

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220698

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Amending Chapter 88, Zoning and Development Code, by enacting new sections to be known as Sections 88-305-15, Accessory Dwelling Units, and 88-810-005, Accessory Dwelling Unit, for the purpose of establishing regulations for accessory dwelling units to provide housing choice while preserving the character of neighborhoods-; and directing the City Manager to report back to the Neighborhood, Planning and Development Committee one-year after the passage of this ordinance to revisit the owner-occupancy requirement.

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BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections to be known as Section 88-305-15, Accessory Dwelling Units; and Section 88-810-005, Accessory Dwelling Unit; with said new sections to read as follows:

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88-305-15 – ACCESSORY DWELLING UNITS

88-305-15-A. PURPOSE

Accessory dwelling units are a household living use that is accessory to and located on the same lot as the permitted principal use. The purpose of this section is to:

1. Meet the changing needs of the community;
2. Provide housing choice while preserving the character of the neighborhood in which it is located;
3. Respond to the changing economy and the necessity for many households to secure additional income; and
4. Reduce the cost of housing by increasing housing density and doing so in a manner:
 - a. that may be more compatible with neighborhoods where detached dwellings predominate; and
 - b. where the benefits of additional income are distributed throughout the community to the individual landowners and renters.

88-305-15-B. WHERE PERMITTED

Accessory dwelling units are permitted on any lot with a detached dwelling where the dwelling is the principal building, subject to certain standards.

88-305-15-C. GENERAL STANDARDS

1. Accessory dwelling units may be attached or detached from the principal dwelling unit. If attached they shall be located in the rear or side yard. If detached they shall be located in the rear yard.
2. The owner of the lot shall reside in either the principal dwelling or accessory dwelling. The owner shall record against the property a deed restriction limiting occupancy of either the principal dwelling unit or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Director of City Planning and Development prior to issuance of the Certificate of Occupancy for the accessory dwelling unit.
3. No additional off-street parking is required. Any proposed parking shall conform to 88-420.
4. Detached accessory dwelling units may be located in the same building as a garage.
5. When attached, the accessory dwelling unit may have its own exterior entrance or shared entrance with a common vestibule.
6. If attached to the principal dwelling, the lot and building standards for the principal building shall apply.
7. If detached from the principal dwelling, it shall be located in the rear yard, the lot and building standards shall be as follows:
 - a. Setbacks shall be five feet from all property lines including projections; except on street side yards where it shall be five feet including projections or the same as the principal building, whichever is greater.
 - b. Maximum building footprint: 60% of the footprint of the principal dwelling or 25% of the rear yard, whichever is smaller. In no case shall the footprint exceed 800 square feet.
 - c. Maximum floor area: 800 square feet or 90% of the floor area of the principal dwelling, whichever is smaller.
 - d. All other setbacks shall be those that apply to all accessory structures.
8. Exterior stairs to provide access to an upper level accessory dwelling unit are allowed only on sides of the building facing the interior of the lot.
9. If an accessory dwelling unit was legally permitted prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of city planning and development of such use, the use may continue upon obtaining a new certificate of occupancy.

88-810-005 – ACCESSORY DWELLING UNIT

A secondary dwelling unit on the same lot as a principal dwelling unit. The accessory dwelling unit may be occupied by an independent household from that occupying the principal dwelling unit.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearing required by law have been given and had.

Section 3. The City Manager is hereby directed to report back to the Neighborhood, Planning and Development Committee one-year after the passage of this ordinance to revisit the owner-occupancy requirement.
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I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Joseph Rexwinkle
Secretary, City Plan Commission

Approved as to for and legality:

Sarah Baxter
Senior Associate City Attorney