

# **ACCESSORY DWELLING UNITS: FILING WRITTEN NOTICE**

Article 18, Section 7 (D) of the Johnson County Zoning and Subdivision Regulations (Regulations) requires that a written notice be recorded by the property owner of land granted an accessory dwelling unit (ADU) Certificate or Permit with the office of the Johnson County Department of Records and Tax Administration (RTA) to alert future owners or lessors of the property that: (i) the ADU remains subject to the requirements and limitations set forth in Article 18, Section 7(D) of the Regulations, and (ii) the lawful existence of the ADU is predicated upon the occupancy of either the ADU or principal dwelling unit by the property owner as their domicile. Please be aware that RTA will require a filing fee to record the notice.

Attached are draft copies of a sample notices for ADU Certificates and Permits. Please be informed, however, that this is being provided as a sample only, and the Planning Department does not guarantee or make any representations as to its legality or correctness as to form. Therefore, private legal counsel may be obtained for advice regarding the document and its recording. Submit a copy of the recorded notice after it has been filed with RTA. Failure to timely record the notice may result in a violation of the ADU Certificate or Permit.

***SAMPLE: for use with Accessory Dwelling Unit  
Certificates***

**NOTICE OF OWNER OCCUPANCY REQUIREMENT**

Notice is hereby given that certain real property, with the mailing address of \_\_\_\_\_  
\_\_\_\_\_, and legally described as follows, to wit:

hereinafter "Property", was the subject of an accessory dwelling unit (ADU) certificate,  
administratively approved by the Zoning Administrator of the Johnson County Department of  
Planning & Development, per Certificate No. \_\_\_\_\_ dated \_\_\_\_\_.

Pursuant to the requirements of the Johnson County Code, Part III, Article 18, Section  
7(D) of the Zoning and Subdivision Regulations of Johnson County, Kansas, all interested  
persons should be aware that (i) the ADU remains subject to the requirements and limitations set  
forth in Article 18, Section 7(D) of the Regulations, as amended, and the requirements of the  
above-referenced certificate; and (ii) the lawful existence of the ADU is predicated upon the

occupancy of either the ADU or the principal dwelling unit by the owner of the Property, as their domicile, as those terms are defined in the applicable provisions of the Zoning and Subdivision Regulations (Regulations), unless, however, otherwise allowed by said Regulations, or as may be required and/or otherwise allowed by the applicable regulations of any city that subsequently annexed the Property.

Further information regarding this Notice and the above land use requirements can be obtained by contacting the Johnson County Department of Planning and Development.

IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

OWNER \_\_\_\_\_

STATE OF KANSAS  
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_,  
by \_\_\_\_\_.

My Commission Expires:

Notary Public \_\_\_\_\_

(Version: ADU Certificate with Administrative Approval; form last updated September 9, 2014)

***SAMPLE: for use with Accessory Dwelling Unit  
Permits***

**NOTICE OF OWNER OCCUPANCY REQUIREMENT**

Notice is hereby given that certain real property, with the mailing address of \_\_\_\_\_  
\_\_\_\_\_, and legally described as follows, to wit:

hereinafter "Property", was the subject of County Resolution No. \_\_\_\_\_, dated \_\_\_\_\_,  
whereby the Board of County Commissioners of Johnson County, Kansas, approved an  
accessory dwelling unit (ADU) permit on the Property.

Pursuant to the requirements of the Johnson County Code, Part III, Article 18, Section  
7(D) of the Zoning and Subdivision Regulations of Johnson County, Kansas, all interested  
persons should be aware that (i) the ADU remains subject to the requirements and limitations set  
forth in Article 18, Section 7(D) of the Regulations, as amended, and the requirements of the  
above-referenced resolution; and (ii) the lawful existence of the ADU is predicated upon the  
occupancy of either the ADU or the principal dwelling unit by the owner of the Property, as their

domicile, as those terms are defined in the applicable provisions of the Zoning and Subdivision Regulations (Regulations), unless, however, otherwise allowed by said Regulations, or as may be required and/or otherwise allowed by the applicable regulations of any city that subsequently annexed the Property.

Further information regarding this Notice and the above land use requirements can be obtained by contacting the Johnson County Department of Planning and Development.

IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

OWNER \_\_\_\_\_

STATE OF KANSAS  
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_.

My Commission Expires:

Notary Public \_\_\_\_\_