

**REGISTRATION OF ACCESSORY DWELLING UNIT
PROCEDURES CHECKLIST AND AFFIDAVIT**

Accessory Dwelling Unit Registration Procedures

The applicant is required to provide all registration materials and documents provided herein as well as any other materials necessary to review the request. All information must be submitted to the Planning Office of Lawrence/Douglas County, Kansas. The following materials must be submitted complete upon application:

Registration Materials Provided:

- Section 20-534; Accessory Dwelling Units from the Lawrence Development Code (for reference)
- Application Form
- Owner Authorization Form
- Affidavit Form for Registration of Accessory Dwelling Unit

Registration Materials Required to be Submitted to the Planning Office:

1. Completed Application Form;
2. Site or Plot Plan depicting the following:
 - Accurate locations of both the principal and accessory dwelling structures;
 - Location of all building entrances;
 - Provision of parking, if required; and
 - Any other information necessary to review for compliance with the standards of Section 20-534 of the Lawrence Development Code;
3. Owner Authorization Form (necessary only when the applicant is not the owner);
4. Affidavit pledging agreement with the Accessory Dwelling Unit standards of Section 20-534.
5. Recording fee for the affidavit (\$12 for first page PLUS \$8 per additional page, if additional pages are necessary), made payable to the Douglas County Register of Deeds.



Section 20-534 **Accessory Dwelling Units**
(permitted only in RS40, RS20, RS10, RS7, CN1, GPI, and H)

(1) Purpose

Accessory Dwelling Units are allowed in certain situations to:

- (i) create new housing units while preserving the look and scale of single-Family detached Dwelling neighborhoods; allowed in RS zones, subject to the procedures established in Section (xi) Registration; Affidavit;
- (ii) allow more efficient use of the City's existing housing stock and Infrastructure;
- (iii) provide a mix of housing types that responds to changing Family needs and smaller households;
- (iv) provide a means for residents, particularly seniors, single parents, and couples, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- (v) provide a broader range of accessible and more affordable housing.

(2) Design Standards

(i) Purpose

These design standards are intended to ensure that Accessory Dwelling Units:

- a. are compatible with the desired character and livability of RS Zoning Districts;
- b. respect the general Building scale and placement of Structures to allow sharing of common space on the Lot, such as Driveways and Yards; and
- c. are 960 square feet or smaller in size.

(ii) Generally

The design standards for Accessory Dwelling Units are stated in this section. If not addressed in this section, the Base District standards apply.

(iii) Methods of Creation

An Accessory Dwelling Unit may only be created through one of the following methods:

- a. converting existing living area within a Detached Dwelling, Attached Dwelling or duplex (e.g., attic, Basement or attached garage);
- b. adding Floor Area to an existing Detached Dwelling, Attached Dwelling or duplex, detached garage; or
- c. constructing a new Detached Dwelling, Attached Dwelling, duplex or detached garage with an internal Accessory Dwelling Unit.

(iv) Owner Occupancy Required in RS Districts

Either the Principal Dwelling Unit or the Accessory Dwelling Unit must be occupied by one or more of the persons who is/are the record Owner of the Premises. If at any time, neither of the



Dwelling Units in a Building that contains an Accessory Dwelling Unit is the principal residence of one of the Owner of the property, then the property shall be considered a Duplex. If a

Duplex is not permitted in the Zoning District in which the property is located, the Owner shall be subject to penalties for a zoning violation and to an abatement order requiring restoration of the Premises to lawful status, conforming with the uses permitted in the Zoning District.

(v) Number of Residents

The total number of individuals that reside in both units (principal + accessory) may not exceed the number that is allowed for a household, plus one additional person.

(vi) Other Uses

An Accessory Dwelling Unit is prohibited in a house with a Type B Home Occupation.

(vii) Location of Entrances

- a. Only one entrance to the Principal Building may be located on the front Facade that faces the Street, unless the Principal Building contained an additional Street-facing entrance before the Accessory Dwelling Unit was created.
- b. When the Accessory Dwelling Unit is located behind the rear wall of the Principal Building, the accessory Dwelling entrance shall face the Front Lot Line.
- c. An exception to subsection (b), above, is Dwelling Units that do not have Access from the ground such as Dwelling Units with entrances from balconies or elevated decks.

(viii) Parking

The following Parking requirements apply to Accessory Dwelling Units.

- a. Lots containing Accessory Dwelling Units shall contain a minimum of two off-Street Parking Spaces.
- b. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is at least 27 feet wide, no additional Parking Space is required for the Accessory Dwelling Unit.
- c. If the Lot containing the Accessory Dwelling Unit abuts only a Local Street and the pavement of the Local Street is less than 27 feet wide, or if the Accessory Dwelling Unit is created at the same time as the Principal Dwelling Unit, one additional Parking Space is required for the Accessory Dwelling Unit.
- d. One additional Parking Space is required for the Accessory Dwelling Unit if the Lot containing the Accessory Dwelling Unit abuts only a Collector or Arterial Street.

(ix) Size

The maximum size of an Accessory Dwelling Unit may be no more than (33%) of the living area of the Detached Dwelling or Attached Dwelling, or 960 square feet, whichever is less.

(x) Floor Area Additions

Accessory Dwelling Units created through the addition of habitable Floor Area to an existing Structure shall comply with the following standards:



- a. the exterior finish material shall be the same or visually match in type, size and placement, the exterior finish material of the house or existing Structure;
- b. the roof pitch shall be the same as the predominant roof pitch of the house or existing Structure;
- c. trim on edges of elements on the addition shall be the same in type, size and location as the trim used on the rest of the house or existing Structure;
- d. windows shall match those in the house in proportion (relationship of width to Height) and orientation (horizontal or vertical);and
- e. eaves shall project from the Building walls the same distance as the eaves on the rest of the house or existing Structure.

(xi) Registration; Affidavit

- a. Accessory Dwelling Units shall be registered with the Planning Director prior to their establishment. The requirement for registration is intended to ensure that the applicant is aware of the provisions of this Development Code governing Accessory Dwelling Units; that the City has all information necessary to evaluate whether the Accessory Dwelling Unit initially meets and continues to meet Development Code requirements; and that the distribution and location of Accessory Dwelling Units is known.
- b. At the time of registration, the applicant shall submit an affidavit pledging agreement to the Accessory Dwelling Unit standards of this section. The affidavit shall specify which of the Dwelling Units will be occupied by an Owner of the property; if at any time such Owner moves to the other Dwelling Unit, the Owner shall be responsible for filing an updated affidavit, recording such change.
- c. Permits for Accessory Dwelling Units may be issued after the Planning Director determines that the proposal complies with all applicable Development Code requirements.



**APPLICATION
Registration of Accessory Dwelling Unit**

OWNER INFORMATION

Name(s) _____
 Contact _____
 Address _____
 City _____ State _____ ZIP _____
 Phone (____) _____ Fax (____) _____
 E-mail _____ Mobile/Pager (____) _____

APPLICANT/AGENT INFORMATION *(if different from above)*

Contact _____
 Company _____
 Address _____
 City _____ State _____ ZIP _____
 Phone (____) _____ Fax (____) _____
 E-mail _____ Mobile/Pager (____) _____

PROPERTY INFORMATION

Address of Property _____
 Legal Description *(may be attached)* _____
 Number and Description of Existing Improvements or Structures _____

Existing Zoning	Existing Land Use	Lot Area	Area (sq ft) of Principal Dwelling Unit: Area (sq ft) of Accessory Dwelling Unit:
Owner(s) reside(s) in which unit: Principal Accessory Both			# of Residents in Principal Dwelling Unit: Total # of Residents in both units:
Is the Accessory Dwelling Unit attached or detached of the Principal Dwelling Unit?			
Will the Accessory Dwelling Unit be created by the conversion of an existing structure or the construction of a new structure? If a structure is converted, what is its current use?			



SIGNATURE

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially register an Accessory Dwelling Unit as indicated above.

Signature(s): _____ Date _____

_____ Date _____

_____ Date _____

Note: If signing by agent provide complete Owner Authorization Form (see following page)

STAFF USE ONLY

Registration No. _____

Date Received _____

Property owner list Copy of sent notice Certificate of mailing

Statement verifying notice requirements have been met



OWNER AUTHORIZATION

I/WE _____, hereby referred to as the "Undersigned", being of lawful age, do hereby on this _____ day of _____, 20 __, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

[Insert or Attach Legal Description here]

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

Owner

Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20 __,

by _____.

My Commission Expires: _____
Notary Public



Affidavit of Registration of Accessory Dwelling Unit

THE FOLLOWING AFFIDAVIT SHALL BE FULLY COMPLETED. This affidavit shall be submitted to the Planning Office, with filing fee (\$12 for first page, PLUS \$8 per additional page), to be recorded at the Douglas County Register of Deeds upon approval.

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

I, _____ (printed name), owner of the following described real property, legally described as (insert legal description below)

located at _____(common address) in the City of Lawrence, Kansas hereby affirm that I have received a copy of the standards for Accessory Dwelling Units, Section 20-534 of the Lawrence Development Code and that my property meets all the requirements thereof. I understand that the total number of individuals permitted to live on my property shall not exceed the number that is allowed in a household, plus one additional person. I also understand that registration of an Accessory Dwelling Unit requires owner occupancy of one or both of the dwelling units on the premises. I pledge that I currently live in the _____ (state Principal or Accessory) dwelling unit and I understand that if at some point in the future I move to the other dwelling unit on the property, that I am required to file an updated affidavit, recording such change. I pledge agreement to the standards mentioned above and to all the standards of Section 20-534 of the Lawrence Development Code.

Signature

Date

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on this _____ (date)

By _____(name of person).

(Seal, if any)

(signature of notarial officer)

Title (and rank)

[My appointment expires: _____]

Reserved for County Use