# **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 17 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, except for residential private swimming pools with decks and except as specifically provided in Table 8-1.
- 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. Number. Any number of accessory structures is permitted provided that the lot coverage is not exceeded. The maximum impervious coverage for all residential uses in any district shall be 60%. (Amend. #38-A)
- C. 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. Incidental dwelling for persons employed on land used for bona fide agricultural purposes. Dwellings may not be rented for any purpose other than providing housing for persons employed in the agricultural operations on the land upon which the dwelling is located.
- 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 two hundred (200) feet from residentially zoned property
- E. Livestock pasturing
  - 1. Minimum parcel size 10 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 two hundred (200) square feet offering for sale only products produced on the premises
- I. 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.
  - 5. 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, NFO, and TNZ.

- A. Child care, day care, or elder care home is an accessory use in a residential structure occupied by a care provider that cares for not more than four (4) persons for any part of a twenty-four (24) hour period. Care for more than four (4) but not more than ten (10) persons shall require a Special Use Permit.
- B. Deck, gazebo, arbor, and patio
  - 1. Decks and gazebos are limited to the side and rear yard. Decks, associated with single-family homes in R-1 districts only, may encroach into a required rear yard by 5 feet.
  - 2. Gazebos may be attached to decks but must follow the setback requirements and not exceed the height of the principal structure
  - 3. 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
  - 4. 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.

- 1. 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. If a fence or wall exceeds six (6) feet in height, a building permit for a fence shall be obtained from the Building Official. A building permit for a fence shall also be required for the replacement or reconstruction of fifty percent (50%) or more of the linear length of the entire existing fence that exceeds six (6) feet in height. A fence or wall exceeding six (6) feet in height (including a retaining wall) that is required as part of a 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 distance 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 fence or wall not exceeding three and one-half (3.5) feet in height may be constructed in a front yard, provided that no deed restrictions are compromised.

#### b. Rear yard.

A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. However, no fence shall be permitted in any platted landscape easement except as a part of an approved Final Development Plan. Double frontage lots whose rear yard abuts a collector or local street may construct a fence or wall up to six (6) feet in height on the rear property line provided the fence or wall does not encroach into a platted landscaped easement.

#### c. Side yard.

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

- a fence or wall over three and one-half (3.5) feet in height shall be setback from the front of the house a minimum of an additional ten (10) feet.
- a fence or wall three and one-half (3.5) feet or less in height may extend to the front property line.
- no fence shall be permitted in any platted landscape easement except as a part of an approved Final Development Plan.
- 6. Subdivision fence, wall, entry monument/feature.
  - a. Entry monument meeting the requirements for subdivision signage shall be governed by Article 13 of this Chapter.
  - b. Entry monument/feature exceeding the subdivision signage provisions i.e., decorative wall, water feature, structure that spans the city rights-of-way, and guard house/gatehouse are allowed provided they receive approval at the time of subdivision approval or as approved by the Commission under a final development plan application. Those features that span city streets and rights-of-ways must also 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. Exceptions for a fence in landscape easement.

Where a Final Development Plan has been approved as provided in Section 4.440 of this Chapter, the fence in the platted landscape easement shall conform to the Final Development Plan.

#### 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 covered carport 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 carport. A detached garage or carport 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. For any multi-family residential development, a detached garage or carport shall be subject to the setbacks required for detached accessory buildings. If the applicable district regulations do not contain separate provisions for accessory structures, then the setback requirements for the main structure shall apply.
- 3. In all residential districts, the design and construction of any garage, carport 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.

#### 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 they can meet the following conditions:
  - 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, except as provided in Sec 10.500. A non-commercial recreational facility is any outdoor playground or facility that is an accessory use to a single-family residential subdivision or medium- or high-density residential development or church, or for any other non-commercial recreation use. (See Sec. 10.500 for criteria to determine if the facility is permitted as an accessory use or requires a SUP.)
  - 1. 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.
  - 2. The design and layout of the recreation facility on the property shall be such that it minimizes sound and light at the property line.
  - 3. 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.
  - 4. Landscaping, berming, or fencing shall be provided as required 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. 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.)
- 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 unless used in
  combination with a live planted evergreen opaque screen that satisfies the screening
  requirements located in Article 14 of this Chapter which is planted on the outside of the
  fence.
- 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 and covered portion of the primary structure.
- G. Parking and loading areas
- H. Private/public parking structure
- I. Satellite dish antennae
- J. Signs per Article 13 of this Chapter
- K. Solar collector (See Sec.8.150)
- L. Storage lot for vehicles engaged in the business per approved development plan or special use permit
- M. Swimming pool, commercial. A commercial indoor and/or outdoor swimming pool shall be allowed as an accessory structure/use to the following uses provided the district setbacks can be met:
  - 1. Motels/hotels
  - 2. Multi-family dwellings, garden apartment buildings/complexes
  - 3. 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
- Newsstand
- 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;
- 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 incidental 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 Section 8.120.D above of this ordinance 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.

#### DIVISION IV. PERMITTED TEMPORARY ACCESSORY USES

#### Section 8.160. 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 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 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 (150) 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.
- 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)

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

## Section 8.170. Prohibited accessory uses and structures

The following accessory uses 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

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Article 8 Last Revised 11-03-11 Amend. #39

Table 8-1. Accessory Structures				
Accessory Structure	Permitted Zoning Districts	Required Setbacks	Height/Size Limitations	Special Conditions
Arbor	Residential (including AG, RDR and RLL)	N/A	Height : 10 feet	Not to impair site vision triangle
Carport – Attached (to either the principal structure or detached garage)	Residential (including AG, RDR and RLL)	Same as zoning district for either the principal structure or the detached accessory structure	Height: Not to exceed the structure to which attached	
			Size: 250 square feet not to exceed the structure to which attached	
Concrete at grade patios (not to include sport courts)	All	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.
Deck and Gazebo (Detached)	Residential (including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	Height (Gazebo): 15 feet	Not to exceed district lot coverage/impervious area requirement.
Deck and Gazebo (Attached)	и	Same as Zoning District setback	Gazebo – 15 feet (measured from deck floor)	Gazebo height not to exceed principal structure height
(Allacited)				R-1 Districts only - allows a deck to encroach into the required rear yard by 5 feet.
Dwelling, Incidental (for persons employed on premises)	AG	и	Not to exceed height of principal dwelling	Only on AG property where bonafide farming operation is being conducted
Dwelling unit for security, management or maintenance personnel	PO, CP-1, CP-2, CS, PI (Amend.#34)	и	Same as district in which located	Dwelling unit must be located within a building associated with the development.

Table 8-1. Accessory Structures				
Accessory Structure	Permitted Zoning Districts	Required Setbacks	Height/Size Limitations	Special Conditions
Fence or Wall – Perimeter	All	Front: Prohibited Side: 0 feet Rear: 0 feet	Residential: 6 feet Other: 8 feet or as approved per development plan	
Fence or Wall – Decorative	All	0 feet	3.5 feet	All fence or walls shall be located out of the sight visibility triangle
Fence or Wall – Retaining	All	0 feet	NA	
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 – Detached (Amend. #38-C)	AG	Front: Prohibited Side: 35 feet Rear: 35 feet	No limitations	
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)	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	и	Same as Zoning District setback	Same as Zoning District	
Gatehouse/Guardhouse for subdivisions or multi-family projects	Residential	Per approved development plan or plat	Same as Zoning District	
Greenhouse – non- commercial (Amend.#37)	AG, RDR and RLL	Front: Prohibited Side: 10 feet Rear: 10 feet	Height: No maximum Size: No maximum	

Table 8-1. Accessory Structures				
Accessory Structure	Permitted Zoning Districts	Required Setbacks	Height/Size Limitations	Special Conditions
Greenhouse – non- commercial (Amend.#37)	Residential (not including AG, RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	Height: 15 feet Size: 250 sq. ft.	Greenhouses greater than 250 square feet require Special Use Permit.
Guesthouse	AG, RDR, RLL, and R-1	Same as Zoning District Setbacks	Same as Zoning 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	Height: 15 feet Size: 250 sq. ft.	Combined structures not to exceed district lot coverage
Hot Tub or Jacuzzi	All	Front: Prohibited Side: 10 feet Rear: 10 feet	NA	If located on a deck, then side and rear yard setbacks of the individual zoning district shall apply
Kennel, commercial	AG	Front: Prohibited Side: 200 feet Rear: 200 feet	Height:: 8 feet Size: NA	Side and rear setbacks apply only from residentially zoned property
Livestock – Building (barns and/or stables)	AG	100 feet	NA	See Table 5-2 for use limitations
Loft Dwelling Unit above detached garage	All Residential, except for R-1 located within "Old Lee's Summit" as described in the Downtown Master Plan, (including AG, RDR and RLL) (Amend. #24)	Front: Prohibited Side: 10 feet or per individual district whichever is greater Rear: 30 feet or per individual district whichever is greater	Same as individual district requirement	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 per Article 10 of this Chapter. In all R-1 Districts a minimum lot size of 15,000 sq. ft. must be provided.(Amend. #24)
Parking structure	RP-3, RP-4, PO, CP-2, CBD, TNZ, PI (Amend.#34)	Per Zoning District	Per Zoning 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: 10 feet Rear: 10 feet	Height: 15 feet Size: 120 sq. ft.	

Table 8-1. Accessory Structures				
Accessory Structure	Permitted Zoning Districts	Required Setbacks	Height/Size Limitations	Special Conditions
Real Estate Sales Office (Temporary)	Residential (including RDR and RLL)	Per Administrative Approved Plot Plan	NA	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.
Satellite Dish Antenna	All	Same as principal structure	Height: Not to exceed height of principal structure on which located Size: 1 meter	Excess of 1 meter in size requires a SUP
Sheds and Storage Buildings in AG District	AG	Front: Prohibited Side: 35 feet Rear: 35 feet (Amend.#3)	NA	
Sheds and Storage Buildings in Residential Districts (Amend.1)	Residential (including RDR and RLL)	Front: Prohibited Side: 10 feet Rear: 10 feet	Height: 15 feet Size: 250 sq. ft.	
Solar Collectors	All	Principal structure setbacks apply	Height: 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	RLL and R-1	All: 30 feet	Height: Not to exceed principal dwelling Size: 250 sq. ft.	
Sport Courts, Private Individual lot	Residential (including AG, RDR and RLL)	Front: Prohibited Side: Prohibited Rear: 10 feet	NA	Sport Courts are not intended to be lighted. Any proposed lighting shall be approved by Special Use Permit only
Swimming Pool, commercial (Amend.#12)	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)