

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