

## **ARTICLE 4.4 – DUPLEX DIVISIONS**

### **SECTION 4.4.001 - REVIEW PROCEDURE**

Application for review of duplex divisions shall be subject to Community Development Department/Planning Division Review Procedures.

### **SECTION 4.4.002 - REVIEW CRITERIA**

The application for a duplex division may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- A. It is consistent with the purpose and intent of the Land Development Code Ordinance.
- B. The existing lot is occupied by a duplex that conforms to all applicable regulations.
- C. A single-family structure will not replace or be added to the lot.
- D. The resulting lots will be relatively equal in size with the maximum difference equal to ten percent (10%) or less of the total area of the original lot, except for corner lots.
- E. Minimum lot width is not less than thirty feet (30'), or forty feet (40') for corner lots.
- F. Minimum lot area is at least one thousand-five hundred (1,500) square feet.
- G. The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.
- H. Each parcel will have independent service unless common service is approved by the affected utility agency and is adequately covered by a City Attorney approved easement recorded in the Union County Recorder's office and establishing the rights, responsibilities, and liabilities of the affected parties.
- I. Prior to approval, the Community Development Director/Planner may require the applicant(s) to enter into a written, City Attorney approved common interest agreement suitable for recording in the Union County Recorder's office that establishes rights, responsibilities, and liabilities with respect to maintenance and use of common areas such as, but not limited to, walls, roofing, water pipes, and wiring.
  - 1. A common interest agreement shall not be required if the owner can demonstrate in writing to the Community Development Director/Planner that each unit will be assured separate and independent utility service as indicated by the required plans and that the units are or will be separated by two (2) one (1) hour fire walls with a common foundation under the walls approved by the City Building Official.
- J. One (1) off-street parking space exists or will be created for each resulting lot.

- K. For residential lots with existing areas of one half ( $\frac{1}{2}$ ) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk.

#### **SECTION 4.4.003 – PROCESSING**

In the processing of a duplex division, the applicable procedures listed in Section 4.2.003 shall be followed. The application form may be obtained from the Community Development Department/Planning Division.

#### **SECTION 4.4.004 – SUBMITTAL REQUIREMENTS**

- A. The applicable standards listed in Section 4.2.004 shall apply for the submission of a duplex division lot. The application shall be filed on forms provided by the Community Development Director/Planner and shall set forth in detail all the information requested. Twenty (20) copies of the drawing(s) shall be submitted to the Community Development Department/Planning Division along with the application and appropriate filing fee.
- B. In addition to the requirements of Section 4.2.004, the preliminary plat shall include the following with accurate dimensions:
1. The location of the duplex, accessory structures and off-street parking for each unit.
  2. The minor partition application shall be accompanied by a floor plan drawn to scale and a common wall cross-section showing the type and location of all utility service lines to and within the building pertaining to sewers, water, electrical, telephone, television cable, and natural gas. Any desired changes shall be specified on these plans and noted on the minor partition final plat.
  3. Easements shall be shown on the minor partition plat where it will be necessary to have the common use of facilities, such as sewer and water service lines.
- C. Any shared use of utilities shall be covered by written approval from the serving utility company.