

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 20-0510**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, RELATING TO ACCESSORY DWELLING
UNITS; AMENDING CHAPTERS 18.20, 18.30 AND 18.73 OF
THE KENMORE MUNICIPAL CODE; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, over the past year, the City's Planning Commission has reviewed and recommended options to incentivize the development of additional accessory dwelling units in Kenmore, consistent with the City's Housing Strategy Plan; and

WHEREAS, the Planning Commission held a public hearing on the draft accessory dwelling unit Municipal Code amendments on November 19, 2019; and

WHEREAS, on January 13, 2020, the Planning Commission presented recommended amendments to the City Council related to accessory dwelling units; and

WHEREAS, on January 13, February 24, July 13, July 27, and September 14, 2020, the City Council reviewed the Planning Commission's recommendations, received additional background information, and requested the formulation of new policy options; and

WHEREAS, throughout the accessory dwelling unit Municipal Code amendment project, efforts have been made to generate public involvement, including advertising public meetings and hearings, creating a regularly-updated web page and mailing an informational postcard to all residents in the City; and

WHEREAS, the City's Responsible Official under the State Environmental Policy Act has issued a determination of non-significance and addendum for the proposal; and

WHEREAS, the Washington State Department of Commerce was notified of the proposed amendments pursuant to RCW 36.70A.106; and

WHEREAS, the City Council held a public hearing on the Municipal Code amendments on July 27, 2020; and

WHEREAS, the City Council finds that the proposed amendments meet the criteria found in Section 19.20.090 of the Kenmore Municipal Code (KMC); and

WHEREAS, the City Council desires to adopt amendments to Chapters 18.20, 18.30 and 18.73 KMC to incentivize development of additional accessory dwelling units in the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings in support of this Ordinance, which are incorporated herein as if set forth in full.

Section 2. Amendments to the Kenmore Municipal Code. The City Council amends Chapters 18.20, 18.30, and 18.73 of the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

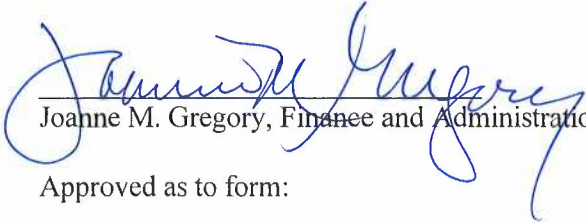
Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

14 PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE TH DAY OF September 2020.

CITY OF KENMORE


David Baker, Mayor

ATTEST/AUTHENTICATED:


Joanne M. Gregory, Finance and Administration Director

Approved as to form:

Dawn F. Reitan

Dawn F. Reitan, City Attorney

Filed with the City Clerk: 9-14-2020

Passed by the City Council: 9-14-2020

Ordinance No.: 20-0510

Date of Publication: 9-17-2020

Effective Date: 9-22-2020

Amend the following section of KMC Chapter 18.20:

18.20.820 Dwelling unit, accessory.

“Accessory dwelling unit” or “ADU” means a separate, complete *dwelling unit* attached to or contained within the *structure* of the primary dwelling; or contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises.

Add the following new sections to KMC Chapter 18.20:

18.20.218 Attached accessory dwelling unit.

“Attached accessory dwelling unit” means an *accessory dwelling unit* attached to or contained within the *structure* of the primary dwelling.

18.20.705 Detached accessory dwelling unit.

“Detached accessory dwelling unit” means an *accessory dwelling unit* contained within a separate *structure* that is accessory to the primary *dwelling unit* on the premises. A detached accessory dwelling unit shall be separated from the primary *dwelling unit* by a minimum of 5', measured between the eaves or other projections beyond the walls of the two structures.

Amend the following section of KMC Chapter 18.30:

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

. . .

R. In a rear *setback* in the R-4 and R-6 residential zones, an *accessory dwelling unit* shall be permitted; provided, that the *accessory dwelling unit* shall be no closer than ten feet to the rear *lot line*. All of the other standards for *accessory dwelling units* specified in KMC Chapter 18.73 shall be met.

Amend the following sections of KMC Chapter 18.73:

18.73.100 Accessory dwelling units (ADUs).

A. Only one accessory dwelling unit, either an attached or a detached accessory dwelling unit, is allowed per primary single detached dwelling unit.

B. An accessory dwelling unit is allowed only in the same building as the primary dwelling unit on a lot that is less than 10,000 square feet in area, or on a lot containing more than one primary dwelling. No minimum lot size is required for an ADU.

C. Either the primary dwelling unit or the accessory dwelling unit shall be owner occupied for a minimum of six consecutive months after completion of the ADU. At the end of the six-month period, the owner occupancy requirement shall be extinguished.

D. Maximum ADU sizes shall be as follows:

1. Attached ADU. If the accessory dwelling unit is attached to the primary dwelling unit, then the attached accessory dwelling units shall not exceed a floor area of 1,000 square feet or 50 percent of the living area of the primary residence, whichever is greater, and unless the use of pre-existing floor area on a single level of the primary single detached dwelling unit is being proposed for the ADU.

2. When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each streetside of the building.

3. Detached ADU. If the accessory dwelling unit is detached from the primary residence, then the accessory dwelling unit may be 10 percent of the lot size, or 50 percent of the primary dwelling unit, whichever is less. The following floor area limitations shall apply to detached accessory dwelling units:

<u>Lot size</u>	<u>Maximum Floor Area for a Detached ADU</u>
<u>Lots with an area equal to or greater than 6,000 square feet</u>	<u>10% of the lot area up to a maximum of 1,500 square feet</u>
<u>Lots with an area less than 6,000 square feet</u>	<u>600 square feet</u>

2. When the primary and accessory dwelling units are located in the same building, only one entrance may be located on each streetside of the building.

E. The maximum height for a *detached ADU* shall be 35'; however, the *detached ADU* may not exceed one story over a detached garage or two stories if built at ground level.

~~E~~F. ~~One~~No additional off-street *parking spaces* shall be ~~provided;~~required for an *ADU*.

~~F.~~ The *accessory dwelling unit* shall be converted to another permitted use or shall be removed if one of the *dwelling units* ceases to be owner occupied.

G. An *applicant* seeking to build an *accessory dwelling unit* shall file a notice approved by the department with the records and elections division which identifies the *dwelling unit* as accessory. The notice shall run with the land. The *applicant* shall submit proof that the notice was filed before the *department* shall approve any permit for the construction of the *accessory dwelling unit*. The required contents and form of the notice shall be set forth in administrative rules.

H. The total number of occupants in the principal *dwelling unit* and the *accessory dwelling unit* combined shall not exceed the maximum number established for a single-family dwelling as defined in KMC [18.20.1010](#).