



## PLANNING AND ZONING COMMISSION

### AGENDA REPORT

January 2, 2020

#### ITEM 5.II: An Ordinance Amending Chapter 27 of the Code of City Ordinances Regarding Minimum Lot Size, Setback and Driveway Requirements for Reduced Size Lots

##### **BACKGROUND:**

At the September 9, 2019 City Council meeting, Brian Colson appeared and asked the City Council to consider allowing smaller size lots in residential districts in order to lower the cost of constructing a home. Council directed staff to bring back additional information to a future Council meeting. At the October 28, 2019 City Council meeting, City Manager Harold Stewart gave the attached presentation which asked the Council to consider several regulatory approaches to the issue as follows:

- Across the Board Decrease in Lot Size
- New Specific Zoning Designation and Location
- Mixed Development
- Land Bank/Density Program/Conservation District
- Planned Urban Development (PUD)
- No Change

There was a discussion at the meeting of each of the approaches and their impact on encouraging construction of affordable housing. The consensus of the Council was to proceed with ordinance changes that would result in subdivisions with mixed lot sizes. Following the October meeting, staff reviewed the subdivision and zoning ordinances and on December 9, 2019 proposed a zoning scheme to City Council that would include the following changes.

1. Allow subdivisions with a mix of standard and reduced size single-family lots in all R1, R2, R3, and R4 zoning districts.
2. Mixed lot subdivisions with standard and reduced size single-family lots will be required to complete the typical subdivision platting process.
3. 1 reduced size single-family lot (5,500 s.f.) will be allowed per 3 standard size single-family lots (7,000 s.f.). This could result in as much as 25% of the lots in a subdivision being reduced size and 75% of the lots being standard size.
4. For the reduced size single-family lots (5,500 s.f.) other zoning ordinance requirements will be amended as follows:
  - a. Reduce minimum lot width to 50'
  - b. Reduce side setback requirement to 5'
  - c. Add a maximum driveway width of 20'

Council directed staff to write said ordinance and bring it to Planning and Zoning Commission and City Council for consideration. The intent of the ordinance is to see an increase in single family homes constructed at the "starter" home price in new subdivisions. It was also discussed at the December Council meeting that this ordinance does not fully address all the concerns of the original developer or some of the Council members and might be seen only as a first step.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

Attachments:

1. Findings & Recommendations
2. Ordinance
3. September 9, 2019 PowerPoint presentation to City Council
4. Comparison of # of Single Family Lots Per Acre by Subdivision Type
5. Lot size and setback illustrations
6. Census population data

**PLANNING AND ZONING COMMISSION  
FINDINGS AND RECOMMENDATION**

Request to consider An Ordinance Amending Chapter 27 of the Code of City Ordinances Regarding Minimum Lot Size, Setback and Driveway Requirements for Reduced Size Lots

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On January 6, 2020, the Planning & Zoning Commission considered An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers.
2. The proposed ordinance \_\_\_\_\_ will \_\_\_\_\_ will not further the goals and objectives of the City's Comprehensive Plan.
3. The proposed ordinance \_\_\_\_\_ will \_\_\_\_\_ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.
4. The proposed ordinance \_\_\_\_\_ will \_\_\_\_\_ will not cause substantial injury to the value of property in the community.
5. Additional Comments: \_\_\_\_\_

Concerning the proposed ordinance, the Planning and Zoning Commission:

\_\_\_ Recommends Approval

\_\_\_ Disapproves \_\_\_\_\_

Passed by the Planning & Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chair

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF CITY ORDINANCES REGARDING MINIMUM LOT SIZE, SETBACK AND DRIVEWAY REQUIREMENTS FOR REDUCED SIZE LOTS**

**WHEREAS**, the City of Warrensburg seeks to incentivize the construction and development of single family homes that are more affordable for those entering the housing market in the City of Warrensburg; and

**WHEREAS**, City Council has discussed options for creating said housing at public meetings held on October 28, 2019 and December 9, 2019; and

**WHEREAS**, the Planning and Zoning Commission, at its meeting on January 6, 2020, recommended the approval of the herein ordinance; and

**WHEREAS**, public notice of the City Council's public hearing to consider the proposed ordinance was given by publication in the Daily Star Journal on December 27, 2019; and

**WHEREAS**, the public hearing was held on January 13, 2020 by the City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:**

Section 1. That Section 27-105 (g) is amended to read as follows leaving all other provisions of Section 27-105 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area and yard requirements for land uses and development in the R-1 residence district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements:

- a. Standard size lot: One (1) dwelling—Seven thousand (7,000) square feet.
- b. Reduced size lot: One (1) dwelling –Five thousand five hundred (5,500) square feet.
- c. Nonresidential uses—Nine thousand (9,000) square feet.

(2) Minimum lot dimension requirements:

- a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
- b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
- c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

- (3) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 2. That Section 27-105 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-105 (h) in effect, unaltered:

- (2) Setback from lot boundary lines:
  - a. Setback from side lot boundary lines:
    1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
    2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 3. That Section 27-106 (g) is amended to read as follows leaving all other provisions of Section 27-106 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area and yard requirements for land uses and development in the R-2 district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

- (1) Minimum lot area requirements per dwelling unit:
  - a. One (1) dwelling unit:
    1. Standard size lot: One (1) dwelling—Seven thousand (7,000) square feet.
    2. Reduced size lot: One (1) dwelling –Five thousand five hundred (5,500) square feet.
  - b. Two (2) dwelling units—Four thousand two hundred fifty (4,250) square feet.
- (2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.
- (3) Minimum lot dimension requirements:
  - a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
  - b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
  - c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.
- (4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 4. That Section 27-106 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-106 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

- a. Setback from side lot boundary lines:
  - 1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
  - 2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 5. That Section 27-107 (g) is amended to read as follows leaving all other provisions of Section 27-107 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area, lot dimension, and density requirements for land uses and developments in the R-3 residence district shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements per dwelling unit:

- a. For efficiency apartments, twelve hundred (1,200) square feet per unit.
- b. For dwelling units of five hundred (500) or greater square feet, exclusive of basements, open or screened porches, and garages:

<i>Dwelling Units</i>	<i>Minimum Lot Area (in square feet)</i>
Standard size lot: One (1) dwelling	7,000
Reduced size lot: One (1) dwelling	5,500
Two	4,250
Three or more	3,500

(2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.

(3) Minimum lot dimension requirements:

- a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.
- b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
- c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.

(4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 6. That Section 27-107 (h) (2) (a) is amended to read as follows leaving all other provisions of Section 27-107 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

a. Setback from side lot boundary lines:

1. Standard size lots: No structure is allowed within seven and one-half (7½) feet of a side lot boundary line.
2. Reduced size lots: No Structure is allowed within five (5) feet of a side lot boundary line.

Section 7. That Section 27-108 (g) is amended to read as follows leaving all other provisions of Section 27-108 in effect, unaltered:

(g) *Lot area and lot dimension requirements.* The minimum lot area, lot dimension, and density requirements for land uses and developments in the R-4 Residence District shall be as set out below. In a mixed lot size subdivision created per the plat and subdivision procedures of Chapter 21 of the Code of City Ordinance, one reduced size lot is allowed per every three standard size residential use lots.

(1) Minimum lot area requirements for residential uses:

- a. For efficiency apartments, twelve hundred (1,200) square feet per unit.
- b. For dwelling units of five hundred (500) or greater square feet, exclusive of basements, open or screened porches, and garages:

<i>Dwelling Units</i>	<i>Minimum Lot Area (in square feet)</i>
Standard size lot: One (1) dwelling	7,000
Reduced size lot: One (1) dwelling	5,500
Two	8,500
Three	10,000
Four	11,500
Five	13,000
Six or more	14,000 plus 1,000 square feet of lot area for each additional unit over six.

(2) Minimum lot area requirements for nonresidential uses—Nine thousand (9,000) square feet.

(3) Minimum lot dimension requirements:

- a. Standard size lots: every lot or tract of land shall have a minimum width of sixty (60) feet at the front building line.

- b. Reduced size lots: every lot or tract of land shall have a minimum width of fifty (50) feet at the front building line.
  - c. Every lot on a cul-de-sac shall have a minimum width of thirty-five (35) feet, as measured by the length of the arc at the street right-of-way line.
- (4) Any lot or tract of record on the effective date of this chapter which contains at least five thousand (5,000) square feet in area, may nevertheless be used for a single-family dwelling.

Section 8.

That Section 27-108 (h) (2) is amended to read as follows leaving all other provisions of Section 27-108 (h) in effect, unaltered:

(2) Setback from lot boundary lines:

- a. Setback from lot boundary lines for lots with one dwelling unit:
  - 1. Standard size lots with one dwelling unit: No structure is allowed within seven and one-half (7½) feet of a side or rear lot boundary line.
  - 2. Reduced size lots with one dwelling unit: No structure is allowed within five (5) feet of a side or rear lot boundary line.
- b. Setback from lot boundary lines for lots with two or more dwelling units:
  - 1. Structures two (2) stories in height or less shall be located no closer than seven and one-half (7½) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
  - 2. Apartment houses and townhouse dwellings two (2) stories in height or less shall be located no closer than ten (10) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
  - 3. Structures of not more than three (3) stories shall be located no closer than twelve and one-half (12½) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
  - 4. Structures more than three (3) stories in height shall be located no closer than fifteen (15) feet from the nearest side or rear boundary line of the plot of land on which any such structure is situated.
  - 5. Whenever two (2) or more residence structures are erected on one (1) plot of land under single ownership, the distance between such main buildings shall be two (2) times the side setback distances required respectively in subsections (h)(2)(b) (1-4) respectively.
- c. Buildings used for nonresidential purposes shall be located no closer than forty (40) feet from the nearest residence structure not used for similar purposes, or twelve and one-half (12½) feet from the boundary line of the plot of land where situated, whichever requirement produces the greatest setback distance.
- d. A patio is allowed within two (2) feet of a rear or side lot line.

Section 9.

That Section 27-404 is amended to add a subsection (h) to read as follows leaving all other provisions of Section 27-404 in effect, unaltered:

(h) The maximum width of a driveway on a reduced size lot with a lot area between five thousand five hundred (5,500) square feet and seven thousand (7,000) square feet shall be twenty (20) feet wide.

Section 10. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 11. It is intended that Sections 1-9 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 12. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Casey Lund, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Gabel, City Clerk

# Minimum Residential Lot Size Requirements

Presented  
by  
Harold Stewart, City Manager

## Outline of Discussion

- General Considerations
- Across the Board Decrease in Lot Size
- New Specific Zoning Designation and Location
- Mixed Development
- Land Bank/Density Program/Conservation District
- Planned Urban Development (PUD)
- No Change

## General Considerations

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- Parking
- Streets
- Setbacks
- Privacy
- Public Space
- Impact on Property Values (real or perceived)



## Parking

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- Harder to require off street parking
- Transportation availability for non-car owners

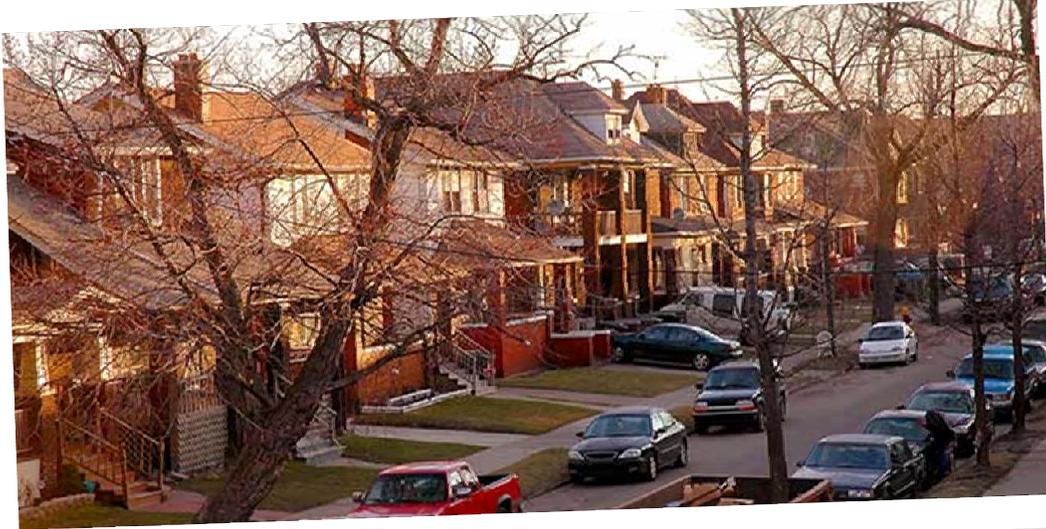


## Streets

Width for Snow Removal and Fire Trucks

## Other General Considerations

- Setbacks
  - Size and height of Houses
  - Public Safety (Fire response and spread of fires from structure to structure)
- Privacy
  - Windows
  - Doors
  - Proximity
- Public Space
  - Need for more parks, community centers, and public gathering places
- Impact on Property Values (real or perceived)

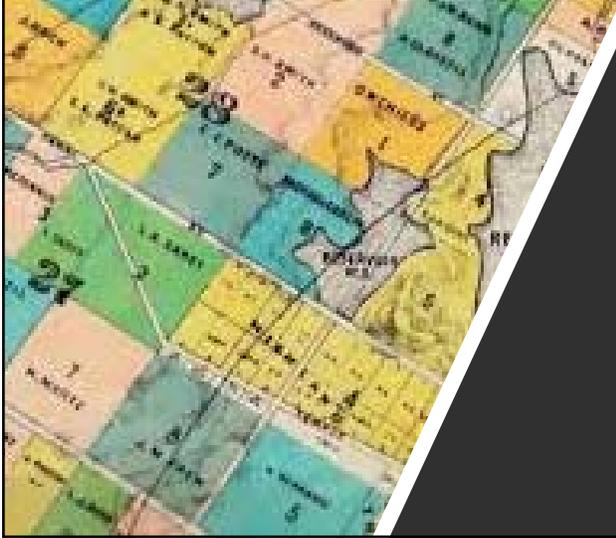


## Across the Board Decrease in Lot Size

- Current Minimum lot size requirement for a single residential structure is 7,000 square feet
- Council could change this to a lower number
- This would allow any single family residential structure be built on a smaller size lot anywhere Zoning allows for such structures
- Studies show that Developers will build to the minimum lot size a significant majority of the time, and rarely plat lots larger than the minimum lot size requirement



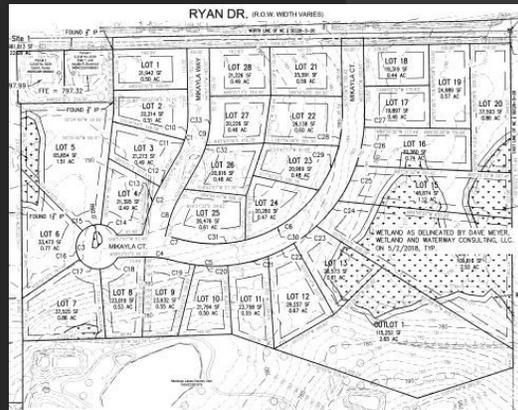
## New Specific Zoning Designation and Location



- Council could create a new Residential Zoning Designation that allows for smaller lots only in areas given this Zoning
- Council could control where is zoned for this use
- This would likely require updating the Comprehensive Plan and Zoning Map
- This approach would likely increase gentrification within the community

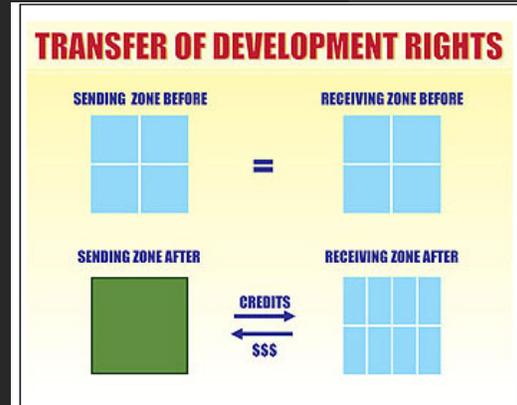
## Mixed Development

- This approach would set allowances within current Zoning Designations to allow for some smaller lots
- Example: For every 5 lots platted at the current minimum lot size, an allowance for one 6,000 sqft will be given
- Council would have to consider if it wants to set parameters as to where within the development these lots are allowed: consolidated versus spread out throughout the development
- The better the mix the stronger the cultural, social, and socioeconomic aspects of the community will be



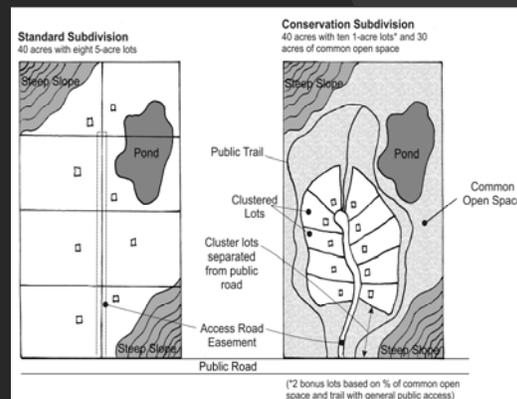
## Land Bank/Density Program/Conservation District

- This concept has been used with some success on the East Coast. This allows a developer to separate the development rights of one piece of property (usually within a land bank to maintain green space) and transfer the rights to another property to build at a greater density than would usually be allowed by zoning restrictions
- This has the greatest chance of success in a larger metropolitan area
- Legal sustainability of this concept?



## Planned Urban Development (PUD)

- Warrensburg currently allows this type of development by Code
- Allows for a developer to develop a tract with less restrictions when they provide an overall development design that is reviewed and approved by staff and Council
- Council could consider changes to the current code to make this more viable
- Currently the lending institutions discomfort with this type of development is one of the major hurdles

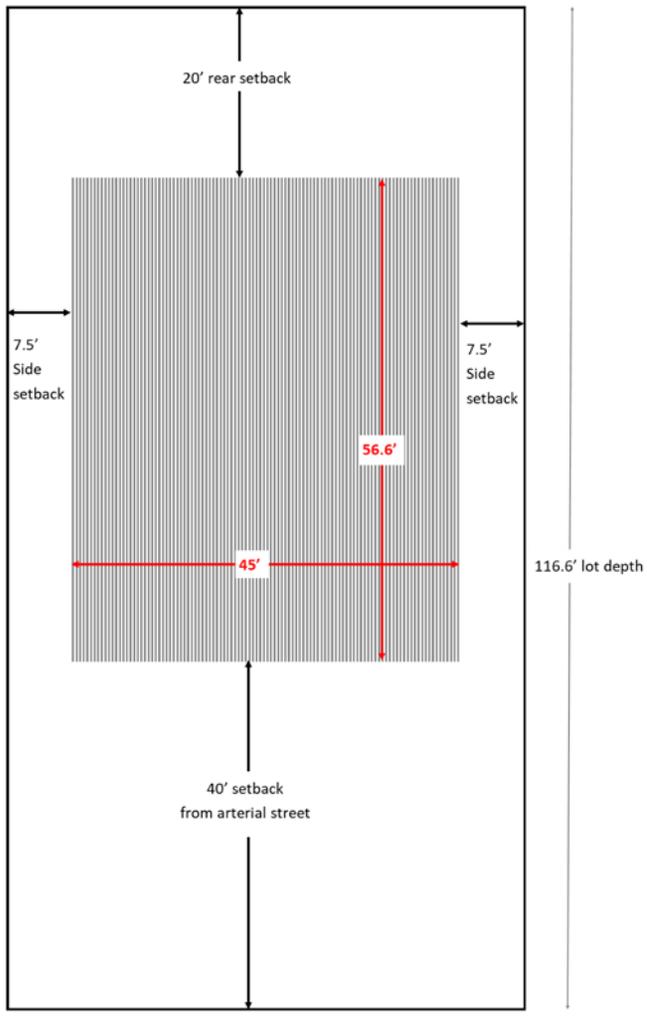


## Reference Articles

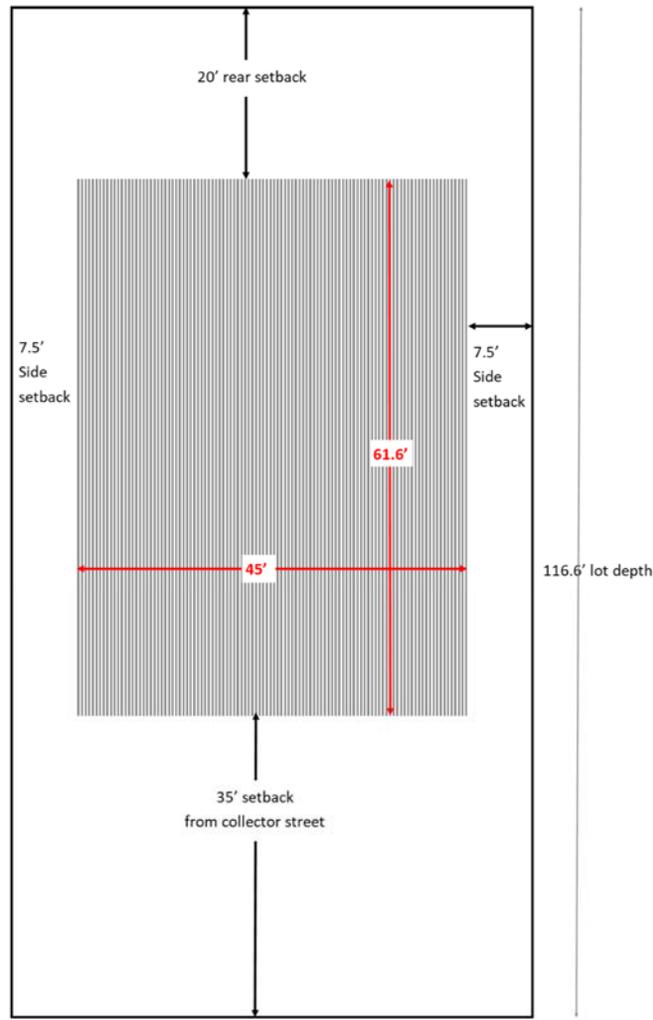
- <https://www.strongtowns.org/journal/2019/6/19/do-minimum-lot-size-rules-matter>
- <https://www.forbes.com/sites/adammillsap/2019/05/08/minimum-lot-size-regulations-mean-less-housing/#35a88e8e575b>
- <https://www.curbed.com/2019/1/9/18175780/minneapolis-2040-real-estate-rent-development-zoning>
- <https://www.forbes.com/sites/adammillsap/2018/09/21/vancouver-cincinnati-show-cities-can-improve-land-use-regulations/#44aa49cb4aba>
- <https://oldurbanist.blogspot.com/2015/03/single-family-zoning-its-all-about-lot.html>
- [https://www.des.nh.gov/repp/documents/ilupt\\_chpt\\_1.2.pdf](https://www.des.nh.gov/repp/documents/ilupt_chpt_1.2.pdf)
- <https://www.yourconroenews.com/neighborhood/moco/news/article/Conroe-City-Council-considers-smaller-lot-size-13337051.php>
- <http://www.seattleforgrowth.org/initiatives/>
- <https://bangordailynews.com/2019/01/15/news/midcoast/rockland-zoning-tweaks-could-add-tiny-houses-more-affordable-homes/>
- [https://www.psrc.org/sites/default/files/hip\\_small\\_lots.pdf](https://www.psrc.org/sites/default/files/hip_small_lots.pdf)
- [https://planning.lacity.org/policyinitiatives/Housing/SmallLot/SmallLotPolicy\\_DesignGuide.pdf](https://planning.lacity.org/policyinitiatives/Housing/SmallLot/SmallLotPolicy_DesignGuide.pdf)
- <https://www.smartgrowthamerica.org/app/legacy/documents/transfer-development-rights-policy-toolkit.pdf>

### Comparison of # of Single Family Lots Per Acre by Subdivision Type

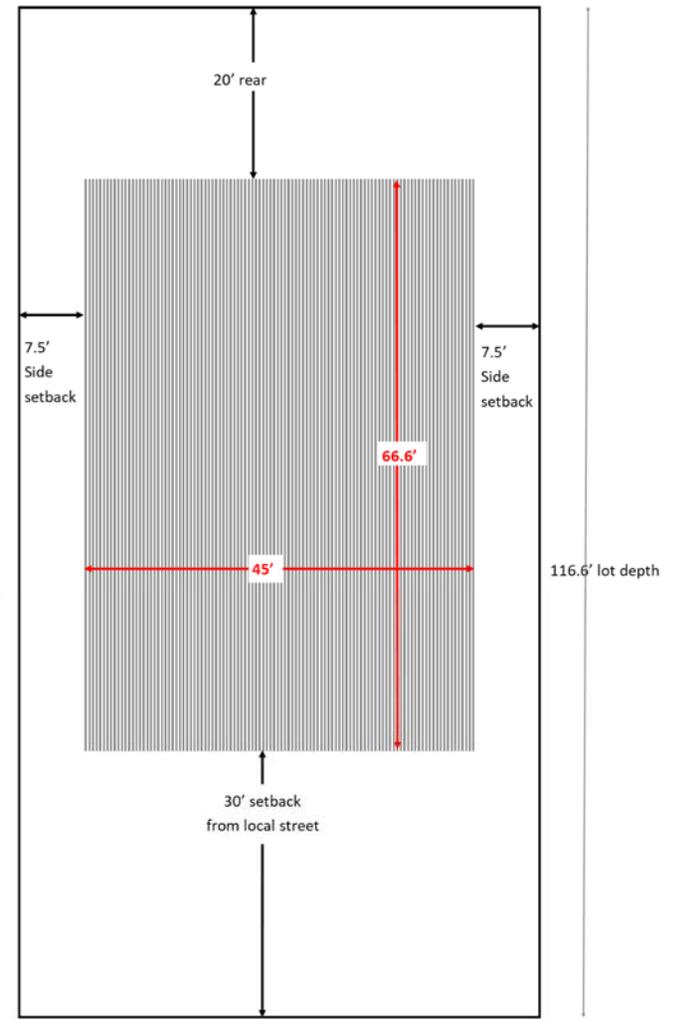
# of Acres	Type of Subdivision	# of SF Lots		# of Additional Lots
1 acre	Standard Subdivision	6		0 additional
	Mixed Subdivision	6	5 standard & 1 reduced	
2 acres	Standard Subdivision	12		1 additional
	Mixed Subdivision	13	10 standard & 3 reduced	
3 acres	Standard Subdivision	18		1 additional
	Mixed Subdivision	19	15 standard & 4 reduced	
4 acres	Standard Subdivision	24		2 additional
	Mixed Subdivision	26	20 standard & 6 reduced	
5 acres	Standard Subdivision	31		1 additional
	Mixed Subdivision	32	24 standard & 8 reduced	
6 acres	Standard Subdivision	37		2 additional
	Mixed Subdivision	39	30 standard & 9 reduced	
7 acres	Standard Subdivision	43		2 additional
	Mixed Subdivision	45	34 standard & 11 reduced	
8 acres	Standard Subdivision	49		3 additional
	Mixed Subdivision	52	39 standard & 13 reduced	
9 acres	Standard Subdivision	56		3 additional
	Mixed Subdivision	59	45 standard & 14 reduced	
10 acres	Standard Subdivision	62		3 additional
	Mixed Subdivision	65	49 standard & 16 reduced	
11 acres	Standard Subdivision	68		4 additional
	Mixed Subdivision	72	54 standard & 18 reduced	
12 acres	Standard Subdivision	74		4 additional
	Mixed Subdivision	78	59 standard & 19 reduced	



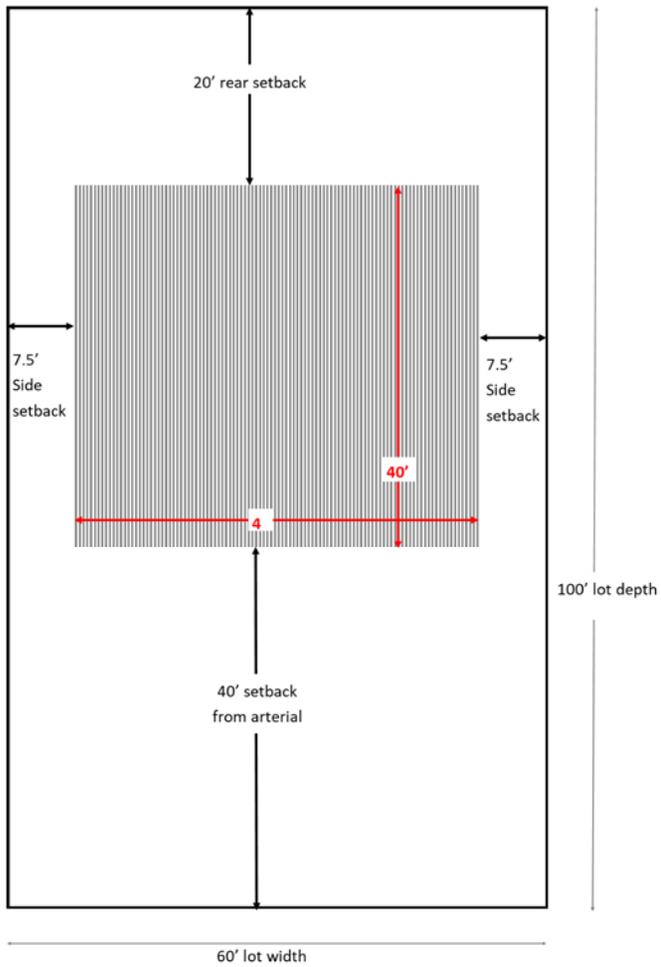
60' lot width  
**ARTERIAL STREET**  
 7,000 s.f. lot  
 2,547 s.f. buildable area



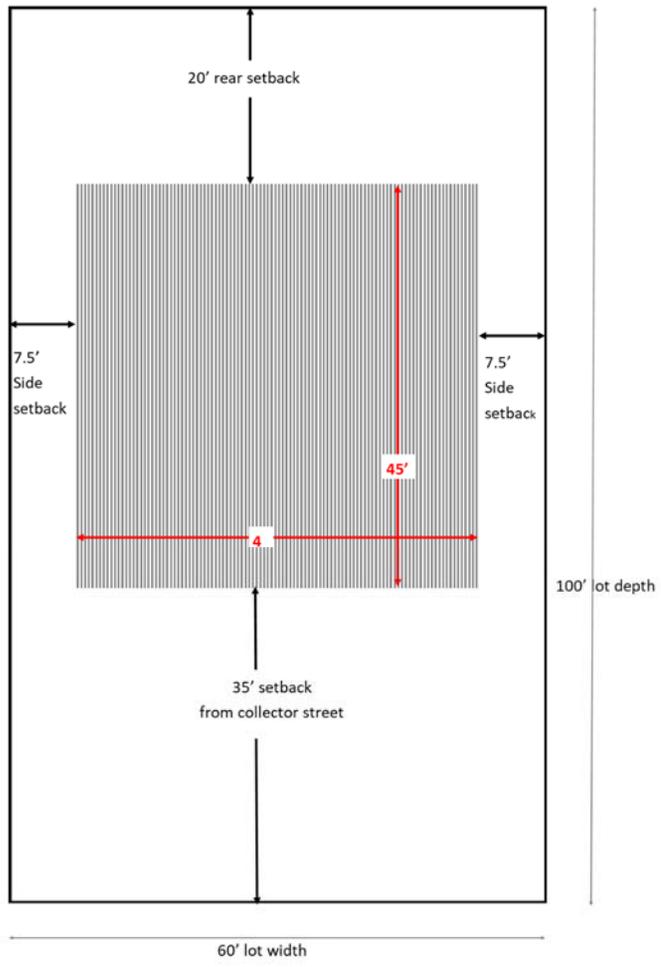
60' lot width  
**COLLECTOR STREET**  
 7,000 s.f. lot  
 2,772 s.f. buildable area



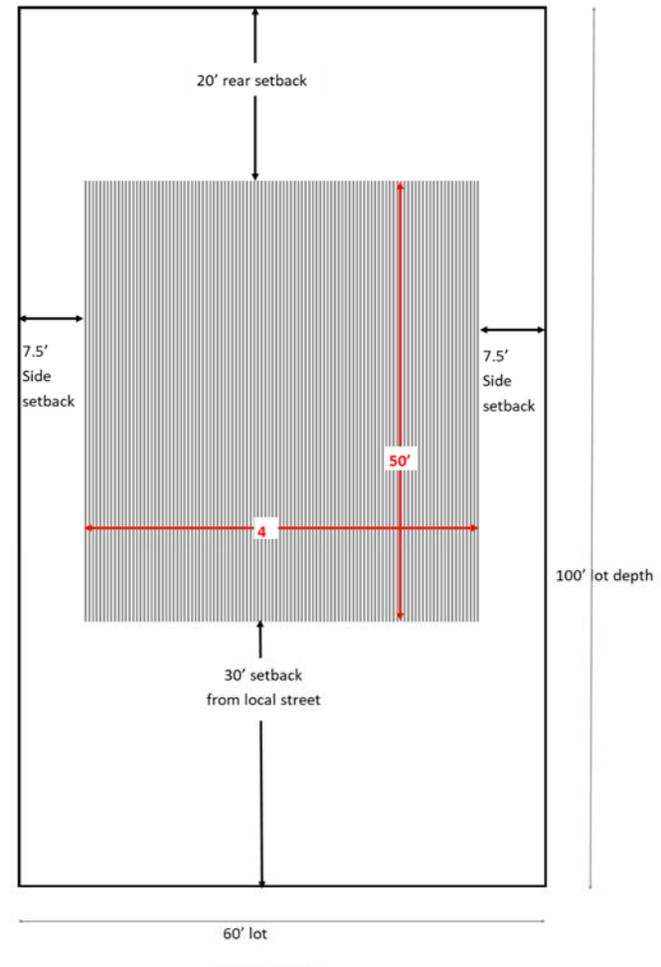
60' lot width  
**LOCAL STREET**  
 7,000 s.f. lot  
 2,997 s.f. buildable



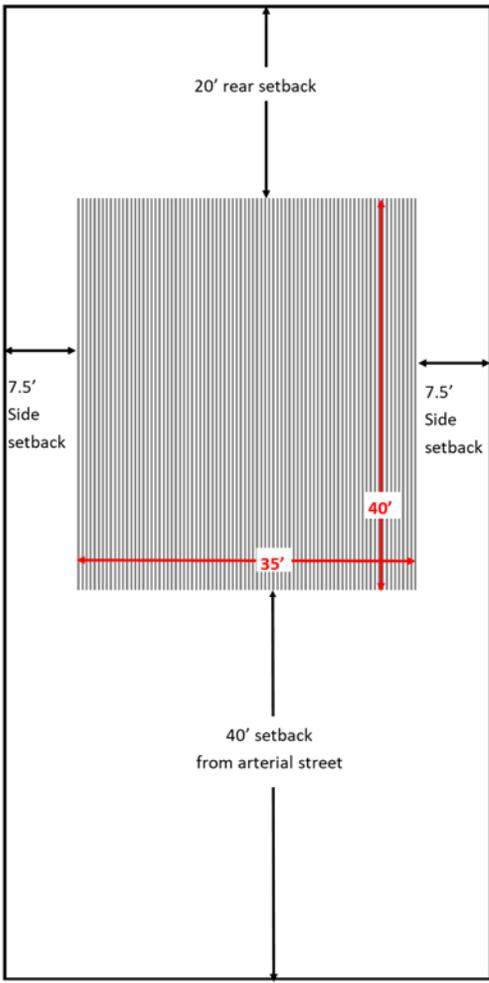
**ARTERIAL STREET**  
**6,000 s.f. lot**  
**1,800 s.f. buildable area**



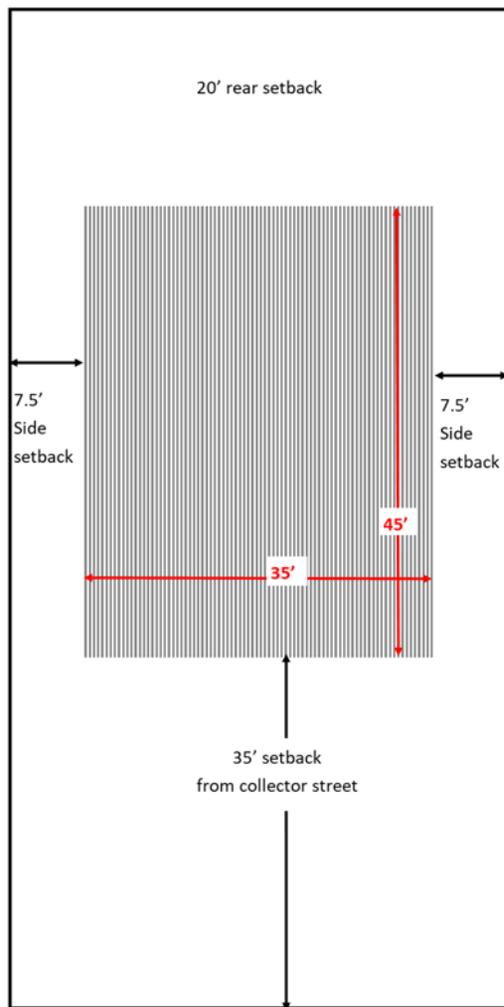
**COLLECTOR STREET**  
**6,000 s.f. lot**  
**2,025 s.f. buildable area**



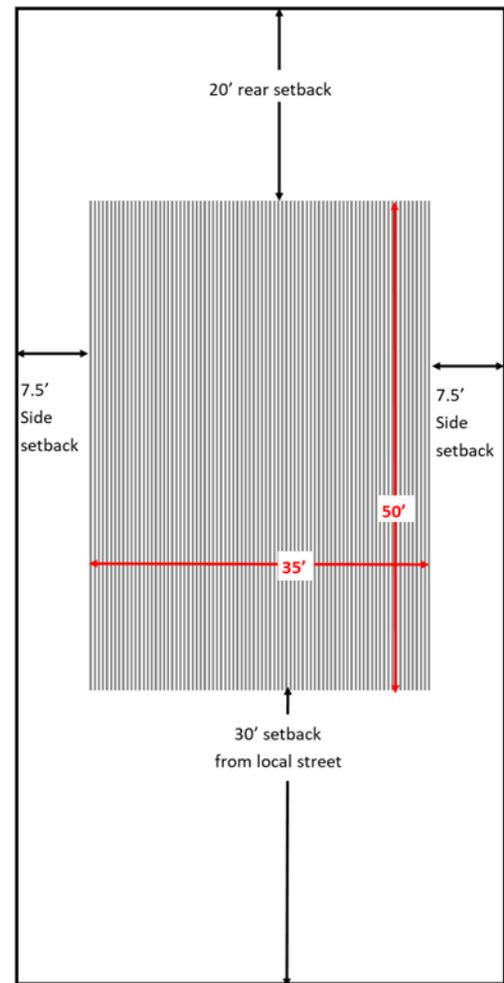
**LOCAL STREET**  
**6,000 s.f. lot**  
**2,000 s.f. buildable area**



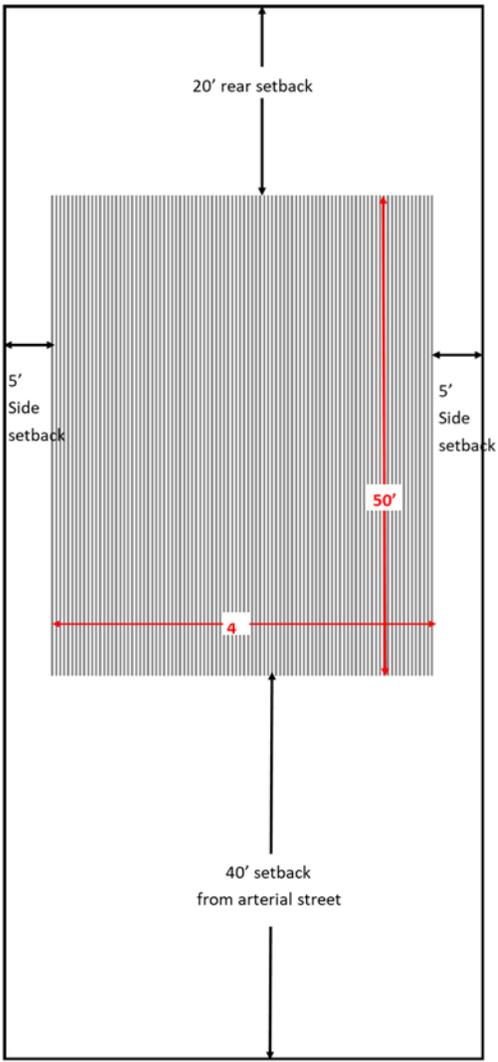
50' lot width  
**ARTERIAL STREET**  
 5,000 s.f. lot  
 1,400 s.f. buildable area



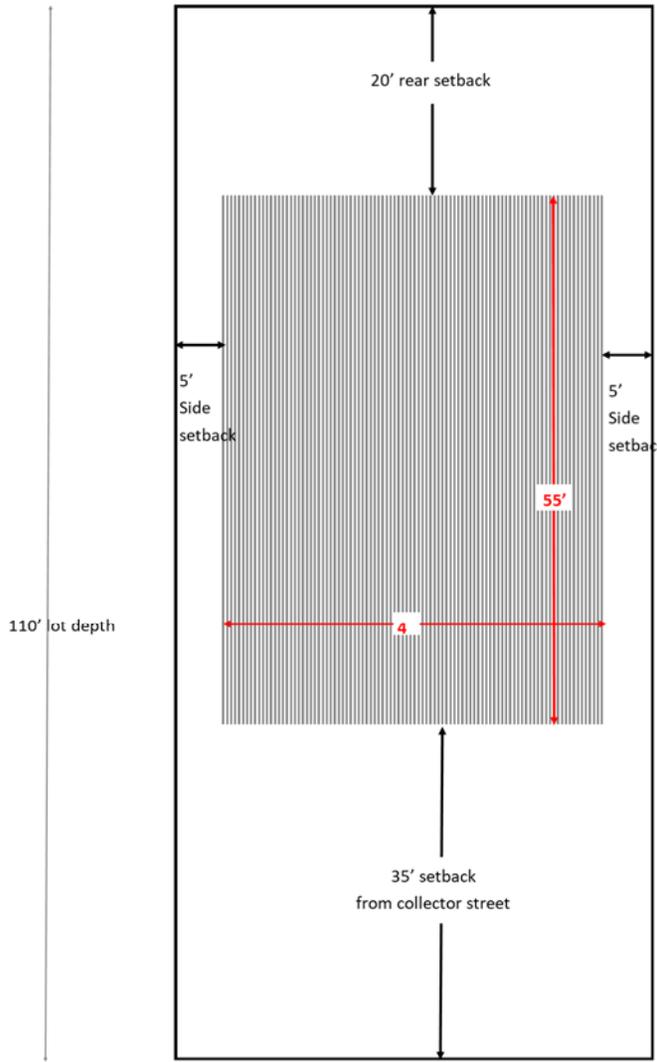
50' lot width  
**COLLECTOR STREET**  
 5,000 s.f. lot  
 1,575 s.f. buildable area



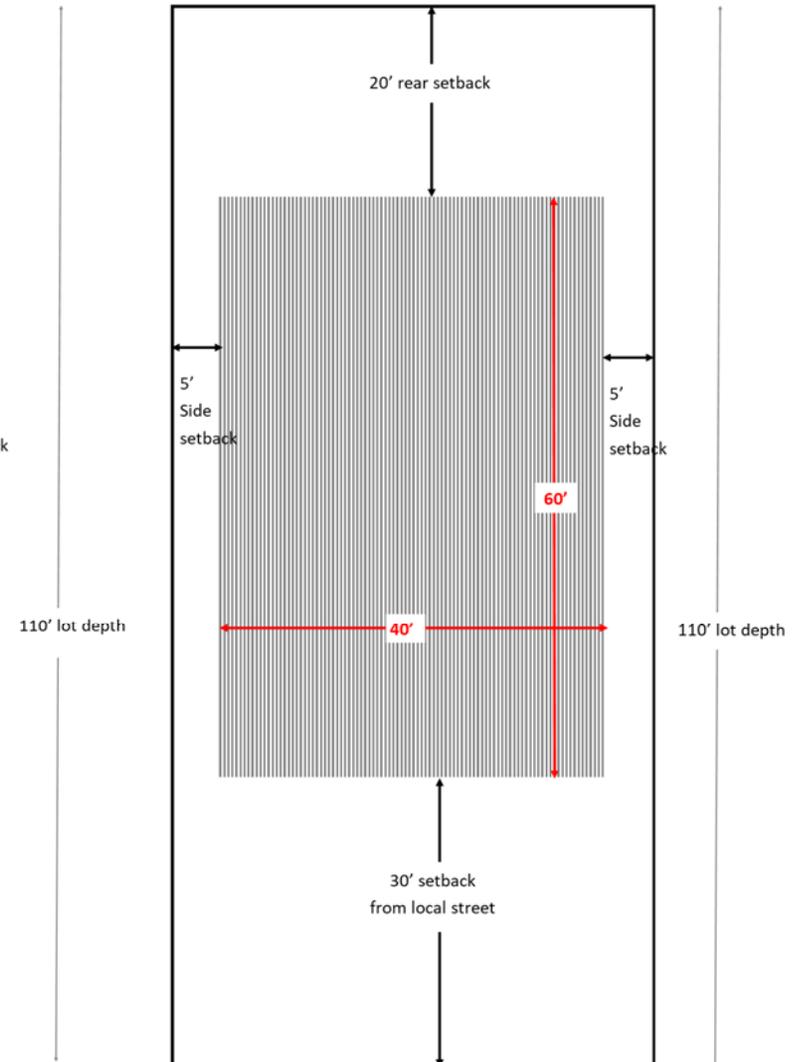
50' lot width  
**LOCAL STREET**  
 5,000 s.f. lot  
 1,750 s.f. buildable area



50' lot width  
**ARTERIAL STREET**  
 5,500 s.f. lot  
 2,000 s.f. buildable area



50' lot  
**COLLECTOR STREET**  
 5,500 s.f. lot  
 2,200 s.f. buildable area



50' lot width  
**LOCAL STREET**  
 5,500 s.f. lot  
 2,400 s.f. buildable area

## Barbara Carroll

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**From:** Kristin Dyer  
**Sent:** Thursday, January 02, 2020 4:24 PM  
**To:** Barbara Carroll  
**Subject:** quick look

Barb,

I pulled the owner-occupied vs. renter-occupied demographics. The average household size is approximately 3 across the board with more rental properties than owner-occupied properties. The trend is housing is becoming more costly with the median household size not increasing at the same rate.

### 2007 Comp Plan

Median household income: \$29,332

Median house price: \$91,600

### 2017 Comp Plan Update (using 2013 demographics)

Median household income: \$38,290

Median house price: \$141,367

### 2017 Comp Plan Update

PDF PG 20: Residents feel that the current traffic, zoning, transient population, and walkability are all areas that do not currently work and need greater focus when it comes to future planning. Responses also stated that there is a lack of affordable housing close to services in Warrensburg.

### 2000 Census:

Total housing units (vacant, rental, owner-occupied, etc.): 6,380

Total Owner-Occupied housing units: 2,521 (39.%)

Total Renter-occupied housing units: 3,430 (53.7%)

### 2010 Census:

Total housing units (vacant, rental, owner-occupied, etc.): 7,450

Total Owner-Occupied housing units: 2,850 (38.3%)

Total Renter-occupied housing units: 3,953 (53%)

### 2013-2017 ACS:

Total occupied housing units: 7,271

Total Owner-Occupied housing units: 3,091 (42.5%)

Total Renter-occupied housing units: 4,180 (57.5%)

Majority of homeowners with a mortgage pay \$500-\$1,999 for their "monthly owner costs"

Majority of renters pay \$500-\$999 a month on gross rent.

### 2006-2010 ACS:

Majority of homeowners with a mortgage pay \$1,000-\$1,499 for their "monthly owner costs"

Majority of renters pay \$500-\$999 a month on gross rent.

Sincerely,

Kristin Dyer, City Planner  
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