

6/5/20

KL-4 - ADU

jln

Sponsor: Lambert

Proposed No.: 2019-0413

AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE

2019-0413, VERSION 1

Beginning on page 81, strike lines 1682 through 1746, and insert:

"7.a. Accessory dwelling units are subject to the following standards:

(1) Only one accessory dwelling per primary single detached dwelling or
townhouse unit;

(2) Only allowed in the same building as the primary dwelling unit ~~((on))~~,
except that detached accessory dwelling units are allowed when there is no more than one
primary dwelling unit on the lot, and the following conditions are met:

(a) ~~((an urban lot that is less than five thousand square feet in area))~~ the lot
must be three thousand two hundred square feet or greater if located in the urban area or a
rural town; or

(b) ~~((except as otherwise provided in subsection B.7.a.(5) of this section, a~~
~~rural lot that is less than the minimum lot size; or~~

~~e. a lot containing more than one primary dwelling))~~ the lot must meet the
minimum lot area for the applicable zone if located in the rural area but not in a rural
town, except that if one transferable development right is purchased from the Rural Area
or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling

unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

~~(3) ((The primary dwelling unit or the accessory dwelling unit shall be owner occupied;~~

~~(4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section, one of t))~~The accessory dwelling unit((s)) shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area except:

(a) when ((one of)) the accessory dwelling unit((s)) is wholly contained within a basement or attic, this limitation does not apply; ((and))

~~(b) ((When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street;~~

~~(5) On))~~ for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum; or

(c) on a site zoned RA((:

~~(a) If))~~if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the)) accessory dwelling unit((s)) is permitted a maximum heated floor area ((up to)) of one thousand five hundred square feet and one thousand five hundred square feet of unheated floor area; ((and

~~(b) If one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than three and three-quarters acres;~~

~~(6) One additional off street parking space shall be provided;))~~

(4) Accessory dwelling units that are not wholly contained within an existing dwelling unit shall not exceed the base height established in 21A.12.030;

(5) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may front a street;

(6) Accessory dwelling units shall be designed to be compatible with the primary dwelling unit and the surrounding properties, including material, colors and building forms;

(7) The applicant should consider a siting alternatives study that analyzes placement options of the accessory dwelling unit on the property to minimize impacts to privacy and views for surrounding property owners;

(8) No additional off-street parking spaces are required for accessory dwelling units;

(9) The primary dwelling unit or the accessory dwelling unit shall be occupied either by the owner of the primary dwelling unit or by an immediate family member of the owner. Immediate family members are limited to spouses, siblings, parents, grandparents, children and grandchildren, either by blood, adoption or marriage, of the owner. The accessory dwelling unit shall be converted to another permitted use or shall be removed if ((one of the)) neither dwelling unit((s ceases to be owner)) is occupied by the owner or an immediate family member; ((and

~~(8))~~ (10) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services

65 division, that identifies the dwelling unit as accessory. The notice shall run with the land.

66 The applicant shall submit proof that the notice was filed before the department ~~((shall))~~

67 approves any permit for the construction of the accessory dwelling unit. The required

68 contents and form of the notice shall be set forth in administrative rules~~((If an accessory~~

69 ~~dwelling unit in a detached building in the rural zone is subsequently converted to a~~

70 ~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~

71 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~

72 ~~minimum lot area required in the zone)); and~~

73 ~~((9))~~ (11) Accessory dwelling units ~~((and accessory living quarters))~~ are not

74 allowed in the F zone."

75
76 **EFFECT:** Modify the accessory dwelling unit requirements to apply design standards for
77 compatibility with surrounding development, and encourage an on-site location
78 alternatives analysis.