
Sec. 6.1350. 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 unless otherwise stated within the sections below:

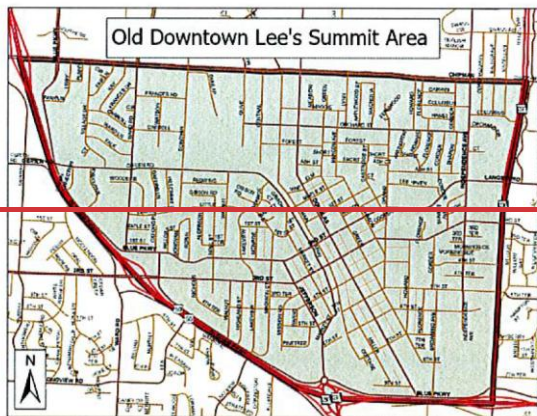
- A. Accessory dwelling unit. The purpose of accessory dwelling unit (ADU) regulations is to promote efficient use of land while providing for additional, affordable housing options; provide for an increase of density; and maintain the single-family dwelling character of the existing residence and neighborhood.

Only one ADU is permitted on a single-family residential lot and must be accessory to a principal single-family dwelling unit on the same lot. An ADU will include a building or portion of a building that provides complete independent living facilities for one or more people and provides such facilities as a kitchen, bathroom, and bedroom.

1. Location:

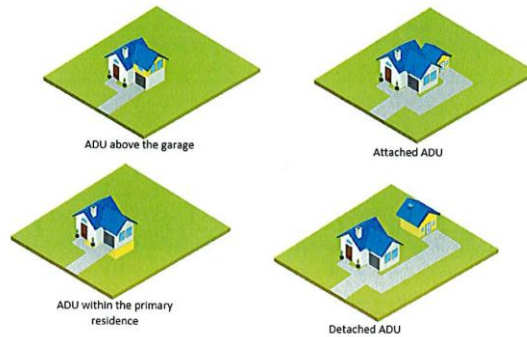
- a. ~~Properties located in the Old Downtown Lee's Summit Area as shown on Map 6.IV-1 below; or~~
- b~~a~~. ~~Properties ½ acre in size or larger that are zoned AG, RDR, RLL, R-1 or RP-1, RP-2, RP-3, RP-4, TNZ; or~~
- c~~b~~. Properties approved through the Preliminary Development Plan process (See Article 2, Div. IV for process requirements).

Map 6.IV-1



2. An ADU may be built as:

- a. An internal conversion of an existing living area, basement, garage, or attic; or
- b. An addition to the principal single-family dwelling unit; or
- c. An addition to or conversions of an accessory structure such as a detached garage; or
- d. Construction of a new single-family detached house with an internal or detached accessory dwelling unit; or
- e. Construction of a detached accessory unit.



3. Development requirements:

- a. All ADUs must be set back at least six feet behind the front of the principal single-family structure and set back at least 20 feet from the rear lot lines. This standard does not apply to ADUs located within the interior of an existing principal structure.
- b. All required zoning district side yard setbacks for a principal structure ~~will~~shall apply to the ADU.
- c. Conversion of an attached or detached garage for an ADU is not permitted unless required parking is provided elsewhere on the property.
- d. The ADU must provide one off-street parking space with access to a public or private street. This space is in addition to that required for the principal single-family structure.

4. Structure size and lot coverage:

- a. An ADU ~~will~~shall not exceed a gross floor area of one thousand (1,000) square feet or more than 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 50 percent of the principal structure's floor area, whichever is less.~~
- b. An ADU ~~will~~shall not cause the total impervious lot coverage of the residential lot to exceed 60 percent.
- c. A maximum of two bedrooms are permitted within an ADU.
- d. The height of the ADU ~~will~~shall not exceed the height of the principal single-family structure.

5. Design criteria:

- a. The architectural style of the ADU must be compatible with the existing neighborhood and principal single-family structure on the lot it is located through incorporation of similar materials, colors, and design style.
- b. The design of the ADU must be compatible with the height, bulk, and site location of the principal single-family structure.

6. Permitting and occupancy:

- a. At the time of building permit application, the applicant ~~will~~shall attest to owner occupancy of the premises for which the ADU will be located.

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- b. Ongoing owner occupancy of either the primary dwelling unit or the ADU is required. (A temporary waiver of this requirement may be granted by the Director in the case of a documented need for the owner-occupant to leave the premises for up to one year due to employment, illness, or other circumstances.)
 - c. The primary and accessory dwelling ~~will~~ shall remain under single ownership.
 - d. ADUs must meet all building and fire code requirements as adopted and will be assigned a separate address.
 - e. Short term rentals are not permitted within an ADU.
 - B. "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 one to four persons not related to the day care provider, for any part of the 24-hour day, without overnight stays. The residential accessory use does not include "day care, group," with five to ten persons, which requires a special use permit in certain residential districts and is a permitted use in certain commercial districts. (See Definitions in Article 15 and Permitted and Special Uses in Article 4.)
 - C. 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 Subsection 8,4. 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 five feet.
 - 3. Covered front porches may be constructed of materials listed in Subsection B.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 two-family laterally attached homes may encroach into a required rear yard by five feet. Attached decks on all other dwellings shall meet the same side and rear setbacks as the principal structure.
 - 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 8, Division 1, 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.
 - D. Fence or wall.
 - 1. Fence materials:
 - a. Only wood, vinyl, steel, masonry or wrought iron materials may be used for residential fence construction.
 - b. The number of materials shall be limited to two across the main surface of the exterior face of the fence.
 - c. Accent pieces such as post caps are allowed in addition to the two primary materials noted in letter b. above.

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2. A fence or wall may be constructed to a maximum height of six feet above the average grade without a permit being required.
 - a. If a fence or wall exceeds six 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 50 percent or more of the entire linear length of an existing fence that exceeds six feet in height.
 - c. A fence or wall exceeding six 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 feet from any street right-of-way, and where the wall does not extend more than six 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 8, Division I of this chapter.
 5. In residential districts, the following restrictions and standards shall apply to all fences and walls (See also Table 6.IV-1):
 - a. Front yard. A decorative wall, or fence consisting of slats with a minimum of two-inch spacing not exceeding four 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 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 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 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 9 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.

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- 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.
 - E. Flag pole.
 - F. 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 6.IV-1 for required setbacks, height/size limitations, and special conditions.)
 - 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, 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.
 - G. Garden.
 - H. Gatehouse/guardhouse at entrance to a subdivision or multi-family development. (See subdivision fence, wall, entry monument/feature above.)
 - I. Greenhouse, non-commercial.
 - 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 6.1400).
 - 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: One acre.

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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 one 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. Play house and play equipment including a jungle gym, skate board/bicycle ramp, swing set and similar structures.
- N. Recreational facility, non-commercial (outdoor), except as provided in Division III of this article, 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 20 feet.
 - b. Courts and fields for one- or two-person teams (e.g., tennis courts) shall be set back at least 50 feet. Courts and fields for three or more person teams shall be set back at least 100 feet.
 - c. A fence more than six 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 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 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.
- O. Satellite dish antennae not exceeding one meter in diameter and attached to the principal structure.
- P. Signs per Article 9 of this chapter.

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- Q. Solar collector (see Section 6.1450).
 - R. Sport court (same as tennis court).
 - S. Swimming pool, private.
 - T. Swimming pool, subdivision (see Davison II of this article for conditions).
 - U. Tennis court.

(Ord. No. 9384, § 1, 4-12-2022; Ord. No. 9812, § 4(Exh. C), 12-12-2023)