

## **DUPLEX CONVERSION GUIDELINES FOR ZONING CASES**

**Approved by the Board of Zoning Appeals June 30, 2009  
Approved by the Planning Commission August 21, 2009 (09-52)**

### **1. Application Requirements.**

**Plans.** In addition to the general application requirements of Zoning Code §§ 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface). In calculating the floor area of habitable rooms, only those portions of the floor area of a room having a clear ceiling height in excess of five (5) feet may be included. At least half of the floor area of any habitable room shall have a clear ceiling height of seven (7) feet or more. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in Zoning Code § 63.110. All plans and drawings must show dimensions or be drawn to scale.

**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.

**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.

### **2. Applications for *variances* in RT1 or higher residential zones.**

For proposed conversions of existing single-family structures to duplexes, staff will recommend denial unless, in addition to the required findings for variances contained in Zoning Code § 61.600, the following guidelines are met:

- A. Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.
- B. Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet.
- C. Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.
- D. All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)
- E. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.

**3. Applications for *establishment of legal nonconforming use or reestablishment of legal nonconforming use.***

For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings for nonconforming use permits in Zoning Code § 62.109(a) *Establishment of legal nonconforming use* or (e) *Reestablishment of nonconforming use* are met.
- B. That guidelines A - E in section 2 above are met.

**4. Applications to *rezone single parcels to RT1 to provide for conversion to a duplex.***

Staff will assess the on-street parking conditions in the area as well as review the application against the following guidelines. Staff will recommend denial unless these guidelines are met:

- A. Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.
- B. Gross living area after completion of the conversion of at least 1500 square feet for the two units. Neither unit shall be smaller than 500 square feet.
- C. Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.
- D. The proposed duplex structure is located in a mixed density neighborhood, not in a homogeneous single-family area.
- E. Notwithstanding any other law to the contrary, for the purpose of protecting the welfare and safety of the occupants of any structure that was converted without building permits prior to the application for rezoning, a code compliance inspection shall be conducted, and the necessary permits obtained to bring the entire structure up to building and fire code standards; or the property owner must make the necessary improvements to bring the entire structure into building and fire code compliance prior to registration of the structure as a duplex.
- F. The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).