



LEE'S SUMMIT
MISSOURI
Development Services Department

January 31, 2022

To: Community and Economic Development Committee (CEDC)

From: Jennifer Thompson, Senior Planner

RE: Accessory Dwelling Units (ADUs) discussion

The 2020 Ignite Comprehensive Plan identified seven (7) Future Plan Elements designed to ignite “a vibrant community ensuring the finest quality of life for all generations” for the next 20 years. One of the elements is identified as “Strong Neighborhoods & Housing Choice”. The purpose of this element is in part to help identify ways to maintain thriving, quality neighborhoods and connecting a diversity of residents throughout the community. Strong neighborhoods and diverse housing choices attract new residents and provide affordable housing options for families, young professionals, hourly workers, empty nesters, and people with different abilities from all generations, cultures and backgrounds.

One approach to help achieve these goals identified for the “future plan element” is to allow for Accessory Dwelling Units (ADUs) throughout the community. An internal, attached and detached ADUs all have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods. Homes associations can prohibit, but the City could make allowances for this use in all Residential Category 1 land use categories.

An ADU is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names throughout the U.S., including accessory apartments, secondary suites and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).



The following information provides a comparison with the City of Lee's Summit current ordinances for ADUs and several other cities and counties throughout the metro and other states.

Lee's Summit, MO current UDO allowances for accessory dwelling units.

https://library.municode.com/mo/lee's_summit/codes/unified_development_ordinance?nodeId=ART6U_SST_DIVIVACUSST

Laterally Attached Accessory Dwelling Units Attached to Accessory Structures in AG zoning district: A laterally attached accessory dwelling unit attached to an accessory structure is allowed in the **AG** zoning district.

- Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure
- Building codes can be met
- 1 accessory dwelling unit laterally attached to each structure not to exceed 3 such laterally attached dwelling units.

Loft Dwelling Unit Above Detached Garage, Barn or Other Such Storage Structure located in AG zoning district: A loft dwelling unit above a detached garage, barn, or other such storage structure is permitted as an accessory use in the **AG** district; not to exceed 3 such loft dwelling units.

- Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure;
- Building codes can be met.

Loft Dwelling Unit Above Detached Garage: A single loft dwelling unit above a detached garage is permitted as an accessory use to a permitted single-family residential use in all "R" districts, except in R-1 districts within the "Old Lee's Summit" area as described in the Downtown Master Plan. If located in the "Old Lee's Summit" a special use permit is required.

- Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure;
- Building codes can be met as they relate to the separation requirements between the garage and residential living unit; and
- Loft dwelling units to be located within R-1 single-family zoning districts shall only be permitted on lots equal to 15,000 square feet or larger.

Guesthouse: A guesthouse is allowed in the AG, RDR, RLL, and R-1 zoning districts.

- Minimum 1acre lot size. Ownership must be in the same name as the principle use.
- Not intended for permanent residency.

Comparison City's/County's:

- Liberty, Blue Springs, Platte County, Springfield, Lenexa, Overland Park, Olathe, and Bryan TX.

Liberty, MO: One accessory apartment (an independent subordinate dwelling unit contained within a single-family detached dwelling or its accessory detached garage is permitted in districts A, R-1A, RNC, RN, and MU (Agriculture, Large Lot Residential, Downtown area, and Mixed-Use districts).

https://library.municode.com/mo/liberty/codes/code_of_ordinances?nodeId=PTIITHCO_CH30UNDEOR_ARTXIACUSST_S30-81.2ACSTREDI

- The apartment shall be secondary to an owner-occupied dwelling
- At least 150 sq. ft. of living space shall be provided for each occupant
- Detached structures shall be built in accordance with the area requirements for accessory structures

Blue Springs, MO: Accessory living units not exceeding seven hundred fifty (750) square feet or ten percent (10%) of the total lot area, whichever is less. Accessory living units shall count towards the total allowable area for accessory structures on a property. Only one (1) accessory living unit is allowed per residential lot and only as accessory to a principal structure. <https://ecode360.com/30913965>

- Only allowed in association with detached house building types
- Accessory building shall be designed to include the same materials, architectural design, massing and design details as the primary building.
- The Building footprint shall not exceed 50% of the primary building footprint, to a maximum of 700 sq. ft., and shall count toward overall building coverage of the lot.
- The total sq. footage of the dwelling unit shall not exceed 50% of the primary building square footage, to a maximum of 1,200 sq. ft.

Platte County, MO: An accessory structure with complete housekeeping facilities for single-family occupancy for use by only immediate family members or guests of the occupants of the principal single-family dwelling on the lot. Also known as mother-in-law quarters, guest house or carriage house.

- Only allowed in AG (Agriculture) and RE (Rural Estates) zoning districts
- One (1) accessory dwelling unit shall be allowed in addition to the existing principal single-family dwelling.
- The minimum lot size required shall be five (5) acres and the accessory dwelling shall not exceed the square footage of the existing principal single-family dwelling, excluding an attached garage.
- Setback of principle structure shall apply.
- An accessory dwelling shall share a single driveway access to a public road with the principal single-family dwelling. Access to an accessory dwelling by a second driveway accessing a public road shall be prohibited.
- HOA approval shall be required.

Springfield, MO: The purpose of allowing accessory apartments is to improve the ability of homeowners to maintain and remain in their homes by permitting a portion of a home to be rented as an apartment. It is also the intent to allow accessory apartments in historic carriage houses to encourage their preservation.

https://library.municode.com/mo/springfield/codes/land_development_code?nodeId=VOLII LADECO ARTIIIZORE_DIV5SUDIRE_S36-450ACSTUS

- Only one accessory apartment shall be permitted on a lot in an R-SF or R-MHC district.
- Administrative review is required
- The accessory apartment or the single-family-detached dwelling located on the lot where the accessory apartment is located shall be actually and physically occupied by at least one owner of record who possesses at least an estate for life or a 50 percent fee simple ownership interest. Under no circumstances shall the owner receive compensation for the occupancy of more than one unit
- One additional off-street parking space for each bedroom in the accessory apartment, located behind the building setback line, shall be provided.
- May only be created in a single-family dwelling or in an existing carriage house
- An accessory apartment may be created only on a lot of 6,000 sq. ft. or more.
- The accessory apartment shall contain complete cooking and sanitary facilities
- Other than historic carriage houses, no accessory building such as garages and sheds shall be used for an accessory apartment.

Overland Park, KS: Currently their unified development ordinance is silent on ADU's. They are in the process of researching and developing an ordinance to address ADU's. Bryan, TX is one of the city's they are exploring.

Lenexa, KS: Currently their unified development ordinance is silent on ADU's. They are in the process of updating and their Comprehensive Plan anticipating discussion and direction as a result of the completion of the comprehensive plan.

Olathe, KS: Certain accessory structures may be converted to or developed for residential dwelling units to promote efficient use of land. This section allows accessory dwelling units (ADUs) with standards to ensure that they do not change the residential character of the principal use. This provides affordable living

options in prescribed zoning districts, while protecting their character and maintaining compatibility between uses. Examples of living arrangements for ADUs include seniors occupying a second family living unit or apartment, or families with elderly parents unable to live completely alone.

<https://olathe.municipal.codes/UDO/18.50.025>

- ADUs are permitted in accessory structures in the A, R-1, and R-2 zoning districts
- The accessory residential dwelling shall be located in the established rear yard least ten (10) feet from the rear lot line
- The ADU shall conform to side yard setbacks.
- Easements shall be dedicated for separate utilities to be provided to each dwelling unit.
- The architectural style of the secondary dwelling structure shall conform to the architectural style and materials of the principal structure.
- ADUs shall not exceed a gross floor area one-thousand (1,000) square feet or more than fifty percent (50%) of the principal structure's floor area, whichever is less, or have more than two (2) bedrooms.
- An ADU shall not exceed two (2) stories or the height of the principal dwelling unit.
- The ADU shall not cause lot coverage to exceed 75 percent, including the principal structures.
- All structures shall meet or be brought up to current building code requirements.
- The ADU shall obtain a separate address to help guarantee emergency response.
- The ADU shall provide one off-street parking space with access to a public street from the existing driveway. This space may be located in the established front yard of the principal structure.

Bryan, TX: Accessory dwelling units may be allowed by conditional use permit as an incidental residential use of a structure on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, or servants employed on the premises, and meet the following standards:

https://library.municode.com/tx/bryan/codes/code_of_ordinances?nodeId=PTIICOOR_CH130ZO_ARTIIIOIOT_RE_S130-34SPSURE

- Accessory dwelling units must be designed and constructed so that they are in keeping with the general architecture and building material of the main structure.
- Manufactured homes are not permitted as accessory dwellings
- The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from that upon which the main dwelling is constructed.
- The accessory dwelling unit may be constructed only with the issuance of a building permit.
- The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented or leased and may not be issued utility meters separate from the main structure.
- The square footage of the accessory dwelling unit cannot exceed 1,000 square feet, nor be less than 400 square feet.
- A minimum of one additional parking space shall be provided for each accessory dwelling unit located on the premises.
- Within the Midtown Pattern Overlay District—Cottage and Flex House (MP-CF), midtown accessory dwelling units do not require prior approval of a conditional use permit.
- Midtown accessory dwelling units are allowed in the Midtown Pattern Overlay District—Cottage and Flex House (MP-CF) to create new housing units while respecting the pattern and form of

existing neighborhoods. This is intended to make neighborhoods more resilient against changing market forces, allow more efficient use of existing infrastructure, and provide a means for property owners to realize additional income while residents remain in place.

- *Maximum number of accessory dwelling units per lot and maximum size of accessory dwelling unit(s).* A maximum of one accessory dwelling unit provided the square footage does not exceed 1,200 square feet.
- *Parking.* For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit.
- *Utilities.* Accessory dwelling units may be constructed with or without independent utility connections.
- *Height.* Total building height of the accessory dwelling units shall not be taller than two stories as defined in the adopted applicable building code or the height limit of the parcel's zoning designation, whichever is less.
- *Building separation.* There must be a minimum of ten feet of separation from buildings located on the same lot.

The following list is a sample of possible future regulations as it relates to ADUs within the City of Lee's Summit.

- ADUs allowed as conditional/accessory use in the AG, RDR, RLL, R-1, RP-2, and PMIX zoning districts (if conditions are met).
- Attached, Internal, detached ADUs are allowed.
- Limit the maximum size (700 or 1,000 sq. ft) and require a minimum size structure (400 sq.ft). Have a ratio calculation to the size of the lot vs. structure and limit the max lot coverage (can't exceed 75% lot coverage with all structures).
- Limit the height (no more than 2 stories or not to exceed the height of the principal structure).
- Require architectural standards, design detail, materials, massing etc. Must be similar/compatible to principal structure.
- Limit the location to the rear yard (behind the primary structure)/setback requirements to be established (10' rear and 10' side).
- Require additional parking (one additional space). Additional space doesn't need to be enclosed).
- Prohibit a second driveway (must share existing driveway).
- HOA approval required.
- Allow for administrative review (i.e. building permit/plot plan review).
- Prohibit the separate sale of an ADU (the ADU is not sold separately from the primary structure).
- Require separate address (A/B).