

DIVISION IV. ACCESSORY USES AND STRUCTURES

SUBDIVISION 1. GENERAL REQUIREMENTS FOR ACCESSORY USES AND STRUCTURES

Sec. 6.1310. 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 6.IV-1 with their respective requirements. Accessory structures ~~or uses not identified in this chapter not listed in Table 6.IV-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 14 of this chapter.

Sec. 6.1320. 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 6.IV-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.
- 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.
- F. When an accessory structure (~~excluding private swimming pools~~) is attached to the principal structure by a breezeway, passageway, or similar means, or is located within ten 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.

Sec. 6.1330. 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 6.IV-1 "Special Conditions" for location and location exceptions.)~~
- B. Encroachments into easements or right-of-way. See City of Lee's Summit Encroachment Policy.
- 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 percent.
- D. ~~Height requirements.~~ ~~(See Table 6.IV-1)~~ Development requirements for accessory structures and permitted temporary structures are provided in Table 6.IV-1 below.

Table 6.IV-1. Accessory Structures

| Accessory Structure | Permitted Zoning Districts | Required Setbacks | Height | Size Limitations and Other Special Conditions Note: See Section 6.1330.B. for easement and right-of-way encroachments |
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| Accessory Dwelling Units | All Residential lots with PDP approval, or on ½ acre lots or larger with AG, RDR, RLL, R-1, or RP-1 zoning, or on single family lots located in Old Downtown Lee's Summit (see Sec 6.1350.A) | Front: Prohibited Side: same as zoning district Rear: 20 feet | Not to exceed height of the principal structure. | Maximum Size: 1,000 square feet not to exceed 50% of the principal structure's floor area, whichever is less. (downtown properties see Sec 6.1350) Lot coverage shall not exceed 60%. Only 1 ADU is allowed on per lot. 1 off-street parking space with access to a public street is required. |
| 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 | Not to exceed height of | Maximum Size: 250 square feet, not to exceed |

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| | | accessory structure | structure to which attached | structure to which attached. |
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| 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 and 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) | |
| 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 | PO, CP-1, CP-2, CS, PI | Same as principal | Same as principal | Dwelling unit must be located within a building |

| or maintenance personnel | | structure in district | structure in district | associated with the development. |
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| 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. A fence or wall shall be constructed with a finished side facing outward from the property. |
| Fence or Wall | | | | |
| 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 | AG | Front: Prohibited Side: 35 feet Rear: 35 feet | 40 feet (maximum height in district) | No limitation on size in AG. |
| Garage — Detached | All Residential districts (including RDR and RLL, but excluding AG) | Front: No closer than principal structure Side: 10 feet (Lots < 1 acre) 20 feet (lots 1 to 5 acres) | 40 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 2,500 square feet for lots less than 5 acres, and a maximum of 3,500 square feet for lots of 5 acres or more. Only one |

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| | | 30 feet (lots > 5 acres) Rear: 10 feet (4 feet for alley access) (lots < than 1 acre) 20 feet (lots 1 to 5 acres) 30 feet (lots > 5 acres) | | garage structure is permitted. Design and construction shall be as set forth in Section 6.1350.E. |
| 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 | 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 | 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. |

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| Kennel, commercial | AG | Front: Prohibited Side: 200 feet Rear: 200 feet | 8 feet | Side and rear setbacks apply only from residentially zoned property (R-1 through RP-4). |
| Livestock — Building (barns and/or stables) | AG | 100 feet | N/A | See Table 4-2 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 | 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 Division III). In R-1 District a minimum lot size of 15,000 sq. ft. must be provided. |
| 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 | NA | See Section 6.1360.G. for conditions relating to outdoor patios and decks |

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| | | residential district | | 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 | Same as a principal structure in district | Same as a principal structure in district | Can be approved as part of Preliminary Development Plan with modifications. |
| 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 6.1350.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 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 | 40 feet (maximum) | No limitation on size in AG. |

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| | | Side: 35 feet Rear: 35 feet | height in district) | |
| Sheds and Storage Buildings in Residential Districts | Residential (including RDR and RLL) | Front: Prohibited Side: 3 feet Rear: 3 feet | 15 feet | Maximum size: 250 square feet. |
| 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 1,000 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 | CP-2, PI | Same as district requirements | Same as district requirements | Considered accessory unless the pool is the principal use of the property. |
| Swimming Pool, Private | 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 |

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| | | | | require a special use permit) |
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SUBDIVISION 2. PERMITTED ACCESSORY USES AND STRUCTURES

Sec. 6.1340. AG Agricultural District—Permitted accessory uses and structures.

- A. All uses listed in Section 6.1350.
- 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 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;~~
 - ~~2. Building codes can be met as they relate to the separation requirements between the structure and residential living unit; and~~
 - ~~3. One loft dwelling unit may be established above each structure listed above not to exceed three 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;~~
 - ~~2. Building codes can be met as they relate to the separation requirements between the structure and residential living unit; and~~
 - ~~3. One accessory dwelling unit may be laterally attached to each structure listed above not to exceed three such attached dwelling units.~~~~
- C. Irrigation equipment used to water crops, such as a pump, pump housing, piping and compressor used to transfer and distribute water.
- D. Kennel. A commercial kennel with outside runs shall be located not less than 200 feet from residentially zoned property.
- E. Livestock pasturing.
 - 1. Minimum parcel size: Ten acres;
 - 2. Minimum parcel size per animal: 5,000 square feet fenced area.
- F. Paved, gravel or grass storage areas for operational equipment and materials for any agricultural operation.
- G. Repair shop, windmill, shed, garage, barn, silo, windmill, bunk house or any incidental structure commonly required to serve the principal use.
- H. Roadside stand not exceeding 200 square feet offering for sale only products produced on the premises.
- I. Stable.

1. Minimum lot area: Ten 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.
- J. Wells (not including oil or gas), ponds or lakes.

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:**

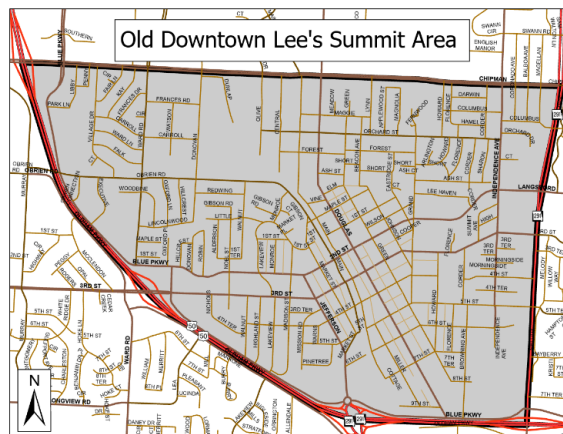
A. Accessory Dwelling Unit.

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 (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.

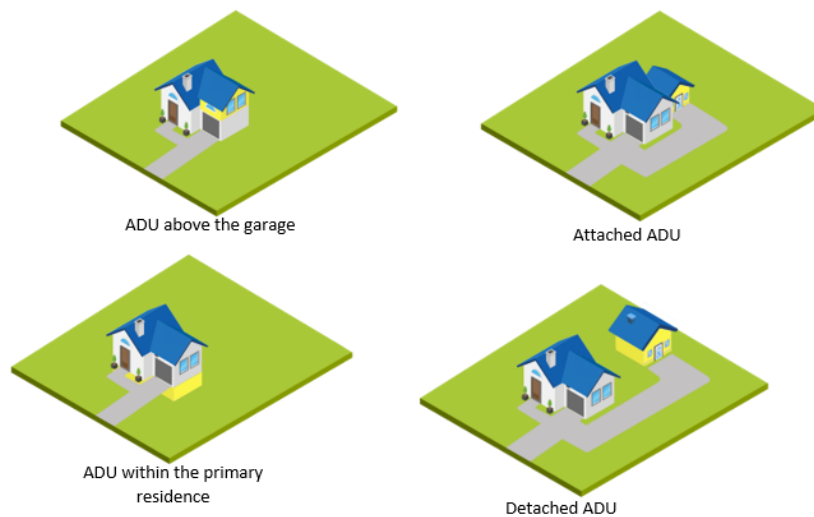
1. Location:
 - a. Properties located in the Old Downtown Lee's Summit Area as shown on Map 6.IV-1 below; or
 - b. Properties $\frac{1}{2}$ acre in size or larger that are zoned AG, RDR, RLL, R-1 or RP-1; or
 - c. Properties approved through the Preliminary Development Plan process (See Article 2, Div.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

Map 6.IV-1



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 (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.

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.

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 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.
- 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 B.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
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.
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.)

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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.
 - 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.)

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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.
- ~~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 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.
 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. 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 Division III of this article, Special Use Permits), provided:~~
- ~~1. Additional parking is provided on-site to accommodate the separate dwelling unit, other than the driveway for the principal structure;~~
 - ~~2. Building codes can be met as they relate to the separation requirements between the garage and residential living unit; and~~

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

SUBDIVISION 4. PERMITTED TEMPORARY ACCESSORY USES

Sec. 6.1470. Permitted temporary accessory uses.

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

- A. Construction/sales office **trailer** 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 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. Setbacks are those established on the approved administrative plot plan.
- B. Portable storage containers, 14 days duration limitation (see also Article VII, Chapter 16 of the Code of Ordinances).
- C. 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.)
- D. 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:
 - 1. Containers are located on business, church, school or non-profit community group grounds;
 - 2. Activity is at least one hundred (100) feet from any adjacent property zoned or used for residential purposes; and
 - 3. The temporary facility is maintained in a clean, litter-free condition on a daily basis.
- E. Sales office in a new residential subdivision model home.
- F. Sales trailer within a residential subdivision on a vacant lot provided that:
 - 1. 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.
 - 2. 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 "1." above.
 - 3. 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 or more of the entire residential community or residential development.
- G. Signs per Article 9 of this chapter.
- H. 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.

ARTICLE 6. - USE STANDARDS
DIVISION IV. - ACCESSORY USES AND STRUCTURES
SUBDIVISION 5. PROHIBITED ACCESSORY USES AND STRUCTURES

SUBDIVISION 5. PROHIBITED ACCESSORY USES AND STRUCTURES

Sec. 6.1480. Prohibited accessory uses and structures.

The following accessory uses and structures are specifically prohibited:

- A. Automotive repair in residential districts except for personal vehicles being repaired inside a garage.
- B. Hog lots.
- C. Livestock commercial feed lots.
- D. Detached carports except when specifically approved as part of a preliminary development plan for a multi-family development.
- E. Outdoor vending machines, except for:
 - 1. 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
 - 2. Mobile food vending regulated in Division V of this article.

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 Division V of this article.

Table 6.IV.1. Accessory Structures

| Accessory Structure | Permitted Zoning Districts | Required Setbacks | Height | Size Limitations and Other Special Conditions Note: See Section 6.1330.B. for easement and right-of-way encroachments |
|--------------------------|---|---|--|--|
| Accessory Dwelling Units | All Residential lots with PDP approval, or on ½-acre lots or larger with AG, RDR, RLL, R-1, or RP-1 zoning, or on single family lots located in Old Downtown Lee's Summit | Front: Prohibited Side: same as zoning district Rear: 20 feet | Not to exceed height of the principal structure. | Maximum Size: 1,000 square feet not to exceed 50% of the principal structure's floor area, whichever is less. Lot coverage shall not exceed 60%. Only 1 ADU is allowed on per lot. |

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| | (see Sec 6.1350.A) | | | 1 off-street parking space with access to a public street is required. |
| 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 and Side: Same as principal structure in district. Rear yard — 25 feet in R-1; same as | 15 feet (measured from deck floor, not to exceed height of structure to which attached) | |

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| | | principal structure in other districts | | |
| 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 | 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. A fence or wall shall be constructed with a finished side facing outward from the property. |
| Fence or Wall | | | | |
| 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 | AG | Front: Prohibited Side: 35 feet | 40 feet (maximum height in district) | No limitation on size in AG. |

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| | | Rear: 35 feet | | |
| Garage — Detached | All Residential districts (including RDR and RLL, but excluding AG) | <p>Front: No closer than principal structure</p> <p>Side: 10 feet (Lots < 1 acre)</p> <p>20 feet (lots 1 to 5 acres)</p> <p>30 feet (lots > 5 acres)</p> <p>Rear: 10 feet (4 feet for alley access) (lots < than 1 acre)</p> <p>20 feet (lots 1 to 5 acres)</p> <p>30 feet (lots > 5 acres)</p> | 40 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 2,500 square feet for lots less than 5 acres, and a maximum of 3,500 square feet for lots of 5 acres or more. Only one garage structure is permitted. Design and construction shall be as set forth in Section 6.1350.E. |
| 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 | AG, RDR and RLL | <p>Front: Prohibited</p> <p>Side: 10 feet</p> <p>Rear: 10 feet</p> | 40 feet (maximum height in district) | No limitation on size. |
| Greenhouse — Non-Commercial | Residential (not including AG, RDR and RLL) | <p>Front: Prohibited</p> <p>Side: 10 feet</p> <p>Rear: 10 feet</p> | 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. |

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| 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 Rear: 200 feet | 8 feet | Side and rear setbacks apply only from residentially-zoned property (R-1 through RP-4). |
| Livestock — Building (barns and/or stables) | AG | 100 feet | N/A | See Table 4-2 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 | 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 Division III). In R-1 District a minimum lot size of 15,000 sq. ft. must be provided. |
| 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. |

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| 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 6.1360.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 | Same as a principal structure in district | Same as a principal structure in district | Can be approved as part of Preliminary Development Plan with modifications. |
| 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 6.1350.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 |

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| | | | | shall be limited to 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 | 40 feet (maximum height in district) | No limitation on size in AG. |
| Sheds and Storage Buildings in Residential Districts | Residential (including RDR and RLL) | Front: Prohibited Side: 3 feet Rear: 3 feet | 15 feet | Maximum size: 250 square feet. |
| 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 1,000 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 |

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| | | | | be approved by Special Use Permit only. |
| Swimming Pool, Private | CP-2, PI | Same as district requirements | Same as district requirements | Considered accessory unless the pool is the principal use of the property. |
| Swimming Pool, Private | 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) |

(Ord. No. 8556, § 1, 2-19-2019)

Secs. 6.1490, 6.1500. Reserved.