



SMITHVILLE

DEVELOPMENT



Detached



Attached



Interior (Upper Level)



Interior (Lower Level)



Above Garage



Garage Conversion

Regional ADU Research

SUMMARY OF FINDINGS

“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.” - 2030 COMPREHENSIVE PLAN

Helpful Info



Background info & Local
ADU ordinances
provided by MARC



Lessons for Massachusetts from Around
the Country
Joint Center for Housing Studies, Harvard
University, NOV 2023

Considerations



- **ALLOWED DISTRICTS-** Most jurisdictions allow ADUs in AG zoning and most, or all, their R zoning. Some have specific restrictions for “Old Downtown” areas or overlay districts.
- **Lot Coverage-** *If* ordinances address lot coverage with ADUs, they range from 35%-75%. (For perspective, our R districts allow 30% coverage)
- **OVERALL LOOKS-** Most jurisdictions have wording like, “ADU shall be of similar design to the primary Dwelling, including Roof design, color, and architectural style, as determined by the Community Development Director” or “Exterior materials should be complementary to the home.”
- Mobile homes, trailers, and containers should not be allowed to be made into ADUs (Suggestion from Liberty study session).
- Many do not allow a secondary entrance in the front, or a stairway to 2nd story entrance in the front.



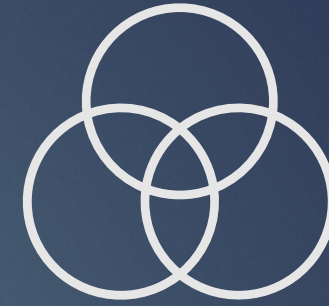
Considerations continued

- **RENTALS-** Many do not allow short term or long-term rentals of the ADU. This helps the ordinance conform with the main purpose of “aging in place” or helping a family member.
Some larger cities and counties allow rental of the ADU or primary residence.
- **UTILITIES-** Some require separate utility connections to the ADU. Some require connection through the primary residence.
Most, if not all, have wording stating sewer or water is appropriate or sufficient.
- **PARKING-** Most require 1 additional parking spot. Some go as far as, “(where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements”.
One jurisdiction required a separate paved driveway to the ADU for fire truck access, another required ADU to be within 200ft of primary residence.

CITY	SIZE LIMITATIONS	Average lot size (countyoffice.org)	Average building size (SQ FT) (countyoffice.org)
NKC	50% of primary OR <1200 SQ FT	.12acre	1150
ROELAND PARK	80% of primary OR <800 SQ FT	.185acre	1345
BELTON	Not larger than principal	.199acre	1300
KANSAS CITY, MO	Footprint *60% of primary OR 25% of rear yard not larger than 800SQ FT	.19acre	1350
WYCO	NO REG	.218acre	1362
OLATHE	50% OR <1000 SQ FT	.222acre	1911
GARDNER	40% of the principal dwelling footprint, or one-third of the living area of the principal dwelling	.22acre	1450
GRANDVIEW	60% of primary OR <720 SQ FT	.22acre	1401
LAWRENCE	33% of living area of dwelling, <960SQ FT	.22acre	1704
LEE'S SUMMIT	50% of primary floor area OR <1000 SQ FT	.239acre	1750
WESTWOOD	NO REG	.246acre	1650
OVERLAND PARK	50% of primary	.257acre	2100
CLAY CO	33% of principal footprint or 1200 SQ FT, whichever is greater. (750-850 living area)	.25acre	1400
JOCO	50% of primary OR <900 SQ FT	.25acre	1850
PRAIRIE VILLAGE	30% of primary OR <800SQ FT	.262acre	1650
RAYTOWN	SAME AS OUTBUILDING	.269acre	1369
GLADSTONE	<600SQ FT	.26acre	1300
RAYMORE	NOT LARGER THAN PRIMARY	.299acre	1450
PARKVILLE	50% of primary OR <1200 SQ FT	.29acre	1900
LANSING	50% of primary OR <1200 SQ FT	.313acre	1696
BONNER SPRINGS	25% of primary (if attached) OR <1000SQ FT	.325acre	1588
EXCELSIOR SPRINGS	60% of total SQ FT of primary OR <1000SQ FT	.33acre	1300
LEAVENWORTH CO	NO REG	.33acre	1500
PLEASANT HILL	<900 SQ FT	.5acre	1694
PECULIAR	150 SQ FT PER OCC	.7acre	1500
RAY CO	33% of principal or 850 SQ FT whichever	1.04acre	1500

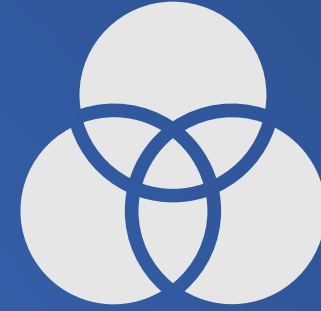
Smithville's average lot size is .28acre
 Smithville's average building size is 1725 SQ FT

Similarities in the majority of jurisdictions



- The owner must live in either the primary or the ADU.
 - Lee's Summit offers- "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."
- An ADU can either be *in* the primary residence (finished attic, basement or "In-law quarters") *or* be a detached accessory building.
- There *must* be a primary (or principle) residence.
- The primary and accessory dwelling will remain under single ownership, and the accessory dwelling unit may not be sold separately from the sale of the entire property, including the principal dwelling unit.
- One ADU per lot (or parcel).

Similarities in the majority of jurisdictions



- Location of ADU is similar to, or more restrictive than, outbuilding or shed location ordinances.
 - ADU is subject to the primary setback, Lot Coverage, and other dimensional requirements as the respective zoning district.
 - Six feet behind the front of the principal single-family structure and set back at least 20 feet from the rear lot lines.
 - ADU setbacks should be 15 feet from rear and side property lines (greater than the setback required for other accessory structures (suggestion from Liberty study session)).
- Located in the side or rear yard, but not the front yard.
- Comply with all building code requirements for multi-family or single-family structures.
(DIFFERENT WORDING)- Must meet all building and fire code requirements as adopted.
- At least one hundred fifty (150) square feet of living space shall be provided for each occupant (only found in a few ordinances).

Restrictions to Consider

Some jurisdictions have more restrictions or intricacies to their ordinances



- Recording the ADU and its compliance in the deed.
 - attest it will not be used as rental.
- Having the owner sign a notarized affidavit, stating they are following all ordinances and regulations, every 3 years.
- Require a Certificate of Occupancy, some must be renewed every 3 years.
- Fine or violation for failing to follow ordinances. One jurisdiction stated the owner would be responsible for demolishing the ADU, if out of compliance.
- Miami county requires the ADU to be physically attached to the primary residence.
- May or may not allow business use of ADU.
- Lots less than 15,000 square feet in size, an ADU will not exceed 500 square feet or more than 50 percent of the principal structure's floor area, whichever is less.
- Minimum of 400 or 750 square feet in size.

Restrictions to Consider Some jurisdictions have more restrictions or intricacies to their ordinances

- ADUs will be assigned a *separate address*.
 - Alternatively, “The principal dwelling unit and the ALQ (Prairie Village, Accessory Living Quarters) must have one address and mailbox.”
- Occupancy of the accessory or principal unit is limited to family members related by blood, marriage or adoption or persons providing nursing or domiciliary care or assistance to the owner in exchange for lodging.
- The overall height of an accessory dwelling shall be limited to one story, provided that a garage apartment or non-residential caretaker's quarters may be located over a garage.
- The accessory dwelling shall have no more than one bedroom and shall have its own bathroom and kitchen.



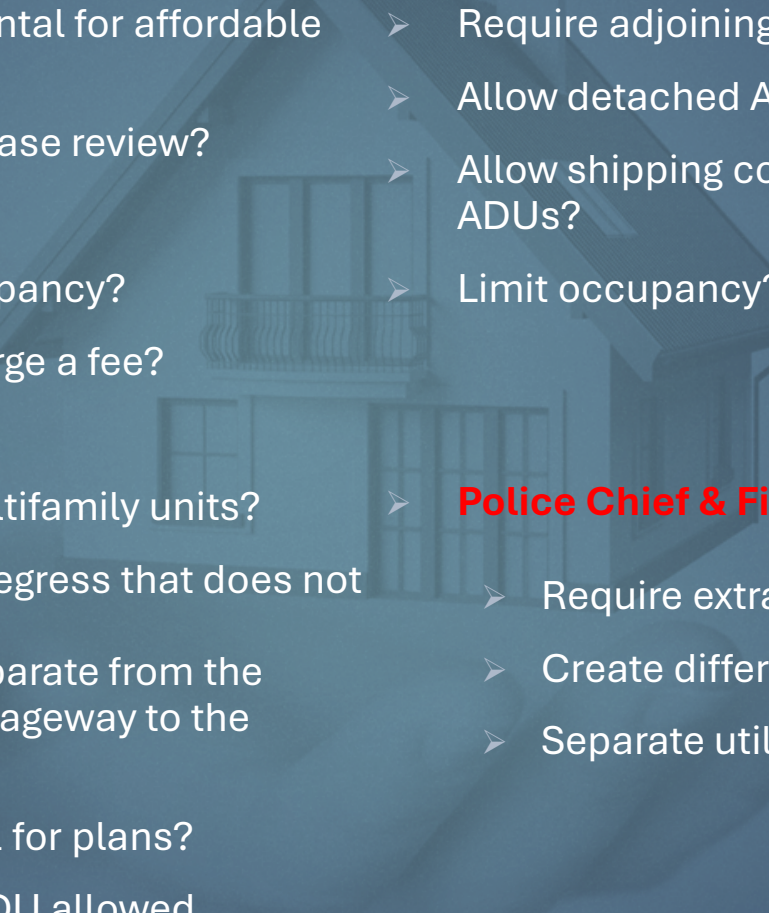


Restrictions to Consider

Some jurisdictions have more restrictions or intricacies to their ordinances

- All accessory dwellings require approval of a Special Use Permit from the Planning Commission and Governing Body in accordance with the procedures outlined within this Chapter. To approve a request for a Special Use Permit, after a public hearing, the approval authority shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any, or all, of these requirements shall be cause to deny the request.
- Ray Co only permits a certain size sink and fridge and does not permit normal stove top or a double basin sink.

Questions for your consideration

- 
- What is the motive? Aging in place, or rental for affordable housing?
 - Allow by right or regulate on a case-by-case review?
 - Require owner occupancy?
 - Require deed restriction for owner occupancy?
 - Allow for rental? Short term rental? Charge a fee?
 - Allow for business use?
 - Require fire separation as if they are multifamily units?
 - For garage dwelling, separate means of egress that does not go through principal dwelling
 - “independent exterior access separate from the access to the primary dwelling. No passageway to the primary dwelling shall be required.”
 - Require a registered design professional for plans?
 - Restrictions on lot coverage or size of ADU allowed dependent on home size or lot size?
 - Amend or modify set back or side yard requirements?
 - Require adjoining neighbors to be notified?
 - Allow detached ADUs?
 - Allow shipping containers, RV's or movable tiny homes as ADUs?
 - Limit occupancy? By size?
 - **Police Chief & Fire Chief should consider**
 - Require extra parking?
 - Create different addresses or keep same?
 - Separate utilities connection?