club or lodge;
- L. Daycare services (general and limited);
- M. Family homes;
- N. Group homes (general and limited);



§ 1.4. CONFLICTING PROVISIONS.

1.4.1. To the extent of conflict, this Subchapter **supersedes:**

- A. Section 25-1-21 (*Definitions*);
- B. Section 25-2-492 (*Site Development Regulations*);
- C. Section 25-2-555 (*Family Residence (SF-3) District Regulations*);
- D. Section 25-2-773 (*Duplex Residential Use*);

E. Section 25-2-774 (*Two-Family Residential Use*)

- F. Section 25-2-778 (*Front Yard Setback for Certain Residential Uses*);
- G. Section 25-2-779 (*Small Lot Single-Family Residential Uses*); and
- H. Section 25-4-232 (*Small Lot Subdivisions*).



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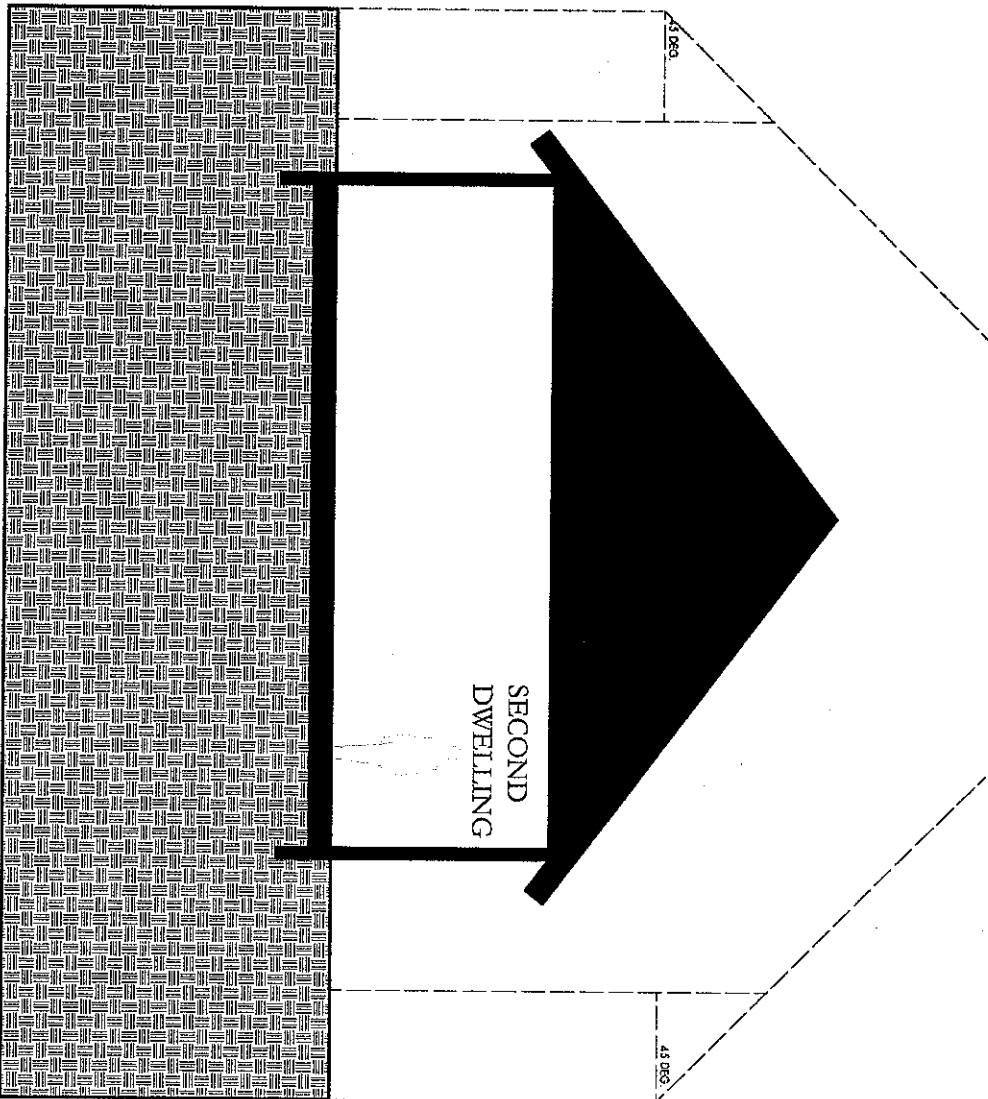
3.3.3. **Porches, basements, and attics** that meet the following requirements shall be excluded from the calculation of gross floor area:

- 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: ➡ ➡ ➡ ➡ ➡ Why doesn't this apply?
 - 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.

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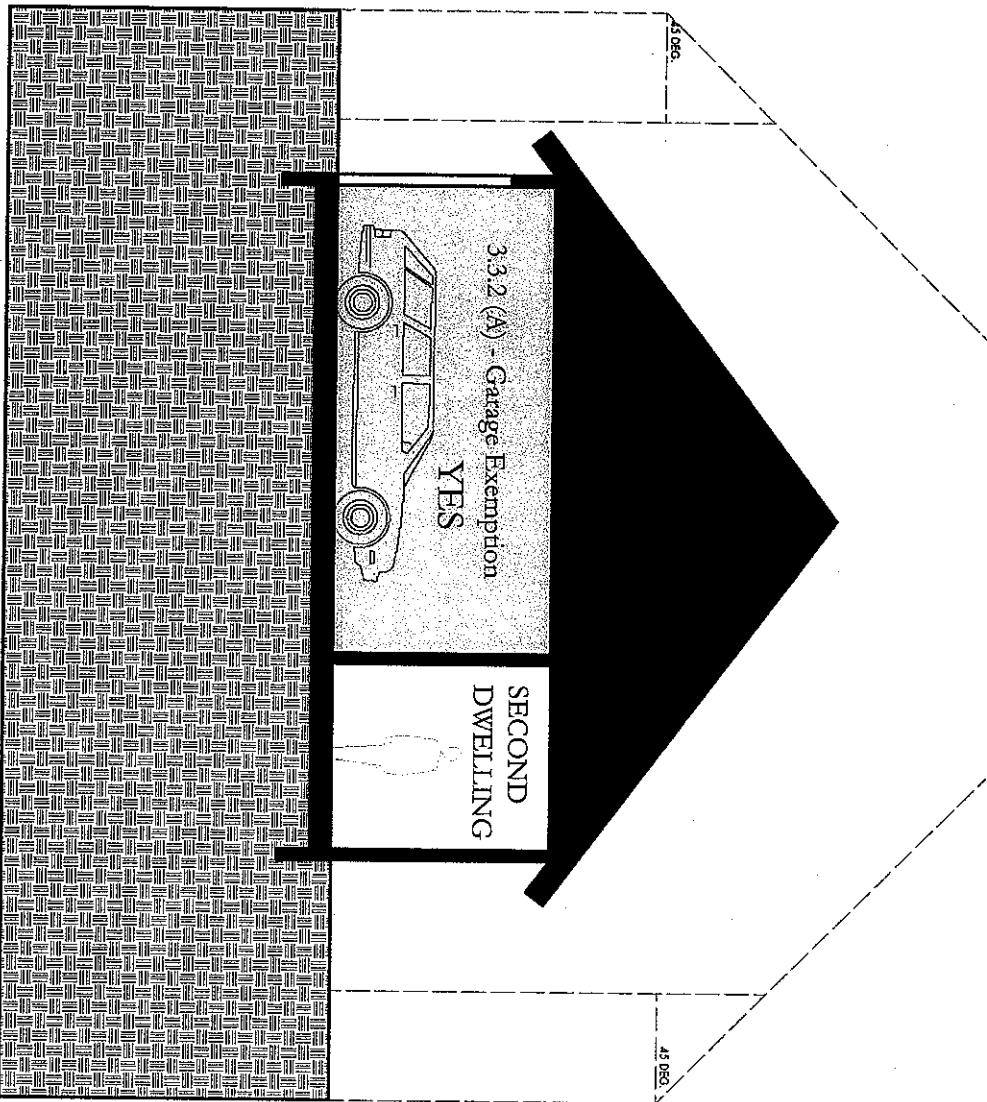
Generic Second Dwelling Unit:



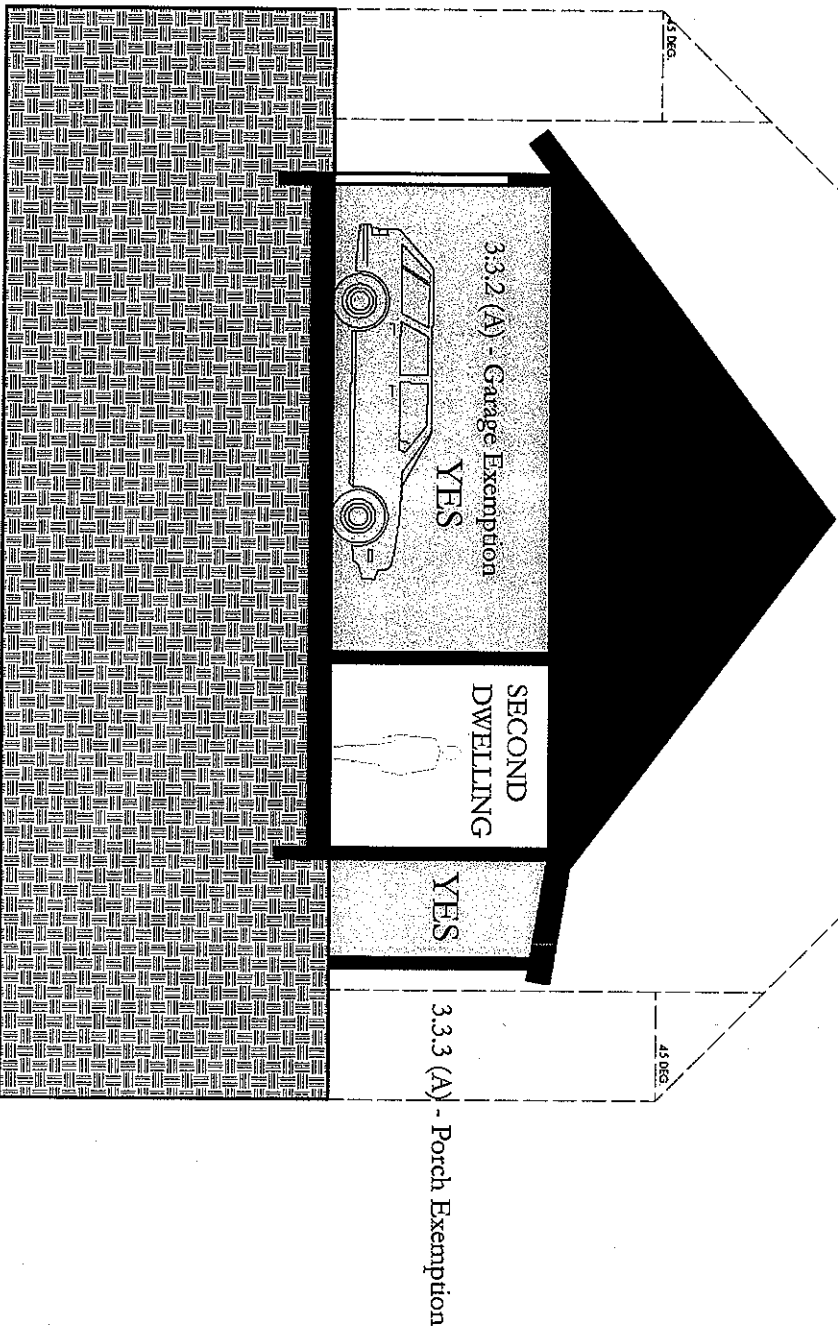
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Generic Second Dwelling Unit with Allowed Exemptions?

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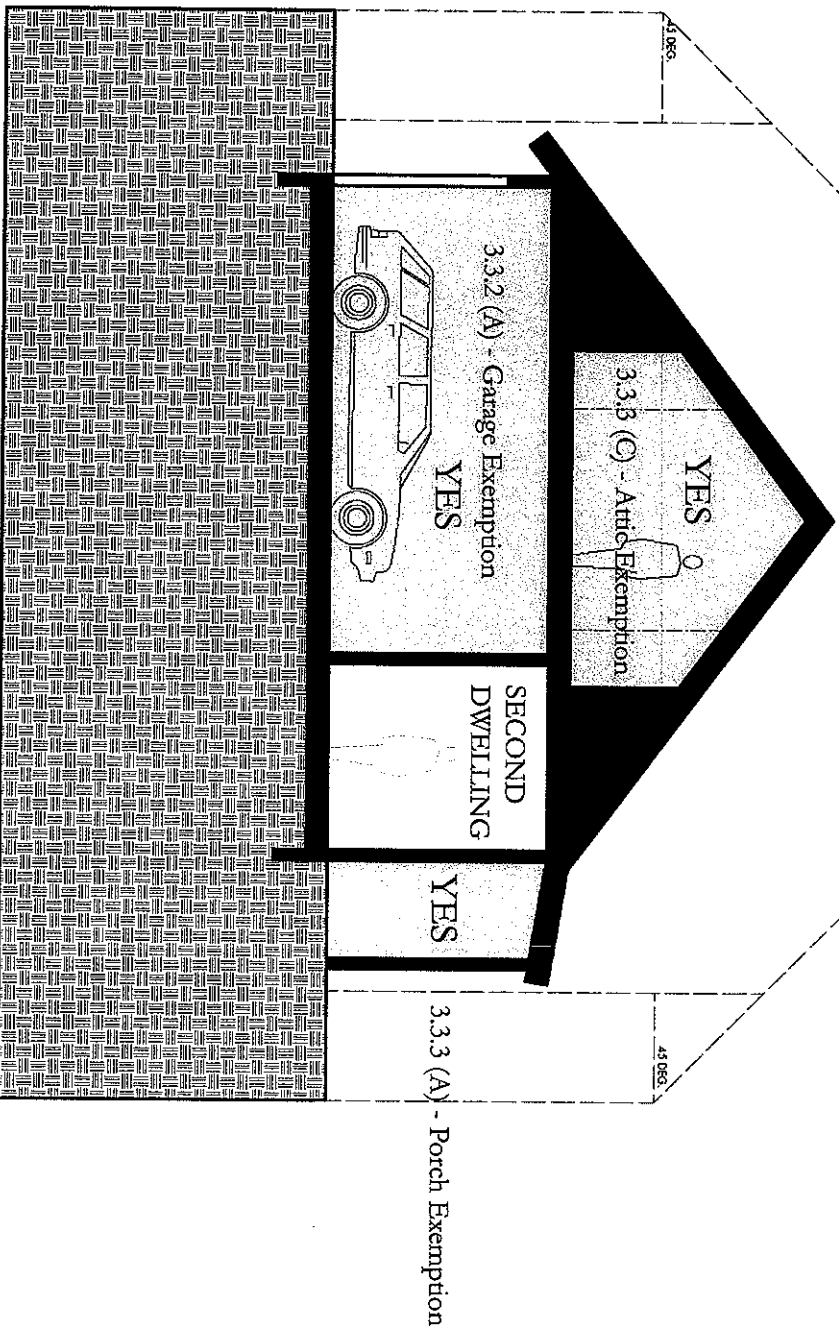
Generic Second Dwelling Unit with Allowed Exemptions?



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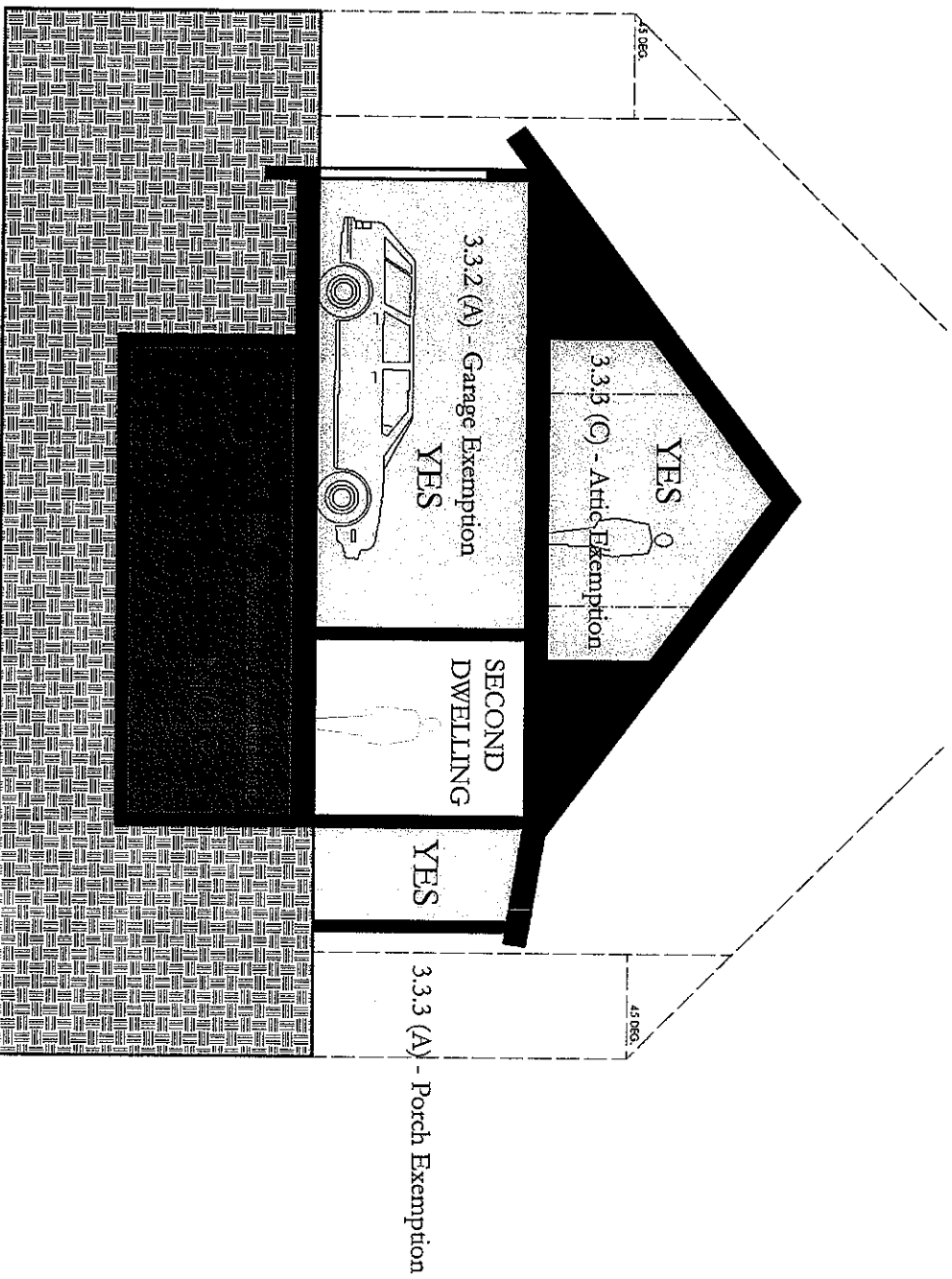
Generic Second Dwelling Unit with Allowed Exemptions?



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Generic Second Dwelling Unit with Allowed Exemptions?



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Exemption Examples:

2013	Attic	1710 E 18 th St	2013-077584 PR
	Attic	1403 Walnut Ave	2013-098290 PR
2012	Attic	2208 Townes Ln	2012-062812 PR
2011	Attic	3711 Windsor Rd	2011-029218 PR
	Attic	1919 Pasadena Dr	2011-058608 PR
2010	Attic	4212 Ramsey Ave	2010-104084 PR
2009	Attic	811 W 30 th St	2009-013608 PR
2008	Basement	11909 Rotherham Dr	2008-074968 PR

(basement applied to accessory building)



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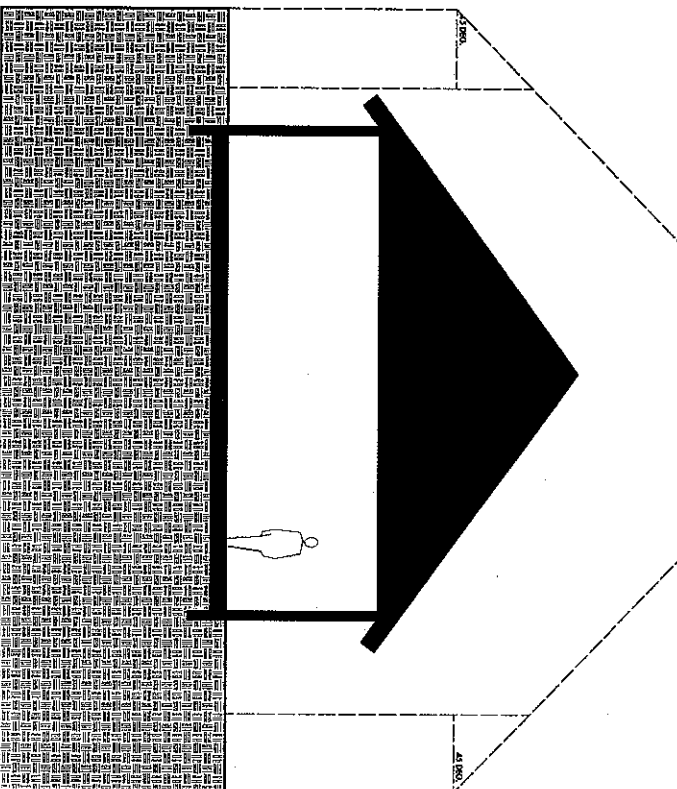
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Subchapter F:

§ 1.1. INTENT.

This Subchapter is intended to minimize the impact of new construction, remodeling, and additions to existing buildings on surrounding properties in residential neighborhoods by defining an acceptable buildable area for each lot within which new development may occur. The standards are designed to protect the character of Austin's older neighborhoods by ensuring that new construction and additions are compatible in scale and bulk with existing neighborhoods.

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



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Q: Does Subchapter F apply to a Second Dwelling Unit?

We need you to help answer this.

