

# ARTICLE 8. ACCESSORY USES AND STRUCTURES

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## **DIVISION I. GENERAL REQUIREMENTS FOR ACCESSORY USES AND STRUCTURES**

### **Section 8.010. Intent, definition and interpretation**

It is the intent of this Article to regard certain uses and structures as being accessory to the principal use of the premises so that they may be carried on under the umbrella of the principal use. A use or structure will be considered “accessory” when it is being used in conjunction with the principal use and is incidental and integrally related to the principal use. All accessory structures are listed in Table 8-1 with their respective requirements. Accessory structures not listed in Table 8-1 shall be submitted to the Director for consideration and interpretation. An interpretation made by the Director may be appealed through the process provided for in Article 18 of this Chapter.

### **Section 8.020. Relationship to principal use**

- A. No accessory use or structure shall be allowed on any lot, except in the AG, Agricultural district, unless it is accessory to an existing principal use or structure on the lot on which it is to be located.
- B. Accessory structures shall not be permitted in a required front or side yard except as specifically provided in Table 8-1.
- C. Residential accessory uses shall not be rented or occupied for financial consideration, except for an accessory dwelling unit as further provided for in this Chapter. (Amend. #24)
- D. Construction of an accessory structure shall not commence until construction of the principal building has commenced.
- E. On a corner lot no accessory structure shall be located closer to the side street right-of-way line than the building setback line for the principal structure. (Amend. #38-A)
- F. When an accessory structure is attached to the principal structure by a breezeway, passageway, or similar means, or is located within 10 feet of the principal structure it shall comply with the yard requirements of the principal structure to which it is accessory.
- G. Accessory structures located in non-residential districts shall only be used by the owner, employees of the owner, or tenant of the premises.
- H. Accessory structures located in residential districts shall only be used by the owner or tenant of the principal structure located on premises except as further limited herein.

### **Section 8.030. Location, number and height of accessory use/structure**

- A. Location and location exceptions. No accessory use or structure permitted by this Article may be located except as specifically authorized in this Article. (See Table 8-1 “Special Conditions” for location and location exceptions)

- B. Encroachments into easements or right-of-way. See City of Lee's Summit Encroachment Policy. (Amend.#58)
- C. Number. Any number of accessory structures is permitted provided that the lot coverage is not exceeded, except as further limited herein. The maximum impervious coverage for all residential uses in any district shall be 60%. (Amend. #38-A)
- D. Height requirements (See Table 8-1)

## **DIVISION II. PERMITTED ACCESSORY USES AND STRUCTURES**

### **Section 8.040. AG Agricultural District – permitted accessory uses and structures**

- A. All uses listed in Section 8.050
- B. A second single family dwelling, provided the primary and accessory dwellings are on the same parcel of land under single ownership and the parcel contains a minimum of ten (10) acres.
- C. Loft dwelling above detached garage, barn or other such storage structure, provided:
  - 1. Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure; and
  - 2. Building codes can be met as they relate to the separation requirements between the structure and residential living unit
  - 3. 1 loft dwelling unit may be established above each structure listed above not to exceed 3 such loft dwelling units.
- D. Accessory dwelling units may also be laterally attached to accessory structures provided:
  - 1. Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure; and
  - 2. Building codes can be met as they relate to the separation requirements between the structure and residential living unit
  - 3. 1 accessory dwelling unit may be laterally attached to each structure listed above not to exceed 3 such attached dwelling units.
- E. Irrigation equipment used to water crops, such as a pump, pump housing, piping and compressor used to transfer and distribute water
- F. Kennel. A commercial kennel with outside runs shall be located not less than two hundred (200) feet from residentially zoned property
- G. Livestock pasturing
  - 1. Minimum parcel size – 10 acres
  - 2. Minimum parcel size per animal – 5,000 square feet fenced area
- H. Paved, gravel or grass storage areas for operational equipment and materials for any agricultural operation

- I. Repair shop, windmill, shed, garage, barn, silo, windmill, bunk house or any incidental structure commonly required to serve the principal use
- J. Roadside stand not exceeding two hundred (200) square feet offering for sale only products produced on the premises
- K. Stable.
  - 1. Minimum Lot Area: 10 Acres
  - 2. Setbacks (Minimum):
    - a. Front Yard – 100 feet
    - b. Side Yard/Rear Yard – 30 feet
    - c. From residentially zoned property – 200 feet
  - 3. Maximum of one horse, pony or mule per acre shall be kept.
  - 4. All premises where stables or animals are kept shall be in compliance with all applicable state, county and city sanitary and health regulations.
- L. Wells (not including oil or gas), ponds or lakes.

**Section 8.050. Residential Districts – Permitted accessory uses and structures**

The following accessory uses and structures are permitted in residential zoning districts including, RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4, and TNZ.

- A. “Day care home” is a permitted accessory use to a principal residential use. “Day care home” is defined as a family home in which a day care provider resides and provides family-like care for 1 to 4 persons not related to the day care provider, for any part of the twenty-four (24) hour day, without overnight stays. The residential accessory use does not include “day care, group,” with 5-10 persons, which requires a special use permit in certain residential districts and is a permitted use in certain commercial districts. (See Definitions in Article 2 and Permitted and Special Uses in Article 5.)
- B. Deck, porch, gazebo, arbor, and patio
  - 1. Decks are limited to the side and rear yard.
  - 2. Uncovered front porches may be constructed of materials listed in (4) below provided the walking surface does not exceed a height of 30 inches measured from ground level and provided it does not encroach into the required front yard by more than 5 feet.
  - 3. Covered front porches may be constructed of materials listed in (4) below provided they do not encroach into the required front yard and provided the supporting structure underneath the walking surface is totally screened or enclosed by like materials or landscaping, not to include lattice.
  - 4. Uncovered front porches not encroaching into the required front yard may be constructed of wood, composite materials, wrought iron, metal or masonry.
  - 5. Uncovered attached decks, associated with detached single-family and 2-Family laterally attached homes may encroach into a required rear yard by 5 feet. Attached decks on all other

6. Gazebos may be attached to decks but must follow the setback requirements and not exceed the height of the principal structure
  7. Arbors may be located in front, side and rear yards as decorative yard features provided no visual impairment to site distance triangles, as defined in Article 7, is created
  8. Concrete at-grade patios may extend to the property line provided that storm water runoff/discharge is not directed onto adjacent property creating a nuisance
- C. Fence or wall.
- a. Fence materials: Only wood, vinyl, steel, masonry or wrought iron materials may be used for residential fence construction.
  2. A fence or wall may be constructed to a maximum height of six (6) feet above the average grade without a permit being required.
    - a. If a fence or wall exceeds six (6) feet in height, a building permit for a fence shall be obtained from the Building Official.
    - b. A building permit for a fence shall be required for the replacement or reconstruction of fifty percent (50%) or more of the entire linear length of an existing fence that exceeds six (6) feet in height.
    - c. A fence or wall exceeding six (6) feet in height (including a retaining wall) that is required as part of a Preliminary Development Plan shall have Final Development Plan approval prior to the issuance of any fence permit.
  3. A retaining wall may be permitted where it is reasonably necessary due to the changes in slope on the site, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained unless the building code requires a guardrail for safety purposes. (See also the city's encroachment policy for additional restrictions.)
  4. A fence or wall constructed prior to the adoption of this Chapter that does not meet the standards of this Article, but which met previous codes of the city when originally constructed, may be replaced and maintained resulting in a fence of the same size, type and material. However, no fence shall be replaced or reconstructed in a manner that obstructs the sight triangles as defined in Article 7 of this Chapter.
  5. In residential districts, the following restrictions and standards shall apply to all fences and walls (See also Table 8-1):
    - a. Front yard.

A decorative wall, or fence consisting of slats with a minimum of 2 inch spacing not exceeding four (4) feet in height may be constructed in a front yard and extend to the property line provided no sight distance triangle is compromised.
    - b. Rear yard.

A fence or wall up to six (6) feet in height may be constructed on the rear property line, subject to further restrictions of the city's encroachment policy.
    - c. Side yard.

A fence or wall may be constructed on the side property line provided that:

- a fence or wall over four (4.0) feet in height shall not extend beyond the face of the house on the lot on which the house is located.
  - a fence or wall up to four (4.0) feet or less in height may extend to the front property line, provided it does not obstruct the sight triangle and provided the fence materials meet the same requirements of (a) above for fences or walls extending into the front yard.
6. Subdivision fence, wall, entry monument/feature.
    - a. Entry monument signs shall be governed by Article 13 of this Chapter. A sign permit shall be obtained prior to installation of any sign.
    - b. Entry features such as decorative fences, walls, water features, and structures, that span the city right-of-way, and guard house/gatehouse are allowed provided they receive a license agreement and approval from the Governing Body.
  7. Design standards.
    - a. A fence or wall shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.
    - b. All fence segments abutting an arterial or collector street, except on corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.
  8. See the city's encroachment policy for additional restrictions on location of fences, walls, retaining walls, or other structures or features.
- D. Flag pole
- E. Garage, carport or shed
1. For any one-family or two-family dwelling, there shall be permitted one detached garage or storage building/shed. An attached garage or carport shall be subject to the same required setbacks as the main structure, unless access is from an alley. In this case the setback is the same as a detached garage or shed. A detached garage or shed shall be subject to the setbacks required for detached accessory buildings. (See Table 8-1 for required setbacks, height/size limitations, and special conditions.) (Amend. #38-C)
  2. Carports may be attached to a detached garage or shed provided the carport does not exceed the size of the detached garage or shed.
  3. For any multi-family residential development, a detached garage or storage shed shall be subject to the setbacks required for detached accessory buildings.
  4. In all residential districts, the design and construction of any detached garage, carport (when approved as part of a PDP) or storage building/shed, larger than 120 square feet, (Amend. #3) shall be similar to or compatible with the design and construction of the main building. The exterior building materials and colors shall be similar to the main building or shall be commonly associated with residential construction.
  5. For any permitted non-residential use in a residential district (such as a church or school), a detached garage or storage shed shall be permitted provided the design and

construction is compatible with the main building and the residential district requirements are not exceeded in the particular district in which located.

- F. Garden
- G. Gatehouse/guardhouse at entrance to a subdivision or multi-family development. (See subdivision fence, wall, entry monument/feature above.)
- H. Greenhouse, non-commercial
- I. Guesthouse
- J. Hobby shop - A hobby shop may be operated as an accessory use by the occupant of a residential unit purely for personal enjoyment, amusement or recreation; provided that, the articles produced or constructed are not sold on the premises and provided that, such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- K. Home occupation (See Section 8.100)
- L. Horse pasturing, non-commercial – Horses may be pastured in RDR, RLL and R-1 Districts provided the following conditions are met:
  - 1. Minimum lot size: 1 acre
  - 2. Setbacks: None, except if a small structure is to be used in conjunction with the pasturing for providing shelter in inclement weather, then the structure shall be set back from all property lines a minimum of 30 feet
  - 3. Accessory structure shall not exceed 250 square feet per acre not to exceed 1,000 square feet, or the height of the principal dwelling
  - 4. Maximum of 1 horse per acre
  - 5. Horse pasturing is not to be used for commercial gain and is only to be used for the pleasure of the owner or current occupants of the principal dwelling located on the same lot
- M. 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 (see Article 10 Special Use Permits), provided: (Amend. #24)
  - 1. Additional parking is provided on site to accommodate the separate dwelling unit, other than the driveway for the principal structure; and
  - 2. Building codes can be met as they relate to the separation requirements between the garage and residential living unit; and
  - 3. 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.
- N. Play house and play equipment including a jungle gym, skate board/bicycle ramp, swing set and similar structures.
- O. Recreational facility, non-commercial (outdoor), except as provided in Article 10, Special Use Permits. A non-commercial recreational facility is any outdoor playground, facility, baseball field, softball field, or any other outdoor non-commercial recreational use, which is an accessory use to a single-family residential use, a single-family residential subdivision, a

medium- or high-density residential development, or a church, , and which meets the following conditions:

1. It shall not be lighted for night use.
  2. It shall not be utilized for intensive play for leagues, tournaments or used by teams outside the subdivision, apartment development, church or other principal use to which the facility is accessory.
  3. No permanent or temporary spectator seating shall be provided.
  4. The following setbacks from adjoining residentially zoned or used property shall apply:
    - a. Playgrounds for day care services for more than ten children shall be set back at least twenty (20) feet.
    - b. Courts and fields for one- or two-person teams (e.g., tennis courts) shall be set back at least fifty (50) feet. Courts and fields for three-or-more-person teams shall be set back at least one hundred (100) feet.
    - c. A fence more than six (6) feet in height shall be set back from such boundaries a distance equal to the height of the fence.
    - d. A batting cage shall only be located on a minimum lot size of one (1) acre provided it is located no closer than 50 feet to any other residential structure.
  5. The minimum lot area for an outdoor recreational facility for three-or more-person teams, including baseball and softball fields, shall be a minimum of one (1) acre.
  6. Backstops or other fencing shall be provided if needed to prevent encroachment of balls or other activities onto adjacent property.
  7. The design and layout of the recreational facility on the property shall be such that it minimizes sound and light at the property line.
  8. Access to the recreational facilities and to the property on which the recreational facility is located shall be designed to minimize the adverse impact on residential properties.
  9. Landscaping, berming, or fencing shall be provided if needed to minimize adverse effects.
- P. Satellite dish antennae not exceeding 1 meter in diameter and attached to the principal structure
- Q. Signs per Article 13 of this Chapter
- R. Solar collector (See Sec. 8.150)
- S. Sport court (same as tennis court)
- T. Swimming pool, private
- U. Swimming pool, subdivision (See "Article 9" for conditions)
- V. Tennis court

**Section 8.060. Commercial and Industrial Districts –  
Permitted accessory uses and structures**

- A. Dwelling unit for security, management or maintenance personnel



B. Fences and walls

1. Location: Fences and walls may be constructed on any side or rear property line but shall not be located in any required front yard setback or be closer to any public or private street than the required setback for a building. (See also the city encroachment policy for additional restrictions.)
2. Fence materials may include those listed for residential uses as well as chain link. However, chain link fences shall not be used for screening purposes as slats are prohibited. Chain link may only be used for screening purposes when used in combination with evergreen trees or shrubs, planted on the outside of the fence, providing an opaque screen that satisfies the screening requirements in Article 14 of this Chapter.

C. Flag poles

D. Food service and vending machines for tenants or employees

E. Gate house

F. Garden center. A garden center as an accessory use to a commercial center shall be fully contained within a screened -portion of the primary structure.

G. Outdoor patios/decks. The following outdoor patios/decks shall be allowed as accessory uses with the conditions stated (Amend. #52):

1. Strip Centers/In-Line Tenant Space

- a. Outdoor patios/decks shall be set back a minimum of 100 linear feet from a residential district.
- b. Outdoor patios/decks adjacent to a residential district shall:
  - 1) Provide a screened masonry wall from 8 to 10 feet in height around the patio/deck sides facing the residential district for the purpose of establishing a visual screen and block noise emanating from the patio area to the residential district. The wall height shall be sufficient to obscure the sight to the outdoor patio/deck from any adjacent residential dwelling's viewing station including patio, deck or window.
  - 2) Outdoor patios/decks that cannot meet the screening requirement of (a) above are prohibited unless approved by the City Council.

Exception: When located within a development with a perimeter fence screen that provides the visual obscurity required in (1) above, then a 6 foot height masonry screen wall shall be utilized for noise control.

2. Standalone/Pad Site

- a. Outdoor patios/decks associated with standalone and pad site businesses shall:
  - 1) Provide a minimum setback of 100 feet to any residential district.
  - 2) Provide 4 foot high security fencing around the patio/deck area when no residential adjacent property exists.
  - 3) Provide a screened masonry wall from 8 to 10 feet in height around the patio/deck sides when adjacent to residential.
  - 4) Provide noise control as further established below.

- b. Outdoor patios/decks located in front of businesses on a sidewalk shall:
  - 1) Provide 4 foot security fencing around the patio/deck perimeter.
  - 2) Provide noise control as further established below.
- 3. Noise Control for Both In-Line and Standalone Businesses shall be established per City Code.
- H. Parking and loading areas
- I. Private/public parking structure
- J. Satellite dish antennae
- K. Signs per Article 13 of this Chapter
- L. Solar collector (See Sec.8.150)
- M. Storage lot for vehicles engaged in the business - per approved development plan or special use permit
- N. Swimming pool, private. An indoor or outdoor swimming pool shall be allowed as an accessory structure/use to the following uses provided the district setbacks can be met:
  - 1. Fitness centers
  - 2. Motels/hotels
  - 3. Multi-family dwellings, garden apartment buildings/complexes
  - 4. Clubs and organizations such as a YMCA

**Section 8.070. Commercial and Industrial facilities – Permitted accessory uses**

The following are accessory uses inside commercial and industrial facilities 60,000 sq. ft. or larger provided that not more than twenty-five (25%) percent of the facility may be occupied by such accessory use or uses:

- A. Barber shops and hair salons
- B. Banks and financial institutions
- C. Blue printing, graphics and Photostatting services
- D. Business equipment, marketing display and repair
- E. Child care services
- F. Dry cleaning and laundry pickup and delivery
- G. Florist
- H. Gift shop
- I. Newsstand
- J. Optometrist and customary eye wear sales and service
- K. Pharmacy/drug store
- L. Restaurant/cafeteria

M. Vending machines

**Section 8.080. Accessory uses permitted by interpretation**

Uses other than those listed herein may be determined to be accessory uses in any district based upon interpretation by the Director.

**DIVISION III. SPECIALTY ACCESSORY USES**

**Section 8.090. Accessory use in religious, educational and community buildings**

Child care center, pre-school, Mother's Day Out and similar programs shall be permitted as an accessory use in religious, educational and community buildings.

**Section 8.100. Home occupation – accessory use in residential dwelling**

Home occupations shall be permitted as an accessory use in residential dwellings in any district subject to the following provisions:

A. Purpose and intent.

It is the purpose and intent of these requirements to:

1. Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses;
2. Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors;
3. Establish criteria for operating home occupations in dwelling units; and
4. Ensure that public and private services such as streets, sewers, water or utility systems are not burdened by home occupations to the extent that usage significantly exceeds that which is normally associated with a residence.

B. General Provisions.

Home occupations shall be permitted as accessory uses within principal residential dwellings in any district provided they meet the following conditions and all requirements of the district in which located:

1. The home occupation must be clearly incidental and secondary to the primary residential use of the dwelling;
2. The home occupation must not change the outside appearance of the dwelling.
3. Exterior signage for a home occupation is prohibited;
4. The home occupation must not generate traffic, parking, sewerage or water use in excess of what is normal or customary in a residential neighborhood;

5. The home occupation shall not create a hazard to person or property, result in electrical interference, or become a nuisance in the neighborhood;
6. No outside storage of any kind related to the home occupation shall be permitted;
7. No persons other than self or family members residing on the premises, plus one additional person not residing on the premises, shall be employed or involved in any business activity related to the home occupation on the premises;
8. No more than 25% of the gross floor area of the dwelling unit shall be used for the operation of the home occupation. No accessory buildings shall be used in conjunction with a home occupation;
9. Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel service vehicles;
10. Noise, vibration, smoke, odors, heat or glare as a result of a home occupation, which would exceed that normally produced by a single residence, shall not be permitted;
11. The home occupation shall not utilize more than one private commercial vehicle limited to 1 ton capacity. The vehicle shall be capable of being parked or stored inside the garage and shall be required to be kept in said garage when not in use for the home occupation (Amend. #13);
12. Retail sales on the premises shall be secondary to the major operation of the home occupation;
13. The primary use of the building in which the home occupation is situated shall clearly be the dwelling used by the person as his/her private residence;
14. Home occupations shall maintain required licenses mandated by applicable local, state and/or federal laws;
15. Persons intending to operate a home occupation should notify the HOA, Home Owners Association, of their intent prior to beginning operations. Said notification is to provide the HOA with notice of intent only.

C. Permitted home occupations.

Home occupations shall be approved by the Director upon his/her determination that the requirements of this ordinance can be satisfied. In the event a home occupation is denied by the Director, the reasons for the denial shall be given to the applicant in writing. Such decision for denial may be appealed to the City Council within 14 days of the date on the letter from the Director.

D. Prohibited home occupations. The following uses by the nature of the investment or operation have a tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the following uses shall be specifically prohibited as home occupations, except as further indicated below. (Amend. #16)

1. Sales to the public on the premises not secondary thereto;
2. Equipment rental;
3. Automobile and other motor vehicle repair services and/or sales;

4. Radio, television and similar electronic devices, small appliances and small engine repair services;
  5. Physicians, dentists;
  6. Chiropractor, except when located within a home on a lot that is a minimum of one acre in size and where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9)
  7. Upholstery and furniture making;
  8. Horse pasturing (does not include the accessory use of same)
  9. Pet grooming, except when: (Amend. #17)
    - a. Only one (1) animal is groomed or kept on the premises at a time, except for pets owned by the groomer; and
    - b. Only one person shall perform grooming services on the premises; and
    - c. All grooming activities shall be by appointment only; and
    - d. No animal runs, kennels or cages shall be kept on the premises in conjunction with the grooming business except for portable kennels necessary to transport the animal to and from the grooming appointment; and
    - e. No more than five (5) animals shall be groomed per day.
  10. Animal grooming (except as provided in 8 above) (Amend. #17), boarding, and/or related services;
  11. Uses requiring storage or use of highly flammable, toxic or other hazardous materials;
  12. Printing and/or typesetting services;
  13. Photographic studio, where photographs are taken on the premises, except when located within a home on a lot that is a minimum of one acre in size and where access to a collector street from the residential driveway is no greater distance than one lot depth or 250 feet whichever is less. (Amend. #9)
  14. Massage therapy, (to be conducted in the Licensed Massage Therapist's home) unless specifically approved as a Special Use under Article 10 of this Chapter. (Amend. #16)
- E. Any proposed home occupation not specifically prohibited in this Section may be permitted provided that all conditions listed above are observed.

#### **Section 8.110. Hospital – related accessory uses**

The following uses are accessory uses within a hospital when located within the main hospital building and designed to serve hospital personnel, visitors or patients: residential quarters for staff and employees; nursing or convalescent quarters; storage and utility buildings; food service and vending machines; laundry and dry cleaning pickup and delivery; and flower and gift shops.

Heliports shall be allowed as an accessory use at a regional hospital, provided the following conditions are met:

- A. A heliport plan is submitted to the Director which includes all approach and departure paths as necessary to assure safe and adequate landing and take-off area and shall be

supplemented by a favorable report by the local airport district office of the Federal Aviation Administration (FAA).

- B. Adequate safety provisions shall be provided and indicated by plans that control or restrict access to the landing and take-off areas by the general public.
- C. Landing and take-off areas shall be surfaced in such a manner as to avoid dust or dirt from blowing onto neighboring property.

**Section 8.120. Hotel and motel – related accessory uses**

The following uses are accessory uses within a hotel or motel provided the use is located within the main hotel building and designed to serve the occupants and patrons of the hotel or motel: restaurants; clubs; drinking establishments; banquet rooms; package sales of alcoholic liquor or cereal malt beverages; sales of notions; newsstands; vending machines; barber shops and hair salons; arcades; and flower and gift shops.

**Section 8.130. Kennel – accessory use to veterinarian**

Kennels for small animals shall be subject to the following conditions:

- A. A kennel with outside runs as an accessory use to a veterinarian shall be located at least one hundred (100) feet from any property zoned or used for residential purposes.

**Section 8.140. Outdoor storage in PI industrial districts – accessory use (Amend. #34)**

In PI industrial districts, outside storage is restricted to new products manufactured or assembled on site or such materials that are used in conduct of the business and which shall meet the following conditions:

- A. The outside storage is to be located on land owned by, leased by, or under the control of the users.
- B. Outside storage shall be restricted to side or rear yards not within required yards and shall be screened from view of neighboring properties.
- C. Outside storage areas are to be properly screened by means of a solid, sight-obscuring fence, not less than six (6) feet in height. A living screen may be substituted for the fence providing said screen shall provide a solid screen at planting. Fences used as screening directly adjacent to land zoned residential shall incorporate planted buffers as required in Article 14.
- D. All storage areas and access drives shall be paved.
- E. Outside storage of inoperative vehicles or equipment shall not exceed 72 hours. (Amend #6)

**Section 8.150. Solar collectors – accessory use**

Solar collectors are permitted accessory uses, provided that the following performance standards are met:

- A. Roof-mounted solar collector components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.
- B. Roof-mounted solar collectors located on front or side building roofs, which are visible from the public right-of-way, shall not extend above the peak of the roof plane on which they are mounted, and no portion of the solar collector shall extend more than twenty four (24) inches perpendicular to the point on the roof where it is mounted;
- C. Roof-mounted solar collectors located on the rear side of building roofs shall not extend above the peak of the roof plane on which they are mounted, and no portion of the solar collector shall extend more than four (4) feet perpendicular to the point on the roof where it is mounted;
- D. Ground-mounted solar collectors shall not exceed eight (8) feet in total height and shall be located within the rear yard at least twelve (12) feet inside the property line and
- E. All lines serving a ground-mounted solar collector shall be located underground.

**Section 8.160. Tattoo/permanent cosmetic services/body piercing services as accessory use to primary use in district Planned Office (PO) (Amend. #60)**

Tattoo/permanent cosmetic services/body piercing services are restricted as an accessory use business located in a Planned Office, PO, zoning district as follows:

- 1. The accessory use business shall only be provided by the licensed professional as business owner of the primary business; and
- 2. The primary business shall be associated with an artist studio engaged in the application, teaching, or production of fine arts such as drawing, painting, and sculpture or in film editing and screenwriting and similar uses associated with the fine arts; and
- 3. Services shall be provided by appointment only and shall not become the primary business; and
- 4. Signage shall be prohibited except for a logo, telephone number and email address.

**DIVISION IV. PERMITTED TEMPORARY ACCESSORY USES**

**Section 8.170. Permitted temporary accessory uses**

The following uses are temporary accessory uses in any district unless further limited herein:

- 1. Construction/sales office on site of a construction project provided such trailer is removed upon completion of the project. In residential districts, the construction trailer must be removed upon completion the of the first residential dwelling unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the first dwelling unit for that phase.
- 2. Portable storage containers – 14 days duration limitation (See also Article VII, Chapter 16 of the Code of Ordinances)

3. Roll-off trash container during construction – limited to 30 day duration and may be allowed up to three nonconsecutive times in a one year period. (See also Article VII, Chapter 16 of the Code of Ordinances)
4. A temporary recycling collection facility sponsored by a business, school, church, or non-profit community group shall be allowed as an accessory use, provided the following restrictions and conditions are met:
  - a. Containers are located on business, church, school or non-profit community group grounds;
  - b. Activity is at least one hundred (100) feet from any adjacent property zoned or used for residential purposes; and
  - c. The temporary facility is maintained in a clean, litter-free condition on a daily basis.
5. Sales office in a new residential subdivision model home
6. Sales trailer within a residential subdivision on a vacant lot provided that: (Amend. #39)
  - a. A sales trailer within a new residential subdivision or developing residential subdivision shall only be placed after a building permit for a model home has been issued and construction has commenced. Use of the temporary sales trailer shall cease upon the model home receiving a temporary certificate of occupancy.
  - b. A sales trailer within a developing residential subdivision may utilize any vacant lot but only when a newly constructed home is not available for use as a model home/sales office and subject to compliance with “a.” above.
  - c. When used in this section the term “residential subdivision” means a single plat or multiple plats comprising a residential community or residential development. A residential subdivision shall be considered a developing residential subdivision if the remaining vacant lots constitute ten percent (10%) or more of the entire residential community or residential development. (Amend. #39)
7. Signs per Article 13 of this Chapter
8. Re-locatable classrooms/trailers are permitted as a temporary accessory use to schools and churches in any zoning district except when occupying a tenant space in an office or commercial building or complex or within a storefront or retail shopping center. (Amend. #39)

## **DIVISION V. PROHIBITED ACCESSORY USES AND STRUCTURES**

### **Section 8.180. Prohibited accessory uses and structures**

The following accessory uses and structures are specifically prohibited:

1. Automotive repair in residential districts except for personal vehicles being repaired inside a garage
2. Hog lots
3. Livestock commercial feed lots



4. Detached carports except when specifically approved as part of a preliminary development plan for a multi-family development
5. Outdoor vending machines, except for:
  - a. Certain outdoor vending machines that are accessory to financial institutions, such as ATM's, self service car wash business dispensers offering such items as cleaners, waxes and towels for vehicle washing and similar accessory uses and structures approved by the Director. Such accessory vending machines shall be attached to or built into exterior walls of the commercial business or integrated into a drive island, and
  - b. Mobile food vending regulated in Article 11 of this Chapter.

Note: Retail sales of products being displayed outdoors, provided such products are being sold within the commercial building where the products are being displayed shall not constitute an accessory use or structure. Said outdoor product display shall be located immediately adjacent to the wall of the building or within 20 feet of such wall, or in the case of a C-Store adjacent to the pump island, except for seasonal sales regulated by Article 11.

(Amend. #58)

**Table 8-1. Accessory Structures**

Accessory Structure	Permitted Zoning Districts	Required Setbacks	Height	Size Limitations and Other Special Conditions <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
Arbor	Residential (including AG, RDR and RLL)	None	10 feet	Not to impair sight triangle.
Carport – Attached to principal structure	Residential (including AG, RDR and RLL)	Same as zoning district for principal structure	Not to exceed height of structure to which attached	Maximum Size: 250 square feet, not to exceed structure to which attached
Carport – attached to detached garage or shed	Residential (including AG, RDR and RLL)	Same as detached accessory structure	Not to exceed height of structure to which attached	Maximum Size: 250 square feet, not to exceed structure to which attached
Concrete at grade patios (not to include sport courts)	Residential (including AG RDR and RLL)	None – provided storm water runoff is not directed toward the adjacent property	NA	Storm water runoff shall be controlled in a manner that does not cause a nuisance to the adjacent property or create a ponding situation.
Construction Office/Trailer - Temporary	All	Per Administrative Approved Plot Plan	N/A	In residential district, valid for 6 months beyond completion of public improvements  In non-residential districts, valid through issuance of certificate of occupancy.
Gazebo (Detached)	Residential (including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	15 feet	
Deck (Detached) • Covered • Uncovered	All	Front: Prohibited Side: 10 feet Rear 10 feet	15 feet 6 feet	Measured to the highest point of structure, i.e., roof peak, hand rail etc.
Deck and Gazebo (Attached)	Residential (including AG, RDR and RLL)	Front & Side: Same as principal structure in district.  Rear yard – 25 feet in R-1; same as principal structure in other districts	15 feet (measured from deck floor, not to exceed height of structure to which attached )	

<b>Table 8-1. Accessory Structures</b>				
<b>Accessory Structure</b>	<b>Permitted Zoning Districts</b>	<b>Required Setbacks</b>	<b>Height</b>	<b>Size Limitations and Other Special Conditions</b> <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
Dwelling, Secondary	AG	Same as required setback for principal structure in district.	Same as maximum height permitted for principal dwelling	Minimum of 10 acres, and dwellings must remain in single ownership on the 10 acres.
Dwelling unit for security, management or maintenance personnel	PO, CP-1, CP-2, CS, PI (Amend. #34)	Same as principal structure in district.	Same as principal structure in district	Dwelling unit must be located within a building associated with the development.
Fence or Wall – Perimeter Residential	R-1, RP-1 and RP-2, RP-3, RP-4 and TNZ	Front: 0 feet for fences not exceeding 4 feet in height 6 foot privacy fences on corner lots may only encroach into the required front yard by 15 feet. Side: 0 feet Rear: 0 feet	Residential: 4 feet front yard 6 feet side and rear yard	Residential fencing materials: Front yard: Wood, vinyl, steel, composite, masonry, or wrought iron Side and Rear yard: all the above plus chain link Front yard (except corner lots) – 4 foot height fencing requires using a fence consisting of slats with a minimum of 2 inch spacing or spacing equal to the width of the individual slats whichever is greater
Fence or Wall – Decorative Residential	R-1, RP-1 and RP-2, RP-3, RP-4 and TNZ	0 feet	4.0 feet	All fence or walls shall be located out of the sight triangle;
Fence or Wall				A fence or wall shall be constructed with a finished side facing outward from the property.
Fence or Wall – Other	CP-1, CP-2, CS and PI	0 feet	8 feet	
Fence – Tennis Court	All	Front: Prohibited Side: 10 feet Rear: 10 feet	12 feet	
Flag Pole	All	Front: 10 feet Side: 10 feet Rear: 10 feet	25 feet	
Garage in AG – Detached (Amend. #38-C)	AG	Front: Prohibited Side: 35 feet Rear: 35 feet	40 feet (maximum height in district)	No limitation on size in AG.

**Table 8-1. Accessory Structures**

<b>Accessory Structure</b>	<b>Permitted Zoning Districts</b>	<b>Required Setbacks</b>	<b>Height</b>	<b>Size Limitations and Other Special Conditions</b> <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
Garage – Detached	All Residential districts (including RDR and RLL, but excluding AG)	Front: No closer than principal structure Side: 10 feet Rear: 10 feet (4 feet for alley access); 30 feet for detached garage with loft residential dwelling unit	25 feet (not to exceed height of principal structure on property)	Detached garage shall not exceed 250 square feet for each 5,000 square feet of lot area, with a maximum of 1,000 square feet for lots less than 4 acres, and a maximum of 2,000 square feet for lots of 4 acres or more. Only one garage structure is permitted. Design and construction shall be as set forth in Section 8.050.E. (Amend. #38-C)
Garage – Attached	All Residential districts (including AG, RDR and RLL)	Same as a principal structure in district	Same as a principal structure in district	
Gatehouse/Guardhouse for subdivisions or multi-family projects	Residential	Per approved development plan or plat	Same as a principal structure in district	
Greenhouse – non-commercial (Amend. #37)	AG, RDR and RLL	Front: Prohibited Side: 10 feet Rear: 10 feet	40 feet (maximum height in district)	No limitation on size
Greenhouse – non-commercial (Amend. #37)	Residential (not including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	15 feet	Maximum size: 250 square feet. Greenhouses greater than 250 square feet require Special Use Permit.
Guesthouse	AG, RDR, RLL, and R-1	Same as a principal structure in district	Same as a principal structure in district	Minimum 1 acre lot size. Ownership must be in the same name as the principal use.
Hobby Shop	Residential (including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	15 feet	Maximum size 250 square feet. Combined structures not to exceed district lot coverage
Hot Tub or Jacuzzi	All	Front: Prohibited Side: 10 feet Rear: 10 feet	N/A	If located on a deck, setbacks for deck shall apply
Kennel, commercial	AG	Front: Prohibited Side: 200 feet	8 feet	Side and rear setbacks apply only from residentially zoned property (R-1 through RP-4)

<b>Table 8-1. Accessory Structures</b>				
<b>Accessory Structure</b>	<b>Permitted Zoning Districts</b>	<b>Required Setbacks</b>	<b>Height</b>	<b>Size Limitations and Other Special Conditions</b> <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
		Rear: 200 feet		
Livestock – Building (barns and/or stables)	AG	100 feet	N/A	See Table 5-2 for use limitations
Loft Dwelling Unit above detached garage	All Residential (RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4), except for R-1 located within “Old Lee’s Summit” as described in the Downtown Master Plan (Amend. #24) (Amend. #48)	Front: Prohibited Side: 10 feet or same as a principal structure in district, whichever is greater Rear: 30 feet, or same as principal structure in district, whichever is greater	Same as principal structure in district	Size limitations and alley access setbacks shall be the same as a “Garage – Detached” per this Table.  A loft unit above a detached garage in an R-1 District within the “Old Lee’s Summit” area as defined by the Downtown Master Plan shall only be permitted with a Special Use Permit (See Article 10).  In R-1 District a minimum lot size of 15,000 sq. ft. must be provided. (Amend. #24)
Loft Dwelling Unit above detached garage, barn or other such storage structure	AG	N/A	N/A	Additional parking other than the driveway for the principal structure. Building Codes can be met. 1 loft dwelling unit may be established above each structure not to exceed 3 such loft dwelling units
Laterally attached accessory dwelling units attached to accessory structures	AG	Same as accessory structures	N/A	Additional parking 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.
Outdoor patios/decks	PO, CP-1, CP-2, CBD, CS, PI	100 linear feet to adjacent residential district	NA	See Section 8.060.G. for conditions relating to outdoor patios and decks for strip centers/in-line tenant space and standalone and pad sites, including noise control.
Parking structure	RP-3, RP-4, PO, CP-2, CBD, TNZ, PI (Amend. #34)	Same as a principal structure in	Same as a principal structure in	Can be approved as part of Preliminary Development Plan with modifications

<b>Table 8-1. Accessory Structures</b>				
<b>Accessory Structure</b>	<b>Permitted Zoning Districts</b>	<b>Required Setbacks</b>	<b>Height</b>	<b>Size Limitations and Other Special Conditions</b> <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
		district	district	
Play Houses and play equipment	Residential (including AG, RDR and RLL)	Front : Prohibited Side: 3 feet Rear: 3 feet	15 feet	Maximum size 120 square feet.
Recreational facility, non-commercial (outdoor)	Residential (including RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4 and TNZ)	See Section 8.050.O.	N/A	No lights. Not for intensive league play, tournaments or teams outside of subdivision, apartment development, church or other principal use to which the facility is accessory. No permanent or temporary spectator seating.
Real Estate Sales Office (Temporary)	Residential (including RDR and RLL)	Per Administrative Approved Plot Plan	N/A	Temporary mobile home/trailer shall only be permitted until a home constructed within the subdivision is available for use. Temporary sales office in a model home shall be limited to two (2) years in any one location.
Retaining Wall	All	N/A	Above 4 feet requires permit and structural analysis	Security fencing may be required (Easements shall not be encroached upon)
Satellite Dish Antenna	All	Same as a principal structure in district	Same as a principal structure in district	Maximum size: 1 meter. A Special Use Permit is required for a satellite dish antenna in excess of 1 meter in size.
Sheds and Storage Buildings in AG District	AG	Front: Prohibited Side: 35 feet Rear: 35 feet (Amend. #3)	40 feet (maximum height in district)	No limitation on size in AG.
Sheds and Storage Buildings in Residential Districts (Amend.1)	Residential (including RDR and RLL)	Front: Prohibited Side: 3 feet Rear: 3 feet	15 feet	Maximum size 250 square feet.

<b>Table 8-1. Accessory Structures</b>				
<b>Accessory Structure</b>	<b>Permitted Zoning Districts</b>	<b>Required Setbacks</b>	<b>Height</b>	<b>Size Limitations and Other Special Conditions</b> <b>Note: See Section 8.030.B for easement and right-of-way encroachments</b>
Storage Sheds and Garages for a permitted non-residential use in a residential district (church or school)	Residential (including RDR and RLL)	Same as district requirements in which located	Same as district requirements in which located	Same as district requirements in which located. Design and construction shall be compatible with the main building.
Solar Collectors	All	Principal structure setbacks apply	Not to exceed principal structure height	Shall be mounted in a manner not to cause glare to surrounding properties
Stable/structure used in conjunction with horse pasturing	AG	Front: Prohibited Side: 35 feet Rear: 35 feet	40 feet (maximum height in district)	No limitation on size in AG.
Stable/structure used in conjunction with horse pasturing	RDR, RLL and R-1	Front: Prohibited Side and Rear: 30 feet	40 feet, or height of principal dwelling, whichever is less	250 square feet of building per acre, with maximum of 1000 square feet.
Sport Courts, Private Individual lot	Residential (including AG, RDR and RLL)	Front: Prohibited Side: Prohibited Rear: 10 feet	N/A	Sport Courts are not intended to be lighted. Any proposed lighting shall be approved by Special Use Permit only
Swimming Pool, private (Amend. #48)	CP-2, PI (Amend. #34)	Same as district requirements	Same as district requirements	Considered accessory unless the pool is the principal use of the property
Swimming Pool, private (Amend. #12)	Residential (including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	Pool House – 15 feet	Setbacks are inclusive of the concrete apron or deck surrounding the swimming pool. On corner lots, swimming pools shall not extend beyond front of structure.
Temporary Relocatable Classrooms	All	Per approved administrative plot plan	N/A	Permitted as an accessory use only for schools and churches (all others require a special use permit)