

WRITTEN NARRATIVE REQUIREMENTS

Written Narrative Description:

A written narrative description of the proposed ADU must be submitted by the applicant. If the nature of compliance is not explicitly clear from the information indicated on the development plan, the narrative description shall address how the proposed ADU would satisfy the performance and development standards, purposes and intents, and zoning regulations as applies to the particular ADU. The narrative description shall also address how the proposed ADU shall meet and comply with the Issuance of ADU Permits in Article 18, Section 7(D)(3)(e) of the Zoning Regulations. The narrative description shall also describe the reasons which appear to make the site in question appropriate for the proposed ADU, the steps to be taken to cause the use to be compatible with other parcels of real property near the site in question, and other such reasonable information about the proposed use that would be necessary or helpful for the impacts of the proposed use to be fully evaluated and considered.

Zoning Board Requirements for Issuance of Accessory Dwelling Unit Permits

Article 18, Section 7(D)(3)(e) of the Zoning Regulations requires the following:

- 1) The proposed ADU Permit shall be reviewed using established land use criteria such as, but not limited to, that suggested by the Kansas Supreme Court in the case of Golden v. Overland Park, Kansas.
- 2) The Zoning Board shall not recommend that an ADU Permit be granted unless, based upon the evidence presented to it in each specific case, it has considered the following:
 - a) That the granting of any ADU Permit is in harmony with the general purpose and intent of these regulations, and will not be injurious or detrimental to the public health, safety, and general welfare.
 - b) That the granting of the PERMIT will not:
 - i) Impair an adequate supply of light and air to adjacent property;
 - ii) Unduly increase hazards from fire or other dangers;
 - iii) Unduly increase traffic on streets or highways beyond their capacity;
 - iv) Unduly increase the potential for flood damages to adjacent property or lead to additional public expense for flood protection, rescue or relief;
 - v) Otherwise unduly impair the public health, safety, comfort, morals or general welfare of the inhabitants of the County, or otherwise create a nuisance or nuisance-like situation; or
 - vi) Pollute the air, land or water.
- 3) That the ADU:
 - i) Will be designed, constructed, operated, buffered, screened, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not be incompatible with the character of the area.

- ii) Will be compatible with and not be hazardous or unduly disturbing to existing or planned future neighboring uses and zoning.
- iii) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater disposal; or that the persons or agencies responsible for the establishment of the proposed use shall agree to adequately provide any such essential facilities and services. With respect to this standard, the minimum infrastructure requirements in Article 31 of these regulations shall be guidelines for interpretation of the minimum infrastructure needed for each ADU.

Each ADU shall be considered with respect to the infrastructure available and whether additional or

improved infrastructure would be needed for the proposed ADU. If additional or improved infrastructure would be needed, an ADU Permit may be approved if the applicant shall comply with Article 31, Section 2, (C) (1) and (2).

- iv) Will not create excessive additional requirements at public cost for public facilities and services.
- v) Will have vehicular approaches to the property which are so designed and would be provided to prevent an interference with traffic on surrounding public arterial streets.
- vi) Will not result in the destruction, loss, or damage of a natural, scenic, aesthetic or historic feature of major importance.
- vii) Will comply with the lot, yard, and open space; sign; and off-street parking and loading space requirements of these regulations unless otherwise specifically granted.

Review Using Established Land Use Criteria:

A review using established land use criteria such as that suggested by the Kansas Supreme Court in the case of *Golden v. Overland Park, Kansas* would generally give consideration to the following:

- 1) *Whether the use would be consistent with the zoning and uses of nearby properties.*
- 2) *Whether the use is compatible with the character of the neighborhood.*
- 3) *Suitability of the property for uses to which it has been restricted.*
- 4) *Extent of detrimental effects to nearby parcels should the Conditional Use Permit be approved.*
- 5) *Length of time the property has remained vacant as zoned.*
- 6) *Relative gain to the public health, safety, and welfare as opposed to the hardship imposed upon the landowner by denying the request.*
- 7) *Whether the use is in keeping with the Comprehensive Plan.*

ATTACHMENT G