



Board of Aldermen Request for Action

MEETING DATE: 7/1/2025

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3069-25, Accessory Dwelling Units (ADU's) 2nd Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3069-25, amending Sections of Chapter 400 of the zoning code authorizing Accessory Dwelling Units. Second Reading by Title Only.

SUMMARY

The City's Comprehensive Plan identified two action items for the city to complete, HN1.3 (Explore incorporating ADU's into the city housing policy) and HN1.5 (Encourage housing options [including] ADU's). The Planning Commission began discussions on the potential addition of Accessory Dwelling Units to our zoning code in March of this year. The Commission held two Public Hearings, one at its' May meeting, and again on June 10, 2025. The May meeting a first draft of an ordinance was presented that identified the scope and processes discussed at the previous meetings. Following the May public hearing, the Commission discussed the scope and process for ADU's and directed staff to return with a final draft ordinance that could be sent to the Board of Aldermen.

The June meeting included the public hearing, but no person spoke, so the Commission went straight to discussing the terms of the Final Draft Ordinance. After much discussion, there were three motions to amend provisions, two of which passed and that language is in the attached ordinance.

If approved, the City zoning code will now authorize accessory dwelling units following an approved Conditional Use Permit. That process will ensure the identified issues and concerns of ADU's are addressed, and public notice to adjoining property owners will be provided.

PREVIOUS ACTION

This is the first action on an ordinance, but the direction was included in the Board adopted Comprehensive Plan.

POLICY OBJECTIVE

Complete two Comprehensive Plan action items related to aging in place housing and affordable housing alternatives.

FINANCIAL CONSIDERATIONS

None

ATTACHMENTS

- ☒ Ordinance
- ☐ Resolution
- ☒ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☒ Minutes – Video available for review
on the [City's YouTube](#) page.

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 400 OF THE
ZONING CODE AUTHORIZING ACCESSORY DWELLING UNITS**

WHEREAS, the Planning Commission advertised and held a public hearing on May 13, 2025 related to proposed changes to various provisions of the zoning codes that pertain to the Accessory Dwelling Units; and

WHEREAS, the Planning Commission again advertised and held a second public hearing on June 10, 2025 related to proposed changes to various provisions of the zoning codes that pertain to the Accessory Dwelling Units; and,

WHEREAS, following the public hearings, the Planning and Zoning Commission recommended approval of the proposed ordinance; and

WHEREAS, the Planning Commission has provided its' statement required by §400.560.B of the Code, which is attached as Exhibit A;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said amendments to provide for additional affordable housing options and to encourage aging in place living in accordance with the Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

SECTION 1. Chapter 400 of the Code of Ordinance is amended by deleting Section 400.025 regarding the Establishment of Districts in its' entirety and replacing it with the following new Section 400.025:

400.025 Establishment of Districts.

The jurisdictional area is hereby divided into fifteen (15) zoning districts and two (2) overlay districts, which are designed as follows:

"A-1"	Agricultural District
"A-R"	Agricultural-Residential District
"R-1A"	Single-Family Suburban Dwelling District

"R-1B"	Single-Family Dwelling District
"R-1C"	Single-Family Urban Dwelling District
"R-1D"	Single-Family Small Lot Dwelling District
"R-1M"	Mobile or Manufactured Dwelling District
"R-2"	Two-Family Dwelling District
"R-3"	Multiple-Family Dwelling District
"B-1"	Neighborhood Business District
"B-2"	Non-Retail Business District
"B-3"	General Business District
"B-4"	Central Business District
"I-1"	Light Industrial District
"I-2"	Heavy Industrial District
"P"	Planned Development Overlay District
"FP"	Floodplain Overlay District

SECTION 2. Chapter 400 of the Code of Ordinance is amended by adding an additional definition in Section 400.07 regarding Accessory Dwelling Units to be read as follows:

400.075 **Definitions.**

ACCESSORY DWELLING UNIT

A subordinate residential use on a lot that is located within a zoning district that otherwise does not allow two separate and distinct residential structures or uses on one lot. An ADU is only authorized as an accessory building or use upon issuance of a Conditional Use Permit.

SECTION 3. Chapter 400 of the Code of Ordinances is amended by adding a new provision to 400.370.E, Accessory Uses Permitted by Conditional Use:

400.370.E.3. Accessory Dwelling Units subject to the following requirements:

- A. Location and Construction
 - i. May only be authorized if located on land within zoning districts A-1, A-R, R-1A, R-1B, R-1C, R-1D or B-4.
 - ii. An ADU may either be located within the principal structure with no direct communication between the two units or may be a separate structure.
 - iii. Only one ADU may be constructed on the lot or parcel.
 - iv. All water, sewer or septic, and solid waste services to the property must be through the primary structure's service. Electric, phone, cable, gas or other service may be served by separate meters and/or services.

- v. The ADU shall be constructed in full compliance with the then adopted building and property maintenance codes, including an approved frost protected foundation.
- B. Ownership, Use and Occupancy
- i. Any land with an ADU must be under one ownership and the owner must occupy either the principal structure or the ADU.
 - ii. The ADU shall be occupied by no more than two adults unrelated by blood, marriage or civil union.
 - iii. The minimum rental term for either structure shall be not less than 30 days.
 - iii. No ADU shall operate any home occupation.
 - iv. No ADU's may be occupied without a valid Certificate of Occupancy.
 - v. All ADU's must reapply for a new Certificate of Occupancy every three years where the owner certifies compliance with the provisions herein.

SECTION 4. Chapter 400 of the Code of Ordinances is amended by adding a new provision to 400.570 Conditional Use Permits as follows:

400.570.D.7 Accessory Dwelling Units (ADU)

- A. A surveyor stamped plot plan shall be included with the application that shows the following conditions will be met upon completion of construction:
- i. That a stand-alone ADU is not less than 20 nor more than 100 feet from the principal structure on the lot.
 - ii. That the total lot coverage with both the principal structure, the ADU and any other accessory structure located on the lot do not exceed thirty percent (30%) of the total lot area.
 - iii. That an ADU is not less than 400 square feet nor more than 90% of the area of the principal structure located on the lot or parcel and shall in no event exceed the height of the principal structure. The 10% minimum size provision above shall apply except when a larger size is required to meet the minimum building code requirements in place at the time of application.
- B. Elevation Plans of the proposed ADU shall be included with the application that shows the following:
- i. Each side of the proposed structure, along with proposed colors and materials in order to make the findings required in 400.570.C.4
 - ii. Adequate Screening for any access point to an ADU located within an existing principal structure is shown and provided.
 - iii. A site plan that includes the proposed vehicular ingress/egress and off-street parking in order to make the findings required in 400.570.C.5 and 6.

SECTION 5. This ordinance shall be in full force from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times, by title only, **PASSED AND APPROVED** by a majority of the Smithville Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri this 1st day of July, 2025.

Damien Boley, Mayor

ATTEST

Linda Drummond, City Clerk

First Reading: 06/17/2025

Second Reading 7/01/2025

EXHIBIT A

STATEMENT OF PLANNING COMMISSION ON ACCESSORY DWELLING UNITS

In accordance with 400.560.B, the Planning Commission recommends approval of the foregoing ordinance changes and makes the following statements:

1. These changes are consistent with the intent and purpose of these regulations.
2. The areas of the city which are most likely to be directly affected by these changes are all zoning districts that allow single-family detached housing.
3. This amendment is made necessary to provide additional options for affordable housing and aging in place opportunities for residents in accordance with the city's Comprehensive Plan.

Date:	June 5, 2025
Prepared By:	Jack Hendrix, Development Director
Subject:	Zoning Code Amendment – Accessory Dwelling Units

The City's Comprehensive Plan Action Items HN1.3 and HN5.1 encourage consideration of Accessory Dwelling Units. Those items state:

HN1.3 Explore incorporating accessory dwelling units (ADUs) as part of Smithville's housing policy. Conduct a SWOT analysis to explore considerations and implications.

HN5.1 Encourage housing options that promote a range of aging-in-place opportunities, including smaller units, accessory dwelling units (ADUs), shared housing arrangements, and independent or active adult communities.

For the last few meetings, the Commission has reviewed and discussed options for authorizing ADU's in Smithville. The attached ordinance is based upon the discussion following the Public Hearing at the May 13th Planning Commission meeting. The draft presented at that meeting was in a sole item format and it generated much discussion. Following that meeting, Will Stubbs went through that draft and the comments made by the commissioners and created a rough draft of the items discussed and recommendations from the various commissioners. Thereafter I worked with Will to put the ordinance presented to you today together.

Staff believes in incorporates all of the provisions you've discussed, with one particular item highlighted in yellow. That provision includes an issue that was discussed but neither of us could make a determination as to whether it was recommended or not. Specifically, there was limited discussion on whether an ADU must be in a separate structure, or if it could in fact be built into the existing house. Staff addressed potential construction issues that would be required to authorize a separate unit that did not have direct internal access to the main living area. A final decision on this particular matter is required in order to send the matter on to the Board.

Staff requests the Commissioners review and discuss the proposed changes to our codes to authorize ADU's via a Conditional Use Permit and that review process.

The proposed Statement of the Nature and Effect of text changes required by §400.560.B of the code are attached at the end of the proposed ordinance.