

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
<b>Planning &amp; Zoning Policy on Accessory Dwelling Units</b>	Board of County Commissioners	02.26.2020	1.0

**A. PURPOSE:**

Accessory Dwelling Units are defined as a dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects. The purpose of allowing Accessory Dwelling Units (ADU) is to:

- Allow life-style choices in single-family zoning districts 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;
- Provide homeowners with the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings;
- 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.

**B. POLICY:**

Accessory Dwelling Units shall be allowed in the Rural Zoning Districts of Leavenworth County provided the following criteria are met:

1. The ADU is under the same ownership as the principal home structure;
2. The ADU may not be used as a rental property;
3. The ADU may be used for residential purposes only and shall not be used for any commercial use;
4. Parcels shall be limited to one (1) ADU;
5. The ADU shall be required to have an appropriate onsite waste water system which conforms to the requirements of the Leavenworth County Sanitary Code and any applicable Kansas Department of Health and Environment regulations;
6. The ADU shall be serviced by an appropriate potable water source;
7. The ADU shall have appropriate utilities;
8. The ADU shall meet the setback requirements of the Zoning District as described in the Leavenworth County Zoning and Subdivision Regulations;
9. ADU's shall be permitted by the Planning & Zoning Department and the applicant shall pay a fee as determined by the Board of County Commissioners;

- 10. Compliance Deposits which have been collected prior to 02.26.2020 shall be refunded to the appropriate person or entity and shall no longer be collected;
- 11. Any existing policy or procedure in conflict with this policy is repealed.
- 12. Temporary Dwelling Units, when used solely for the building of a single family residence and which are anticipated to be necessary for one (1) year or less shall not require payment of an ADU fee.

**C. PROCEDURES:**

Property owners shall submit for review an application for an Accessory Dwelling Unit, along with all applicable supporting documents, including a site plan, to the Planning & Zoning Department. Upon receipt of all required documents, Staff will review the application and when appropriate, issue a permit for the Accessory Dwelling Unit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of an Accessory Dwelling Unit. The applicant shall register this affidavit with the Leavenworth County Register of Deeds Office. The affidavit shall be recorded prior to Staff providing the final permit to the applicant.

The use of a Temporary Dwelling Unit for one year or less shall require authorization through a signed affidavit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of a Temporary Dwelling Unit.

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BOCC Chairman – Doug Smith

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02.26.2020

Date of Adoption

