

Accessory Dwelling Unit Information

Application checklist:

- ☐ A site plan, including the legal description of the property, its boundaries and location of the existing and/or proposed second dwelling.
- ☐ A copy of a recorded deed of the proposed site.
- ☐ A copy of the building permit application for new construction showing the floor plan or construction drawings with total square feet and all rooms and their designated use.
- ☐ For existing structures, a floor plan with total square feet and all rooms and their designated use.
- ☐ Any other information regarding the proposed accessory dwelling unit as requested by the Zoning & Codes office.

Owner Information							
Name(s)							
Contact							
Address		City		State		Zip	
Phone		Email					

Applicant/Agent Information (If different from above)							
Contact							
Company							
Address		City		State		Zip	
Phone		Email					

PIN/Plate	
Address of Property	
Legal Description (may be attached)	
Acreage	

An Accessory Dwelling Unit may be established by one of the following means:

- 1) Conversion of existing space within a principal dwelling or construction of an addition to a principal dwelling.
- 2) Conversion of existing space within an accessory structure or construction of an addition to an accessory structure.
- 3) Construction of a separate accessory structure which will include the Accessory Dwelling Unit.

Occupancy Requirement

The Accessory Dwelling Unit shall be occupied by a relative/family member, caregiver, or farm employee for not less than three years following the issuance of the certificate of occupancy for the Accessory dwelling Unit.

Criteria

- a. An Accessory Dwelling Unit shall not be allowed within or attached to a mobile home but may be allowed within a manufactured home.
- b. There shall be no more than one Accessory Dwelling Unit per vested parcel, Residential Development Parcel or platted lot.
- c. All Accessory Dwelling Units, whether new construction or conversion of existing space, shall comply with the Douglas County Construction Codes.
- d. An Accessory Dwelling Unit may be located in a structure which the Zoning and Codes Director has determined is a legal nonconforming structure with respect to building height or setbacks provided any addition to the structure does not extend or increase the degree of nonconformity.
- e. The following standards apply to all Accessory Dwelling Units:
 - 1) The Accessory Dwelling Unit, if located in a newly constructed detached accessory structure, shall be located a minimum distance of 25 ft from the primary structure.
 - 2) An Accessory Dwelling Unit that is located within or attached to the principal dwelling may utilize the same septic system and water source as the principal dwelling provided the septic system is adequately sized per the Douglas County Health Department requirements.
 - 3) A detached Accessory Dwelling Unit shall have a water source and septic system that are permitted and approved by the appropriate agency.
- f. The following area requirements apply to a detached Accessory Dwelling Unit:
 - 1) A minimum of 3 acres outside the regulatory floodplain must be provided for the septic systems of the principal dwelling and Accessory Dwelling Unit (6 acres total) if the dwellings are served by Rural Water or other public water source.
 - 2) A minimum of 5 acres outside the regulatory floodplain must be provided for the septic systems of the principal dwelling and Accessory Dwelling Unit (10 acres total) if the dwellings are served by well water.
- g. The Accessory Dwelling Unit and the principal dwelling unit shall share a common access drive unless a new access is approved by the County Engineer. To the greatest extent feasible, existing driveways shall be utilized.
- h. An Accessory Dwelling Unit may have an area of up to 1,000 sq ft. This area may be increased to 1,400 sq ft provided the area of the Accessory Dwelling Unit is not greater than 80% of the area of the primary dwelling.
- i. Separate sale or ownership of an Accessory Dwelling Unit is prohibited, unless the parcel or lot is subdivided in accordance with the Subdivision Regulations, creating a separate lot or Residential Development Parcel for each dwelling.
- j. The Accessory Dwelling Unit may be rented, but shall not be used as a short term lodging use such as a Bed & Breakfast or motel.
- k. An Accessory Dwelling Unit is subject to the same occupancy limits as the principal dwelling. (one family, or group living as a household unit--limited to 4 adults if any of the residents are not related)

Accessory Dwelling Unit Use Affidavit

1. Is this unit attached or detached to the primary residence? **ATTACHED / DETACHED**
2. Will the structure be occupied full time? **YES / NO**
 - a. If so, is the occupant the property owner, relative of the property owner, caregiver, or farm employee?
3. Will the ADU be occupied by a family member, caregiver, or farm employee? **YES / NO**
 - a. 12-306-1.02 of the *Douglas County Zoning and Land Use Regulations*: An Accessory Dwelling Unit shall be occupied by one of the following for not less than three years following the issuance of the certificate of occupancy for the Accessory dwelling Unit:
 - (1) a relative/family member,
 - (2) a caregiver, or a
 - (3) farm employee
4. Will the entirety of the structure consist of habitable space? **YES / NO**
 - a. If the entire structure will not consist of habitable space, please label on the construction plans or separate footprint what portions of the structure will consist of habitable space and what portions will not be for habitable space.

Additional Criteria:

- Unfinished spaces that can be readily converted into habitable space will be counted towards the total square footage of the ADU.
- ADU's are not immediately eligible for use as a vacation rental. An Accessory Dwelling Unit shall be occupied by a relative, caregiver, or farm employee for not less than three years following the issuance of the certificate of occupancy for the Accessory dwelling Unit
- An ADU may be used as a Vacation Rental **only if the following criteria have been satisfied**:
 - The ADU has been occupied by a relative, caregiver, or farm employee for no less than three years, and,
 - The ADU has been registered as a Vacation Rental in accordance with 12-306-50.
- Finished basements which utilize a separate ingress/egress point from the primary residence are considered attached ADUs. Finished basements which do not have their own ingress/egress are considered as part of the primary residence.

NOW, THEREFORE, the undersigned hereby certifies to Douglas County, Kansas, its departments and employees, as follows:

(1) I have read and agree to be in compliance with the above outlined criteria.

Under oath and penalty of perjury, the undersigned makes the foregoing certification

Date: _____

Property Owner Signature*

Printed Name

*If the owner is a legal entity, provide the name of the legal entity and the capacity of the individual signing this certification, i.e. President, Manager, Member, Trustee, etc.

STATE OF KANSAS)
COUNTY OF DOUGLAS)

SUBSCRIBED AND SWORN to before me, a notary public for the State of Kansas, this

_____ Day of _____

My appointment expires: _____ Notary Public

Minimum Design Requirements for a Dwelling Unit in the 2018 International Residential Code

All requirements for construction of a single-family dwelling are contained in the International Residential Code, 2018 Edition (IRC). There are thousands of requirements. If you are unfamiliar with dwelling construction, we would recommend you engage in consultation with a Kansas licensed design professional. The list that follows is by no means a complete list of requirements. It represents a synopsis of the major requirements for single-family dwelling design. You may request an appointment to meet with staff to discuss your project during the pre-application phase of the construction process by calling (785) 331-1343.

Definitions:

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Accessory Dwelling Unit: A dwelling unit that is incidental to and located on the same lot, vested parcel, or Residential Development Parcel as the principal dwelling unit. The unit shall conform to 2018 IRC and the Zoning Regulations of Douglas County, Kansas requirements.

Habitable Space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Design Requirements:

- Design Criteria: Structures shall be constructed to support and withstand the regions required loads and wind design, dead loads, live loads, 20-pound snow loads. The wind speed design for Exposure 'C' region of 115 mph, as prescribed by this code. Frost footing depth of 36 inches. Contact the Department of Zoning and Codes for region specific requirements. (Table R301.2(1))
- Sleeping rooms may not open into an attached garage. (R302.5.1)
- Dwellings shall be separated from garages with minimum ½" gypsum board. (R302.6) Garage ceilings with habitable space above them shall be separated with not less than 5/8" Type "X" gypsum board. (Table R302.6) Doors shall be equipped with a self-closure, be wood or steel not less than 1 3/8" thick, or 20-minute fire rated. (R302.5.1)
- Natural ventilation is required to be not less than 4% of the floor area of habitable rooms. Ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air (R303.1)
- All habitable rooms must have aggregate glazed areas of not less than 8% of floor area. (R303.1)
- Dwelling units shall be provided with heating facilities capable of maintaining a minimum room temperature of not less than 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls. (R303.10)
- Habitable rooms shall have a floor area of not less than 70 square feet. (R304.1)
- Habitable rooms shall be not less than 7 feet in any horizontal dimension, except kitchens. (R304.2)
- Height effect area on a room with a sloping ceiling measuring less than 5 feet or a furred ceiling measuring less than 7 feet from finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area of that room. (R304.3)

- Minimum ceiling height of a habitable space, hallways and portions of basements containing these spaces shall have a ceiling height of 7 feet. Bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches. (R305.1)
- Portions of basements which do not contain habitable space or hallway shall have a ceiling height of not less than 6 feet 8 inches. (R305.1.1)
- Bedrooms and sleeping lofts require a full ceiling height of 7 ft. The open side of lofts must be protected by a 36" guardrail. (R312.1)
- Sleeping lofts must be accessed by an approved stairway and may not be accessed by a ladder.
- Every dwelling unit shall be provided with a water closet, lavatory, and bathtub or shower and shall meet minimum clearance requirements. (R306.1) (R307)
- Every dwelling unit shall be provided with a kitchen area, and every kitchen shall be provided with a sink. (R306.2)
- All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system. (R306.3) (P2602.1) Sewage disposal method shall be approved by the Lawrence-Douglas County Health Department.
- All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs and machines outlets shall be provided with hot and cold water. (R306.4) (P2602.1)
- Basements, habitable attics, and every sleeping room shall have at least one operable emergency escape and rescue opening. Emergency escape and rescue openings shall open directly into public way or yard which opens to a public way. (R310.1)
- A minimum opening area of 5.7 square feet (5.0 sq.ft. for grade or below grade level) and the opening area shall have a sill height of not more than 44 inches above finished floor. (R310.2.1)
- A minimum of one egress door shall be provided for each dwelling unit. The egress door shall be side hinged and shall provide a minimum clear width of 32 inches when the door is open at a 90° angle and have a clear height of 78 inches. (R311.2)
- The means of egress shall be a continuous, unobstructed path of travel from all portions of the dwelling without requiring travel through a garage. (R311.1)
- There shall be a floor or a landing on each side of each exterior door. The landing width shall not be less than the width of the door served, and shall extend 36 inches in the direction of travel outward. (R311.3.)
- All stairways must meet code requirements including riser height, tread depth, headroom, handrails and guardrails. (R311.7) Spiral stairways are allowed with specific requirements. (R311.7.10)
- Smoke detectors shall be installed in and outside of each sleeping room, installed on each story of the dwelling, including basements and habitable attics. (R314)
- Carbon monoxide detectors shall be installed outside of each sleeping area if fuel fired appliances or an attached garage are present. (R315)
- Dwelling units shall meet the energy conservation standards of IRC Chapter 11, for Climate Zone 4A, which include R-49 ceiling or roof insulation, R-13 wall insulation, R-10 slab on grade and basement walls insulation. Windows shall have a maximum .35 U-factor; skylights shall have a maximum .60 U-factor. (Heating and cooling equipment will be sized per ACCA Manuals S and J or other approved method.)
- Footings and foundations, All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings or other approved structural systems. (R403.1) Foundations must incorporate radon mitigation measures. (AF101)