



## ACCESSORY DWELLING UNITS: GENERAL INFORMATION

The *Zoning Regulations* were amended on March 7, 2013 to allow an Accessory Dwelling Unit (ADU) in association with a Principal Dwelling Unit on the same lot or parcel in the rural and residential zoning districts of unincorporated Johnson County.

### Definitions

- An ADU is defined as a dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects.
- The Principal Dwelling Unit is defined to be the larger of the two dwellings.

### Purpose and Intent

The general purpose and intent of allowing Accessory Dwelling Units (ADU) in the unincorporated portion of the County is to:

- Allow life-style choices in single-family neighborhoods that respond to changing demographics and economic conditions;
- Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security, and services (e.g., on-site healthcare worker, housekeeper, childcare worker);
- Provide homeowners the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings (e.g., family game or media rooms with kitchens);
- Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are well-designed and compatible with the neighborhood and constructed under the requirements of these Regulations; and
- Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

### ADUs are not Duplexes

Allowing ADUs is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different than a duplex in that typically the two units that make up a duplex are attached to

each other, are relatively equal in size and height, and one unit usually does not dominate the other. In contrast, an ADU may or may not be attached and, unless otherwise allowed by this section, is subordinate in size, location, and appearance to the Principal Dwelling Unit that it accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying Principal Dwelling Unit shall be owner-occupied, unless otherwise allowed by this section.

#### **Administrative Approval v. ADU Permit**

If a proposed ADU meets the performance standards set forth in Article 18, Section 7(D)(2)(a) of the *Johnson County Zoning Regulations*, then the ADU may be administratively (Planning staff) approved. These performance standards have been chosen so that the proposed ADU will fit the character of the neighborhood and will have few impacts on the surrounding neighbors. If the proposed ADU does not meet the performance standards, then an applicant may submit an application for an Accessory Dwelling Unit Permit (ADU Permit) which requires a public hearing, a recommendation by the Zoning Board, and a final decision by the Board of County Commissioners.

#### **Owner-occupancy Requirement**

Owner-occupancy of either the ADU or the Principal Dwelling Unit is a condition of both administrative approval of the ADU and approval of the ADU Permit.

#### **ADU Permit Review Requirements:**

ADU Permits 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* (which is also used to review rezoning and conditional use applications).

The ADU Permit shall be reviewed to ensure that granting the ADU Permit is in harmony with the general purpose and intent of the Regulations. More specifically, it is the intent of the Regulations that an ADU functions as an accessory to the Principal Dwelling Unit and that the ADU is subordinate in size, location, and appearance to the Principal Dwelling Unit that it accompanies.

Lastly, a finding shall be made that granting the ADU Permit will not impact surrounding parcels and the public in general.