



UNIFIED DEVELOPMENT ORDINANCE UPDATES – Accessory Structure and Uses

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CITY COUNCIL AGENDA

Unified Development Ordinance Updates

- 1** ARTICLE 6, DIV II, Sec 6.505 – ADUs prohibited for short-term rental use
- 2** ARTICLE 6, DIV III, Sec 6.970 – Removal of loft dwelling unit use
- 3** ARTICLE 6, DIV IV, Sec 6.1310-6.1350 and 6.1470-6.1480 – development and design requirements for accessory uses and structures including ADUs and other minor updates
- 4** ARTICLE 15, DIV II, Sec 15.050 and 15.1440 - Definitions





Strong Neighborhoods & Housing Choice

☰ MENU



Search...



Introduction

Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community.

Housing access, affordability and diversity across our growing population will be crucial for our community to be resilient in the future. 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.

By creating and maintaining a variety of housing options, styles, and price ranges, we can cultivate dynamic and inclusive neighborhoods with opportunities for shopping and support services nearby, as well as convenient public facilities such as quality roads, pedestrian connections, parks and schools.

The community supports:

- neighborhoods are friendly, welcoming and community-minded
- existing housing is preserved and protected
- neighborhood character is charming yet elevated
- aging in place is encouraged and promoted
- affordable and diversified housing is supported





Implementation Dashboard

Goal	Maintain thriving, quality neighborhoods that connect a diversity of residents throughout the community.
Objective	Increase the mix of affordable housing.
Action Item	Create UDO regulations to allow for ADUs as an option for rental income, aging family members, and affordable option for homeowners.

Community and Economic Development Committee (CEDC) Meeting Dates and Citizen Survey

February 9, 2022

November 9, 2022

February 8, 2023

March, 2023 citizen survey

April 12, 2023

June 14, 2023

August 9, 2023



Research and Discussion Summary

- 1 Existing Requirements & Minor Updates
- 2 ADUs – Existing Development Conditions & Design Requirements
- 3 Citizen Survey Results
- 4 Old Downtown Lee's Summit
- 5 Research and Comparison with Other Communities
- 6 Recommendations



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Existing UDO Requirements & Minor Updates

Article 6

- A. Div. IV, Sec. 6.1310 Intent and Interpretation.
- B. Div. IV Sec. 6.1320 Clarification for swimming pools.
- C. Div. IV Sec. 6.1330 Update language to improve clarity.
- D. Div. IV Sec. 6.1340 Removal of accessory dwelling units from AG district to relocate into centralized code section.
- E. Div. IV Sec. 6.1470 Update language to improve clarity.
- F. Div. IV Sec. 6.1480 Relocation and update of Accessory Structure Table.
- G. Div. III Sec. 6.970 Removal of loft dwelling language from separate section to relocate into centralized code section.



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ADUs – Existing Development Conditions & Design Requirements



Accessory Dwelling Units (ADUs)

Ignite! Comprehensive Plan – “An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.” *pg. 167*



ADU above the garage



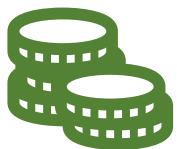
Attached ADU



ADU within the primary residence



Detached ADU



Increase affordable housing options



Provide multi-generational housing opportunities

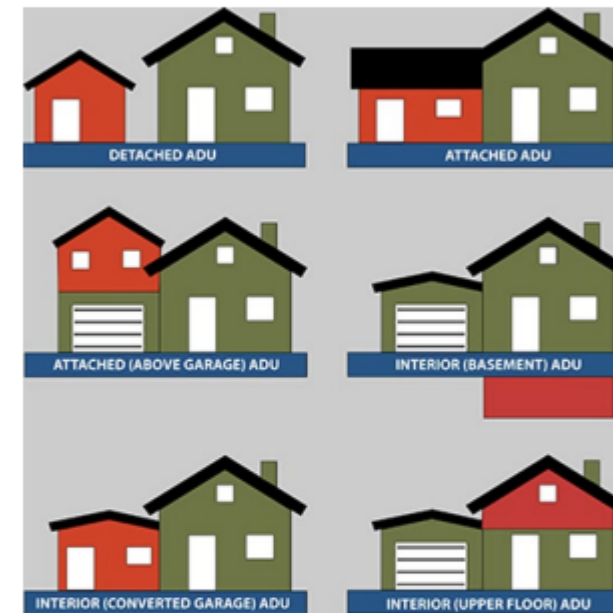


Preserve and protect existing neighborhoods



Increase property values

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).



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 will allow in all Residential Category 1.

ADU Examples



Current ADU Requirements and Allowances

UDO Article 6, Divisions III and IV

	District Allowed	Min. Lot Size	Max. Number of ADUs per Lot	Architecture Requirement	Max. Height	Max. ADU Size	*Min. Yard Setbacks
Lee's Summit	*ADUs allowed in varying districts, varying regulations	1 acre for guesthouse. Loft dwellings min. 15,000 sq. ft lot in ODLS No restriction for other ADUs	4 in AG zoning; others no limit.	None	Only for guesthouses	None	According to district

**Guesthouses allowed in RDR, RLL, R-1, RP-1, RP-2, RP-3, RP-4, and TNZ.*

**Loft dwellings above a detached garage are allowed in Old Lee's Summit*

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Citizen Survey Results

- Survey distributed in March 2023 with second push March 24, 2023
- 580 responses were received





Citizen Survey Results

- ✓ 65% responded ADUs should be allowed in all districts where residential properties are allowed. *(another 6% said allow but in certain districts)*
- ✓ 60% responded An ADU should be permitted by right with no additional approval.
- ✓ 71% responded “Agree” or “Strongly Agree” that the ADU should look similar to the primary home.
- ✓ 81% responded “Agree” or “Strongly Agree” that the ADU should not exceed the height of the primary structure.
- ✓ 84% responded that the owner of the ADU should reside on premises.

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Old Downtown Lee's Summit

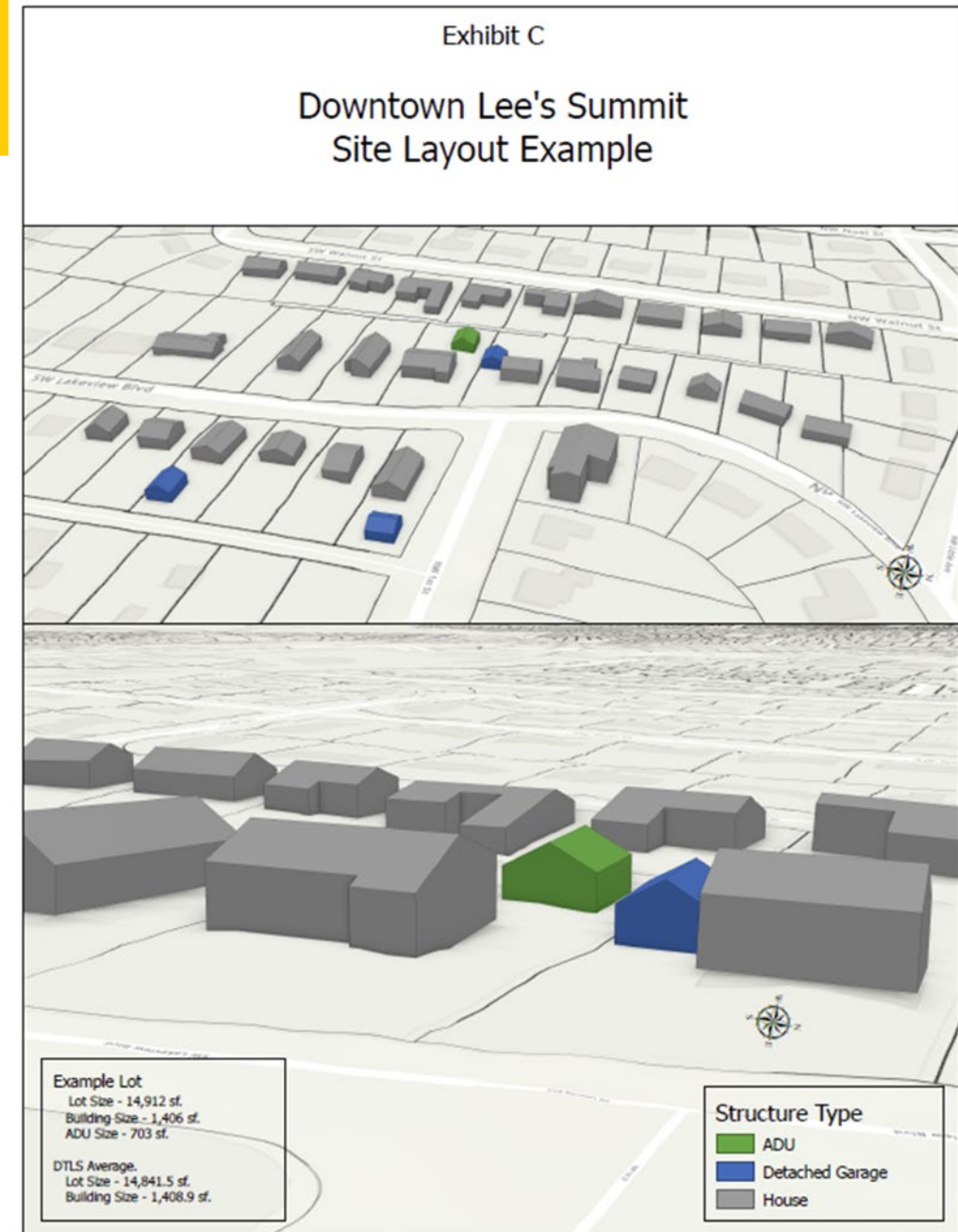
- Currently attached ADUs above garages are permitted on lots of 15,000 sq. ft or more.
- No design criteria exists; only setback and bulk requirements in limited areas of downtown.
- ADUs can be used as short term rentals.



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Old Downtown Lee's Summit

- Residential lots range from 2,500 sq. ft – 3.7 acres in size.
- Average residential lot size is 14,800 sq. ft
- Average residential lot size with a SF dwelling is 10,900 sq. ft



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Research and Comparison with other Communities



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Research and Comparison with other Communities



	<i>District Allowed</i>	<i>Min. Lot Size</i>	<i>Max. Number of ADUs per Lot</i>	<i>Architecture Requirement</i>	<i>Max. Height</i>	<i>Max. ADU Size</i>	<i>*Min. Yard Setbacks</i>
Municipality							
Lee's Summit (Existing)	ADUs, Guesthouses, Lofts - all allowed, varying districts, varying regulations	None for ADUs. 1 acre for guesthouse. Lofts above garage Min 15,000 sq ft lot in ODLS	4 in AG zoning; others no limit.	None	Only for guesthouses	None	According to district
Blue Springs, MO	Single Family, Mixed Density, Lg Lot, Estate districts	None	1	compatible with principal structure	18 ft or 1.5 stories; not to exceed principal structure	1200 sq ft or no more than 50% of principal structure, whichever is less. (also counts toward total lot coverage)	5 ft behind rear building line of principal structure. 5 ft side/20 feet rear unless in estate lots.
Overland Park, KS	Downtown and Residential Johnson Co zonings	None	1	compatible with principal structure	Cannot to exceed the principal structure	No more than 50% of principal structure	according to district
Olathe, KS	All Residential, Downtown or Planned Districts	None	1	compatible with principal structure	2 stories or height of principal structure	1,000 sq ft or no more than 50% of principal structure; whichever is less.	6 ft behind principal structure, 10 ft from rear property line and side setbacks according to district

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Recommendations

Draft language prepared to:

- Improve clarity in requirements.
- Include design, height, size restrictions, and other protections to existing neighborhoods which does not currently exist.
- Advance goal for Housing Choice/Diversity of the Ignite! Comprehensive Plan.



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Recommendations

Updates to Art. 6, Div. IV Include the following the following sections:

A. Purpose and Intro Statement

1. Location
2. Types of ADUs permitted
3. Development Requirements
4. Structure Size and Lot Coverage
5. Design Criteria
6. Permitting and Occupancy



Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Purpose and Intro Statement

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 (1) 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 (1) or more people and provides such facilities as a kitchen, bathroom, and bedroom.

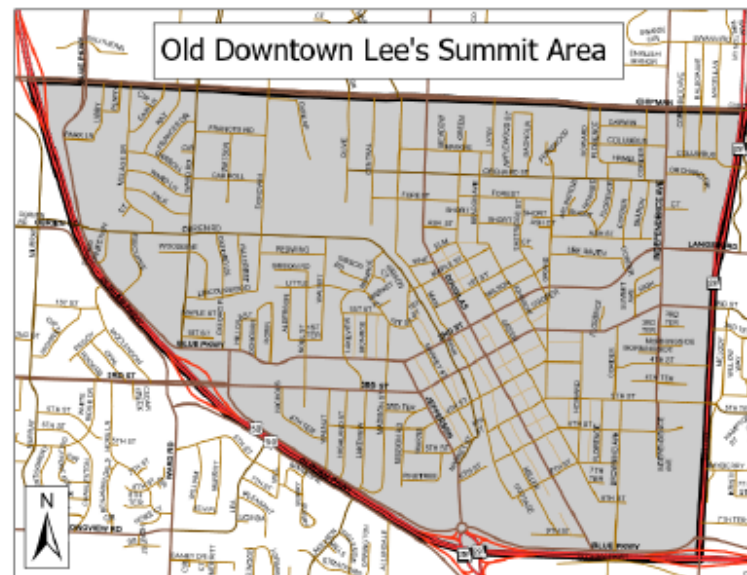
Art. 6, Div. IV Accessory Uses and Structures

Proposed Language - Location

6.1350.A. Residential districts – Permitted accessory uses and structures.

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

Map 6.IV-1



Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Types of ADUs Permitted

6.1350.A. Residential districts – Permitted accessory uses and structures.

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.

Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Types of ADUs Permitted

6.1350.A.2 Residential districts – Permitted accessory uses and structures.



ADU above the garage



Attached ADU



ADU within the primary residence



Detached ADU

Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Development Requirements

6.1350.A. Residential districts – Permitted accessory uses and structures.

3. Development Requirements:

- a. All ADUs must be set back at least six (6) feet behind the front of the principal single-family structure and set back at least twenty (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 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 (1) 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.

Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Structure Size and Lot Coverage

6.1350.A. Residential districts – Permitted accessory uses and structures.

4. Structure Size and Lot Coverage:

- 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.
- b. An ADU will not cause the total impervious lot coverage of the residential lot to exceed sixty (60) percent.
- c. A maximum of two (2) bedrooms are permitted within an ADU.
- d. The height of the ADU will not exceed the height of the principal single-family structure.

Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Design Criteria

6.1350.A. Residential districts – Permitted accessory uses and structures.

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.

Art. 6, Div. IV Accessory Uses and Structures

Proposed Language – Permitting and Occupancy

6.1350.A. Residential districts – Permitted accessory uses and structures.

6. Permitting and Occupancy:

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

Art. 6, Div. II Use Standards

Proposed Language

6.505 Short Term Rentals

A. Location:

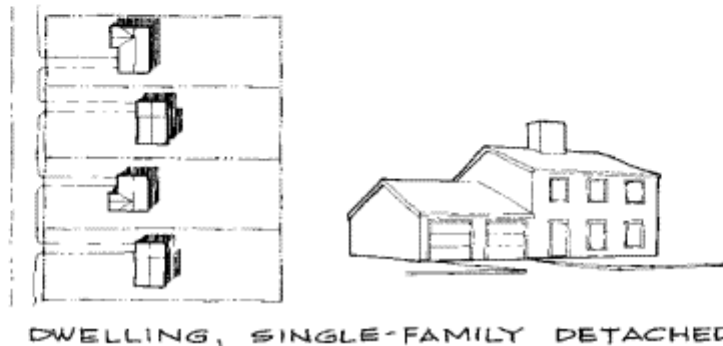
1. Parcels greater than one acre in size; or
2. Located within the Old Town Master Development Plan area as shown in the comprehensive plan; and
3. Short term rentals are only allowed in single- family dwelling units or two-family dwelling units (duplex).
4. Short term rentals will not be located in any accessory dwelling unit (ADU) or accessory structure.

Art. 15, Div. I Rules of Interpretation and Definitions

Proposed Language

Sec. 15.1110. Dwelling.

Dwelling shall mean a room or suite of rooms within an apartment building arranged, intended or designed as a place of residence; or any building, or portion thereof, which is designed, built, leased, rented, let, or hired to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels, motels, rooming houses, nursing homes, travel trailers, recreational vehicles, manufactured or mobile homes. The following words or terms associated with dwelling shall have the following meanings:



A. Accessory Dwelling Unit. A secondary dwelling unit located on the same lot as a single-family residence with separate entrance, kitchen, sleeping area, and full bathroom facilities, which is either a detached structure on the single-family lot or is attached to a single-family residence.

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Research and Comparison with other Communities

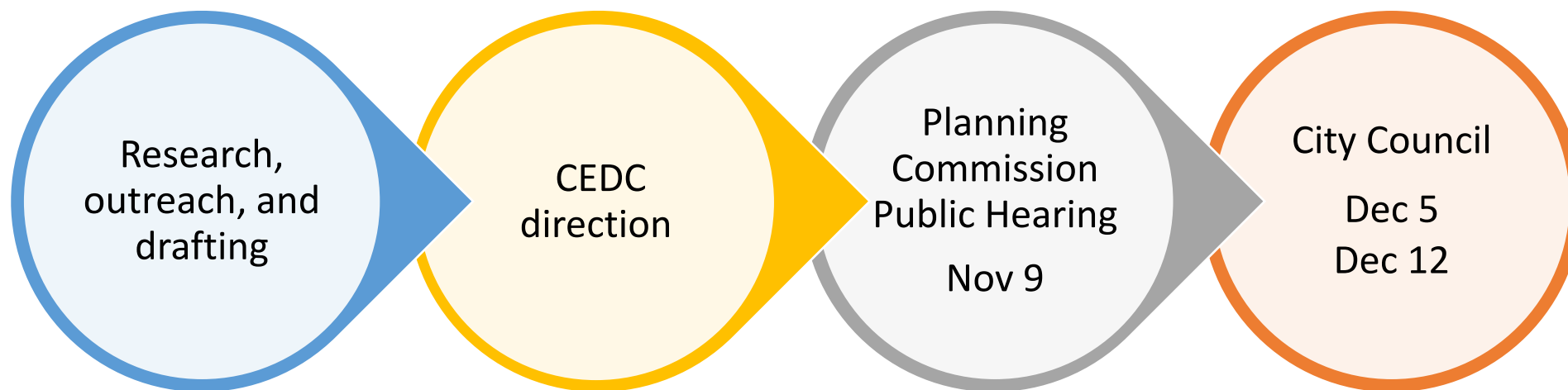


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Municipality							
Lee's Summit (Proposed)	Downtown or lots zoned AG, RDR, RLL, R-1, RP-1 or other properties with PDP approval	1/2 acre or larger in AG, RDR, RLL, R-1, RP-1 or with PDP	1	compatible with principal structure and neighborhood	Cannot to exceed the principal structure	1,000 sq. ft or no more than 50% of principal structure; whichever is less. If Downtown on 15,000 sq. ft lot or less - then max is 500 sq. ft or 50% of principal whichever is less	6 ft behind principal structure and 20 ft from rear property line.
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UDO UPDATE PROCESS



Staff recommends the following change to Art. 6, Div. IV, Section 6.1350.A.

3. Development Requirements:

c. Conversion of an attached or detached garage for an ADU is not permitted unless required parking standards found in Article 8 are ~~is~~ provided elsewhere on the property.

UDO UPDATE PROCESS



UNIFIED DEVELOPMENT ORDINANCE UPDATES – Accessory Structure and Uses

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