

**CITY OF WARRENSBURG
COMMUNITY DEVELOPMENT**

January 21, 2020

Honorable Mayor and
Members of the City Council
City of Warrensburg, Missouri

Dear Mayor and Council Members:

SUBJECT: Second Reading of 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 January 13, 2020, City Council members the attached ordinance was read for the first time by title only. Council also voted to amend the ordinance by adding the words *per unit* in the table in Section 5 of the proposed ordinance. That change has been made in the attached ordinance. No other changes have been made to the ordinance. Attached is public comment received from Jim Skelton, 1000 PCA Road, since the previous City Council meeting.

ISSUE: To consider an ordinance that would allow mixed size single family lots in newly platted subdivisions in the R1, R2, R3, and R4 residential districts.

STRATEGIC PLAN:

This item is consistent with Objective 2 of Focus III of the Strategic Plan which states *“Adopt City goals, policies and plans to support and encourage residential, commercial, and industrial growth.”*

FISCAL IMPACT: N/A

ECONOMIC BENEFITS/IMPACT:

The intent of the ordinance is to see an increase in single family homes constructed at the “starter” home price in new subdivisions.

RECOMMENDATION:

Staff recommends approval of the ordinance. At their January 6, 2020 meeting, the Planning and Zoning Commission recommended approval of the ordinance. Their written finding and recommendation is attached.

Sincerely,

Barbara Carroll
Director of Community Development

Attachment: 1. Proposed ordinance
2. Public comment received

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 <i>per unit</i>
Reduced size lot: One (1) dwelling	5,500 <i>per unit</i>
Two	4,250 <i>per unit</i>
Three or more	3,500 <i>per unit</i>

(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

Barbara Carroll

From: jpskelton42@gmail.com
Sent: Friday, January 17, 2020 8:46 AM
To: Casey Lund
Cc: bryan jacobs; Scott Holmberg; robinallenwsbg@hotmail.com; xibllc@gmail.com; Cindy Gabel; Harold Stewart; Barbara Carroll
Subject: Re: [External] 50' lots

On Fox 4 News this morning at 8:38 they reported on a house fire on 12th Street in KC that spread to the neighbor's house that was not more than 10' away from the burning house. A lady died in the fire. I hope you consider these potential safety risks when you vote on 50' lots.

Jim

Sent from my iPad

On Jan 14, 2020, at 10:16 AM, jpskelton42@gmail.com wrote:

Thanks Casey. I understand and agree that we as a community must provide services, amenities and attractions to draw new residents to Warrensburg. I also want Warrensburg to grow. I also know that there is land available on which affordable houses can be built. The developer should do more searching for affordable land, instead of the city accommodating the developer's budget. The other issues of fire safety and damage to the neighbor's property should be paramount.

Jim

Sent from my iPad

On Jan 14, 2020, at 9:58 AM, Casey Lund <casey@warrensburgcollision.com> wrote:

Jim,

Thank you for your feedback. Please know that we are looking at long term sustainable solutions, not trying to help a specific developer clean up a mess after overpaying for land. This is a culmination of over a year discussion to find a way to encourage developers to build affordable housing. In recent years developers have stated they are struggling to make the numbers work on new development of homes in the \$180K - \$220K range. It has caused most of our builders to either focus on building higher end new custom homes or focus on renovations, avoiding newer developments and spec houses. Inventory of housing is extremely low and the Warrensburg community is in desperate need of single family housing. Our community currently has an extremely

high percentage of rentals, and many of those renters would like to make Warrensburg their permanent home, if they could find and afford a single family home.

The world of Economic Development has shifted in recent years to what is call "Placemaking." Make your community a desirable place that people want to live, work and play. Those additional people increase the workforce capacity and in turn, create a place where job providers (industry) can fill jobs. Workforce Development is our biggest challenge as a state and nation, and having that available workforce makes your community attractive for investment. We are having success, in that people want to be here, but the challenge is that housing availability is limited. It is this "reverse-engineering" of economic development and current trends that has put this issue on our radar. Having looked at many options, this one has risen to the top for multiple reasons. No out of pocket for the city and minimal impact to look and overall feel of future neighborhoods. Our concern is that the developers think that this is not bold enough to encourage the development we are asking for. But, on the other end of that, we want to make sure that we maintain the overall look, feel and sense of community that we have in our neighborhoods.

If you would like to discuss specifics about the proposed ordinance or have any questions please feel free to reach out to me personally and we can set up a time to visit in person (you have my cell). Again, thanks for your feedback on this matter. I know that you have much experience in this area, and respect your opinion.

Thanks,

Casey Lund
Owner



From: jpskelton42@gmail.com <jpskelton42@gmail.com>
Sent: Tuesday, January 14, 2020 8:35 AM
To: bryan jacobs <bjacobs12@gmail.com>
Cc: Casey Lund <casey@warrensburgcollision.com>; scott.holmberg@warrensburg-mo.com; robinallenwsbg@hotmail.com; xibllc@gmail.com; Cindy Gabel <cindy@warrensburg-mo.com>; Harold Stewart <harold.stewart@warrensburg-mo.com>; Barbara Carroll <bcarroll@warrensburg-mo.com>
Subject: Re: [External] 50' lots

Just one more suggestion - if the developer wants to build affordable houses, then he should buy land that fits his budget!! The city should not have to subsidize the developer's budget!!

Jim Skelton

Sent from my iPad

On Jan 14, 2020, at 5:59 AM, jpskelton42@gmail.com wrote:

Yes - I have a plan! If the developer cannot make a profit on building affordable housing, then he shouldn't buy the land! The developer is asking the city to allow smaller lots in the name of affordable housing. Why should the city help the developer make a profit? The developer knew what the city building codes were before he bought the land! Now he's asking the city to help him make more money. Why should the city revise the building codes to accommodate a developer? The purchase price of land is based on the potential return on investment. The developer bought the land and now expects the city to help him make more money! If the developer paid too much for the land, then why should the city bail him out?????

How can a contractor build on 5' setbacks without damaging the neighbor's property??

With only 10' between houses, how can a builder prevent the fire from spreading to the neighbor's house??

Jim Skelton

Sent from my iPad

On Jan 13, 2020, at 9:39 PM, bryan jacobs
<bjacobs12@gmail.com> wrote:

This is a build that has been done in other locations. My home in Florida was on a 6000 SQ foot lot and the home has a 5 ft setback on each side. If you are building no on a lot that was done prior to 1978 in Warrensburg you only need 5000sq ft. We have had several builds already in Warrensburg like this. We have to figure out ways to get the cost of a build down as one of the major concerns of our citizens was affordable Housing. If you have ways to do this we would be interested in hearing from you. The fire chief was at all of the meetings this was discussed and never expressed a concern to this plan.

On Mon, Jan 13, 2020, 6:55 PM
<jpskelton42@gmail.com> wrote:

Members of the City Council
Warrensburg, Missouri

I am very disappointed that the P and Z Commission approved 50' lots. There is no way that a contractor can build on a 5' set back without disturbing the neighbor's lawn. If a fire started in a neighbor's house, it is very likely that fire will spread to the house next door. What is the opinion of our Fire Chief?

Jim Skelton

Sent from my iPad