



LEE'S SUMMIT
MISSOURI
Development Services Department

Development Services Staff Report

File Number	PL2023-077
File Name	Unified Development Ordinance Amendments to Article 6 Use Standards pertaining to Accessory Uses and Structures and requirements for Accessory Dwelling Units (ADUs) and Article 15 Rules of Interpretation and Definitions
Applicant	City of Lee's Summit
Property Address	Citywide
Planning Commission Date	November 9, 2023
Heard by	Planning Commission and City Council
Analyst	Aimee E. Nassif AICP, Deputy Director of Development Services Shannon McGuire, Senior Planner

Public Notification

Community and Economic Development Committee Meeting: August 9, 2023
Newspaper notification published on: October 7, 2023

1. Project Summary

As part of our implementation work with the Ignite! Comprehensive Plan and Communities for All Ages (CFAA) Program, Staff has been researching and identifying opportunities to increase housing diversity and choice throughout the community. Accessory Dwelling Units (or ADUs) are identified as a tool available to increase housing diversity while protecting existing neighborhoods.

While ADUs are currently permitted in the City, the goal with the ADU ordinance update is to strengthen our current regulations, protect existing neighborhoods, encourage aging in place, and advance efforts for implementation of Ignite! Comprehensive Plan. This code update also updates the definitions section and the accessory use table for all accessory uses.

These updates include the following sections of the UDO:

	UDO Article, Division	Section	Description
A	Article 6, Division II	6.505	Restriction of ADUs in short-term rentals
B	Article 6, Division III	6.970	Removal of loft dwelling unit language/updated regulations moved to Division IV
C	Article 6, Division IV	6.1310, 6.1320	Accessory use interpretations and inclusion of swimming pools
D	Article 6, Division IV	6.1330	Development requirements and table for accessory structures
E	Article 6, Division IV	6.1340	Re-organization of ADUs in the AG district
F	Article 6, Division IV	6.1350	Updated regulations & re-organization for ADUs in residential districts
G	Article 6, Division IV	6.1470	Verbiage update for construction and sales office trailers
H	Article 6, Division IV	6.1480	Clean Up and removal of table to Section 6.1330
I	Article 15, Division II	15.050 & 15.1440	Update to definitions of ADU and guest house

2. Research and Analysis

The majority of the work with this UDO update involves the addition of regulations and development requirements for accessory dwelling units (ADU); however, updates to improve readability for several other accessory uses and structures were also included. This report will focus mainly on the ADU updates since the majority of discussions and research centered on ADUs.

The Unified Development Ordinance currently allows ADUs with few development requirements or design standards. In addition, confusion exists with the existing language because information on ADUs is provided within multiple areas of the UDO and multiple terms are used when referencing this type of dwelling.

An ADU or Accessory Dwelling Unit is a residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building, attached to the same building, or detached. An ADU is not a short-term rental building, therefore language is also included with this draft to prohibit its use as a short term rental.

A. Community and Economic Development Committee Meetings

After discussions with the Community and Economic Development Committee (CEDC) over the past year, Staff was directed to prepare draft language that would provide clear direction and development requirements for ADUs to replace existing language. Below is a summary of meetings held with the CEDC and the direction Staff received.

Agenda packet items including meeting minutes, research presented to the CEDC, survey results, and meeting videos are available at: [The City of Lee's Summit - Community and Economic Development Committee \(legistar.com\)](https://legistar.com/View/00000000-0000-0000-0000-000000000000)

1. **February 9, 2022** – Initial discussion, CEDC requested additional information and research be conducted.
2. **November 9, 2022** – CEDC discussion was continued due to additional time needed for other agenda items.
3. **February 8, 2023** – CEDC directed Staff to draft an ordinance consolidating existing sections of code and updating regulations for continued allowance of ADUs. Draft language that was presented was a result of discussions with the CEDC, research from national organizations such as AARP and APA, neighboring municipalities such as Olathe, Overland Park, Blue Spring, Liberty, and Springfield, and community survey results.
4. **April 12, 2023** – Community Survey results were shared along with requested draft language. After discussion of items such as parking, lot size, location and short-term rental use, the CEDC asked staff to see if there was any studies or information on the impact of ADUs on neighboring properties. In addition, Staff was asked to update the draft language so that ADUs are permitted only in the downtown area or on lots ½ acre or larger in size which are zoned AG, RDR, or RLL, unless submitted and approved through the PDP process.
5. **June 14, 2023** – Staff provided results of research requested; no information was found on property value impacts to properties neighboring a residential lot with an ADU. The only information found advised that property values of residential lots with an ADU had the potential to increase in value by 20%-35%. Draft language was also presented which restricted the location of ADUs, lot size requirements, and process updates at the request of the CEDC. The CEDC requested a map of downtown with parcel information, additional research specific to downtown areas, site layout examples, and information from other cities if increases in permit requests have occurred after regulations were adopted.
6. **August 9, 2023** – Information requested from the June meeting was provided. Cities in the area who had developed ADU regulations did not experience an increase in permit requests after enabling legislation. Draft language was updated to include an additional requirement pertaining to massing and scale for lots in Old Downtown Lee's Summit. After discussion, the CEDC recommended the draft language proceed to public hearing before the Planning Commission.

B. Research of Other Cities' Regulations

Attached is a summary of code regulations pertaining to ADUs from other municipalities in the metro area; Olathe, Overland Park, and Blue Springs. Also included in this exhibit (Exhibit A) is a summary of the existing regulations in Lee's Summit for comparison.

C. Public Outreach/Community Survey

In March 2023 a community survey was created to obtain feedback from the public on the topic of ADUs. This survey was emailed out to HOAs that have an e-mail on file with the City as well as being published using the City’s social media platforms. The survey consisted of 18 questions, 6 demographic questions and 12 questions regarding ADUs. A total of 580 responses were received and below are key survey results.

- 1.) 65% responded ADUs should be allowed in all districts where residential properties are allowed.
- 2.) 6.78% responded ADUs should not be allowed in any district.
- 3.) 60.45% responded An ADU should be permitted by right with no additional approval.
- 4.) 70.99% responded “Agree” or “Strongly Agree” that the ADU should look similar to the primary home.
- 5.) 80.62% responded “Agree” or “Strongly Agree” that the ADU should not exceed the height of the primary structure.
- 6.) 83.52% responded that the owner of the ADU should reside on premises.

D. Old Downtown Lee’s Summit and ADUs

Discussion with the CEDC consisted of a variety of topics including massing, setbacks, stormwater, parking, and location throughout the City however much of the discussions focused on requirements specific to properties located in Old Downtown Lee’s Summit.

Currently, ADUs of any architectural style are permitted in Old Downtown Lee’s Summit. While the goal is to continue to allow for ADU development on residential properties, it is also important to protect the existing character of the downtown through proper massing, scaling, and architecture of any new structure. Language regarding these types of development requirements and design standards, with the proposed updates, would apply to the downtown area as well as all areas throughout the City.

The only size restriction that currently exists are for lofts or accessory dwelling units when located above a garage. Staff researched ways to provide more protections with building compatibility, especially with the smaller sized lots found in the downtown area. Residential lots in downtown vary in size, ranging from approximately 2,500 sq. ft to 164,000 sq. ft. The average lot size in Downtown for lots with residential zoning is approximately 14,800 sq. ft while the average lot size of a residential lot in Downtown with residential zoning and a single-family residence on it is approximately 10,900 sq. ft.

The proposed language now includes requirements for all types of ADU structures and includes the following specific to downtown properties:

Section 6.1350.4.a. -

- a. An ADU will not exceed a gross floor area of one thousand (1,000) square feet or more than fifty (50) percent of the principal structure’s floor area, whichever is less with the following exception:
 - i. for residential lots located in Old Downtown Lee’s Summit which are less than 15,000 square feet in size, an ADU will not exceed 500 square feet or more than fifty (50) percent of the principal structure’s floor area, whichever is less.

3. UDO Updates

Below is a description of each recommendation. A redline copy of all draft language is included as an attachment.

A. Article 6, Division II, Section 6.505

Existing Language

Current language does not prohibit ADUs from being located within or operating as a short-term rental. The provision for ADUs on residential lots is to provide an additional and affordable residential dwelling option that would be inhabited by a family member or other individual on a long-term basis.

Recommendation

The proposed language adds a prohibition in the UDO stating ADUs cannot be used as short-term rentals.

B. Article 6, Division III, Section 6.970

Existing Language

This section calls out loft dwelling units in the downtown area separately from the existing accessory dwelling unit regulations and separately from the accessory structures section of the UDO. In addition, this only addresses and provides guidance for lofts above a garage and no regulations for other types of ADUs which are also allowed.

Recommendation

The proposed updates incorporate loft dwellings with all other types of ADUs and updates both the process and development requirements and design standards. Loft dwelling units are a type of ADU and with this consolidation, this information is moved to Section 6.1350. ADUs are still permitted within the downtown area however architecture, height, size, setback, and other requirements have been added.

C. Article 6, Division IV, Sections 6.1310 and 6.1320

Existing Language

Section 6.1310. Current language does not provide for interpretation review of accessory uses or structures by the Director unless it is for a structure only found in the table. This is problematic because many accessory structures and uses are not included in the table but are found in lists throughout this Article.

Table 6.IV-1 requires swimming pools to maintain a 10 ft side and 10 ft rear yard structure setback. Language in Section 6.1320 can lead to confusion because swimming pools are not excluded from other residential accessory structures nor is the reader directed to table for those requirements.

Recommendation

The proposed language clarifies the review and interpretation authority of the Director and clarifies the setback requirements for swimming pools.

D. Article 6, Division IV, Sections 6.1330

Existing Language

The UDO currently has a table (Table 6.IV-1) which provides development requirements for many of the city's accessory uses. This table is currently located in the section pertaining to prohibited uses despite that the uses in the table are all allowable and permitted. In addition, language pertaining to types of ADUs have been removed so that all types of ADUs are located together to assist the reader and applicants.

Recommendation

The proposed language moves the table to Section 6.1330 where all allowed and permitted accessory uses and structures are located. Lofts and guest houses are types of ADUs so those references have been removed from the table and updated requirements for all ADUs is included.

E. Article 6, Division IV, Sections 6.1340

Existing Language

Currently, ADUs in AG districts are separated from other districts and are found in a separate section of the UDO. In addition, there are currently no requirements for architecture, massing or height and multiple ADUs are allowed on a single AG zoned lot.

Recommendation

The proposed language consolidates these requirements so they are located with all other ADU requirements. In addition, development criteria have been added and ADUs are limited to 1 per AG zoned lot.

F. Article 6, Division IV, Sections 6.1350

Existing Language

Section 6.1350 provides information on accessory uses and structures that are permitted in residential districts and specifically permits guesthouses and lofts above garages which are both a type of ADU. Currently, the only regulations that exist for construction of an ADU pertain to lofts above detached garage.

Recommendation

The proposed language develops development and design criteria for any type of ADU on a residential lot; whether it be an attached or detached structure. This proposed language also consolidates all requirements into one section of the UDO to improve readability and understanding of requirements. Examples of ADUs and a map of the Old Downtown Lee's Summit Area has also been included.

G. Article 6, Division IV, Sections 6.1470

Existing Language

Typically, construction and sales offices at construction sites are located within trailers. Section 6.1470 is a housekeeping update to include the word "trailer" to this section that regulates their placement and removal.

Recommendation

The proposed language updates this section to clarify that this regulation pertains to construction and sales office trailers.

H. Article 6, Division IV, Sections 6.1480

Existing Language

This section of the UDO contains all accessory uses which are prohibited; yet it also contains a large table identifying permitted/allowable accessory uses.

Recommendation

The proposed language relocates this table to the appropriate section, Section 6.1330. Language has also been updated to include the proposed/new language for regulating ADUs.

I. Article 15, Division II, Sections 15.055 and 15.1440

Existing Language

This section of the UDO contains use and structure definitions. A definition does not currently exist for Accessory Dwelling Unit.

Recommendation

The proposed language includes a definition for Accessory Dwelling Unit and also removes the definition and term for Guesthouse since that is a type of accessory dwelling unit.

4. Ignite! Comprehensive Plan

Several important goals are achieved through this series of code updates both to the Ignite! Comprehensive Plan as well as the Communities for All Ages program.

- A. Strong Neighborhoods and Housing Choice. Goal 3.2** of the Ignite! Plan is ***Strong Neighborhoods and Housing Choice.*** As stated in the Ignite! Plan, “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”. The Strong Neighborhoods and Housing Choice goal description states: ***“maintain thriving quality neighborhoods that connect a diversity of residents throughout the community”.***

This goal (**Goal 3.2**) encompasses a variety of quality of life and housing objectives that will provide greater housing options throughout the community. Several objectives within this goal are: 1) Increase the mix of affordable housing, 2) Preserve and protect existing housing stock, and 3) Increase overall property values by neighborhood.

A link to the Strong Neighborhoods and Healthy Choice element of the Ignite! Comprehensive Plan is provided here: [Strong Neighborhoods \(cityofls.net\)](https://www.cityofls.net/strong-neighborhoods)

As stated on page 168 of the Ignite! Comprehensive Plan, accessory dwelling units (ADUs) help to increase affordable housing options, can increase the property values, and enable seniors to reside closer to family.

- B. Communities for All Ages.** Since 2016, Lee's Summit has participated in the Mid-America Regional Council's (MARC) Community for All Ages recognition program and we currently maintain Gold Status with this program. This program was established to develop and encourage plans and policies to address housing and other quality of life needs of the City's aging population. This program encourages communities to respond positively to the rapid increase in the older adult population and to adopt policies and programs that make the region a great place for residents of all ages to live and age well. Both the AARP and American Planning Association recognize this program and provide a variety of resources for communities to utilize for this program. Accessory dwelling units can be used by caretakers or family members as a way of providing multi-generational housing and an option for people to Age in Place; allowing them to stay within the community but desire/need a smaller dwelling unit with less maintenance.

5. Summary

As mentioned previously in this report, existing UDO language currently permits development of ADUs throughout the City; however, opportunity exists to develop and clarify regulations and the process and improve process efficiencies. This current series of UDO updates further our goals and implementation strategies of the Ignite! Comprehensive Plan as well as further our work with the Communities For All Ages program.

In addition to meeting goals of the Ignite! Comprehensive Plan and Communities For All Ages, these proposed updates also achieve the following:

- Improve understanding and clarity of code requirements for all accessory uses and structures.
- Add an illustration for ADUs and includes development criteria to encourage ADUs while preserving and protecting existing properties and neighborhoods.

ADUs increase the diversity of housing options and expand housing supply while integrating within single family neighborhoods. This type of housing provides an option for older individuals who need to down-size from their existing residence for less maintenance and smaller sized dwelling and promotes multi-generational housing.

Attached is a redlined copy of each of the Article updates for your review. The draft language presented is a result of research of other communities, AARP, APA, ULI, as well as public input from the community survey and discussions with various stakeholders. Staff also shared these recommendations with the Community and Economic Development Committee (CEDC) on August 9, 2023. A motion by the CEDC was made to advance these recommendations to the Planning Commission for public hearing.