

# Potential Regulatory Changes to Support Affordable Housing Development

Boone County Resource Management

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Director



# Potential Code Updates

- Allow two family dwellings (duplex) by right in A-2, A-R, and R-S zoned areas on corner lots.
  - Update regulations to allow accessory dwellings (AD).
  - Change the definition of family and maximum occupancy.
  - Allow residential units in second floor in all commercial units.
  - Create a “cottage lot” standard within the zoning code and subdivision regulations.
  - Administrative approval of certain subdivision plats vacations.
  - Add Administrative Allowances for existing structures within a front setback.
  - Stormwater update.
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# Housekeeping

Some slides will contain suggested edits to existing regulations:

**RED** text is a suggested addition.

~~**STRIKETHROUGH**~~ text is a suggested deletion.

**\*ASTERISK\*** text contained between these symbols are staff commentary.



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# Two Family Dwelling (Duplex) as Permitted Use

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# Two Family Dwelling as Permitted Use

- R-S, A-R, or A-2 zoning districts.
- Only a permitted use on corner lots at the intersection of two public roadways.
- Minimum lot size 5000 square feet (ft<sup>2</sup>).
- Two family dwelling would require a “front” entrance for each unit to be on separate road frontages, with a corresponding separate driveway entrance for each unit.
- A site plan would be required at the time of building permit application.
- Any R-S or A-R lot that does not meet the requirements would require a CUP for a two-family dwelling.

\*Currently only allowed as a CUP in R-S, permitted in R-D and R-M\*

# Section 4, General Provisions

(15) Two-family dwellings, allowed as a permitted use on corner lots in the A-2, A-R, and R-S zoning districts, shall conform to the following standards:

- (a) The lot is a legal lot of record.
- (b) The lot is on the corner of the intersection of two publicly maintained roadways.
- (c) Each residential unit shall have a front entrance facing a separate public roadway from the corresponding unit.
- (d) Each unit shall have a permitted driveway separate from the corresponding unit. Both driveways can not be on the same public street frontage.
- (e) The owner of the property shall submit a site plan to the Director concurrent to the submission of a building permit application. The site plan shall contain the following:
  - 1. Location of public right of way.
  - 2. Building location with setback dimensions from the property boundaries.
  - 3. An indication of each unit's "front" entrance.
  - 4. Location of driveway entrance and parking spaces designated for each unit.
  - 5. Vehicle turn around area to allow front motion entry onto the public right of way.
  - 6. Any additional information as requested by the Director.

# Section 5, District Use Regulations

## (3) A-2 Agriculture District

### Permitted Uses:

Any permitted use of the A-1 District, provided however, a Single-Family Dwelling shall, in addition to the provisions of the A-1 District, be permitted on a lot or tract having a minimum area of two and one half acres

- Two family dwelling on a corner lot meeting the provisions of Section 4 (15).

### Conditional Uses:

Any conditional use of the A-1 District

# Section 5, District Use Regulations

## (5) A-R Agriculture-Residential District

### Permitted Uses:

- Agricultural Activity which shall include greenhouses and nurseries
- Equine Boarding Facility for a maximum of six animals on a minimum 20-acre tract
- Equine Ranch on a minimum 20-acre tract
- Farm Dwelling
- Home Occupation
- Public Park
- Golf course, except miniature course and driving range
- Place of Worship
- Public School, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
- Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is (1) in compliance with all state regulations and (2) meets all the criteria for a Home Occupation
- Single Family Dwelling on a lot having a minimum area of one-half acre, (21,780 s.f.).
- Two family dwelling on a corner lot meeting the provisions of Section 4 (15).



# Section 5, District Use Regulations

## (5) A-R Agriculture-Residential District

### Conditional Uses:

- Privately operated outdoor recreational facility
- Enlargement of an existing cemetery
- Equine Boarding Facility for more than six animals on a minimum 20-acre tract
- Animal Training Facility on a minimum 20-acre tract
- Riding School on a minimum 20-acre tract
- Farm implement sales and service, and other agribusiness uses oriented to and exclusively serving the agricultural community
- Veterinary office or clinic or animal hospital provided, however, if the establishment is in a major recorded subdivision or is within 500 feet of a residentially developed area or an existing R-S, R-SP, R-D, R-DP, R-M or R-MP Zoning District all animals that are treated or cared for shall be kept within a sound-proofed, air conditioned building; no odor shall be perceptible at the boundary of the premises; and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
- Public building erected by any governmental agency
- Hospital, nursing home, and educational, religious and philanthropic institution
- Nursery, pre-kindergarten, kindergarten, play, special and other private schools
- Water Tower, sewage lagoon or mechanical treatment plant where not approved under County Subdivision Regulations
- Mobile Home Subdivision
- Mobile Home not meeting the provisions of Section 4. (9) of this ordinance
- Bed and Breakfast
- Two family dwelling

# Section 5, District Use Regulations

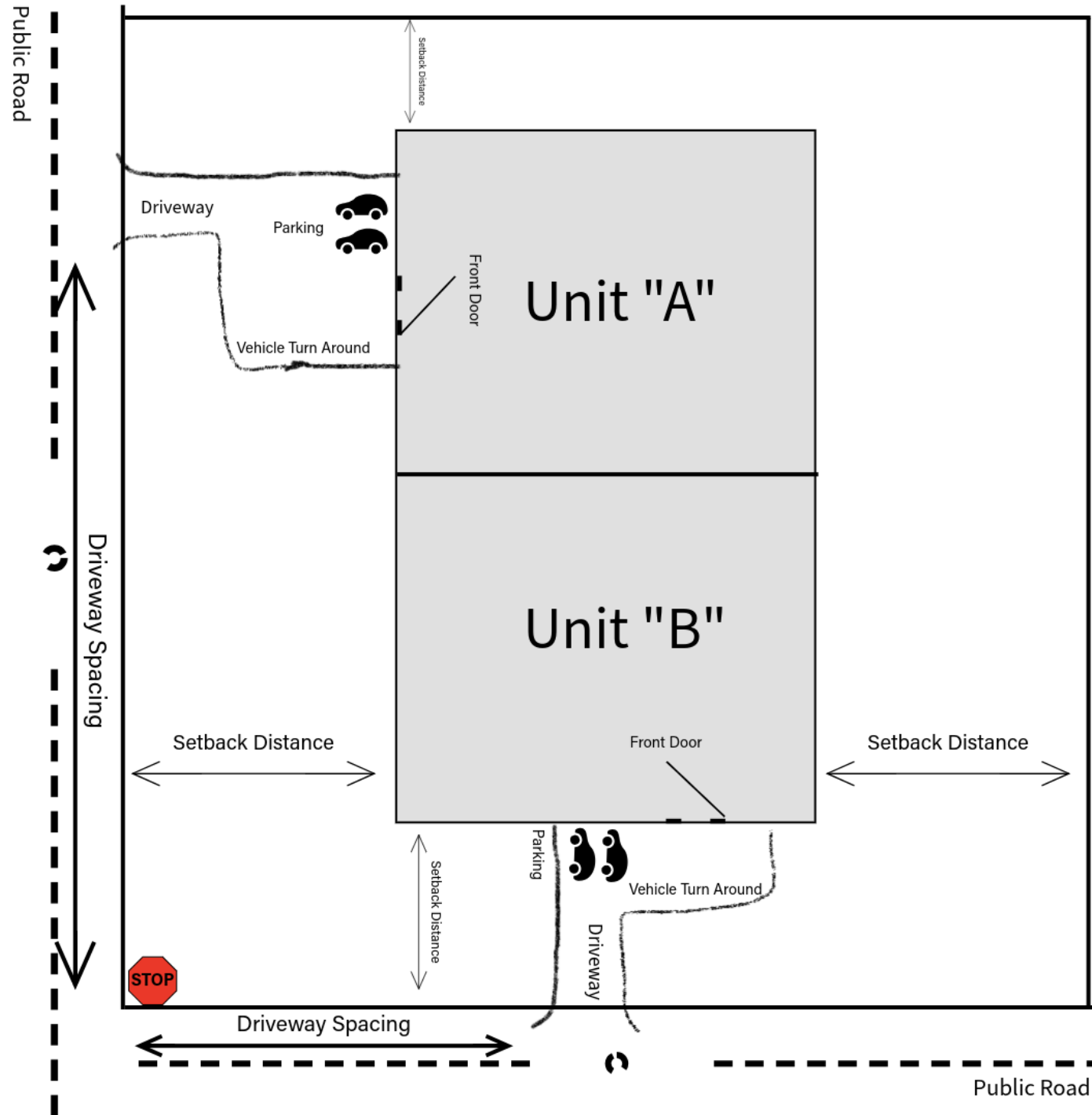
## (7) R-S Single-Family Residential District

### Permitted Uses:

- Agricultural activity
- Single-family dwelling (minimum lot size; 7,000 square feet)
- Family Day Care Home (maximum of six children) Group Day Care Home (maximum of ten children) provided that the Day Care Home is (1) in compliance with all state regulations, and (2) meets all the criteria for a Home Occupation.
- Public Park or playground
- Place of worship
- Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- Golf course, except miniature course and driving tees (Ranges) operated for commercial purposes
- Home Occupation
- Two family dwelling on a corner lot meeting the provisions of Section 4 (15).

\*Two Family Dwelling is already a conditional use in R-S zoning\*

\*Example site diagram\*



# Example: Briley Investments Two Family Dwelling CUP



- Two Family Dwelling CUP request from the 2024 agenda.
- Intersection of two public roads.
- Approved CUP with conditions like what is proposed.
- Under the proposed changes, this would be a permitted use and would not require a CUP.

# Accessory Dwellings (AD)

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## Section 2, Definitions

Dwelling, Accessory (AD): A residential living unit on the same lot as a single-family dwelling or on which a single-family dwelling is present or may be constructed. The AD provides complete independent living facilities for one or more persons. It may take various forms: a detached unit, a unit that is part of an accessory structure such as a detached garage, or a unit that is part of an expanded or remodeled dwelling. ~~A second dwelling, in addition to the primary dwelling, this is on a tract of land which is greater than 20-acres in area.~~

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# Section 7, Accessory Buildings and Uses for Non-Agricultural Uses.

- 7.1 Accessory buildings and uses for non-agricultural uses are permitted when in accordance with the following:
  - 7.1.1 In the A-1 and A-2 Agricultural Districts accessory buildings and uses are limited to:
    - A private residential garage
    - Tennis court, swimming pool, non-commercial greenhouse, ~~garden house~~, barbecue oven, fireplace and similar uses customarily accessory to residential uses
    - Satellite dish antenna
    - Collectors for solar and other alternate energy sources
    - Roadside stands for the sale of agricultural products produced on the premises.
  - 7.1.2 In the A-R, R-S, R-D, and R-M Districts accessory buildings and uses are limited to: those accessory buildings and uses permitted in the A-1 and A-2 Agricultural Districts except roadside stands shall not be permitted.

\*Removal of “garden house” is the only change on this slide\*

# Section 7, Accessory Buildings and Uses for Non-Agricultural Uses.

- 7.1.3 A single accessory dwelling is allowed on legally created individual parcels **in the A-1, A-2, A-R, and R-S Districts** ~~that are 20 acres or larger in size up to a maximum of two dwelling units on said individual 20 acre or larger parcels~~ **subject to the following:**
  - 7.1.3.1 There shall be a minimum separation of 10 feet between the primary and accessory dwelling unless they are attached by a common wall.
  - 7.1.3.2 The accessory dwelling shall not exceed 75% of the total square feet of the primary dwelling or 1,500 square feet, whichever is less.
  - 7.1.3.3 One additional off-street parking space shall be required for any accessory dwelling with more than three bedrooms. If the primary dwelling has more than two off-street spaces, one may be counted toward the accessory dwelling.
  - 7.1.3.4 The accessory dwelling shall meet all of the requirements of the applicable Building Code, Zoning Regulations, and Code of Health Regulations.
  - 7.1.3.5 The primary dwelling and the accessory dwelling shall be owned by the same entity.



# Section 7, Accessory Buildings and Uses for Non-Agricultural Uses.

- 7.1.4 In Commercial Districts there may also be:
  - ~~Accessory dwelling unit on floors above or attached to commercial uses for occupancy by the owner or employee.~~
  - Incidental storage provided such storage does not exceed 40-percent of the floor area of a building in the C-N and C-G Districts.
  - A manufactured home may be used as an office in the commercial or industrial districts provided that all existing building code and zoning regulations are complied with and the unit is placed on a foundation or is tied down and under-skirted.
- 7.1.5 There shall be the following additional regulations for accessory buildings located on legally created parcels less than 5-acres in area:
  - 7.1.5.1 No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is also being used with the following exceptions:
    - ~~However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction, with said shed or wagon being removed from the property within 10 days following completion of the construction.~~
    - An accessory dwelling may be occupied when the primary dwelling is vacant.

\*Change to 7.1.4 to support residential uses in commercial zoning. See slides 26-31 in the presentation\*

# Section 7, Accessory Buildings and Uses for Non-Agricultural Uses.

- 7.1.5.2 Legally created parcels that are 5-acres in area or larger may have a single accessory personal storage structure, without a primary structure on the parcel, provided the structure is not used for any type of commercial use including home occupation.
- 7.1.5.3 No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall.
- 7.1.5.4 Accessory buildings may not be used for dwelling purposes except as provided in 7.1.3 and 7.1.4 above.

\*No changes to existing regulatory language on this slide. Added for continuity.\*

# Section 10: Yard Requirements. C. (8)

- CURRENT : “Any accessory building more than ten feet from a main building may be erected not closer than two feet to a side or rear lot line, but must be located at least 60 feet from the front street line.”
- PROPOSED : “Any nonresidential accessory building may be erected as close as 5’ to a side property line or a rear property line, but not both, subject to the following criteria:
  - Must be a minimum of 60’ from the front property line,
  - Must be a minimum 10’ from the main building,
  - Can not be closer to the front property line than the nearest point of the main building.”

\*This exception has been proposed to change from the current 2’ to a proposed 5’. The rewording of this section is to make it clear accessory dwellings must follow minimum yard requirements.\*

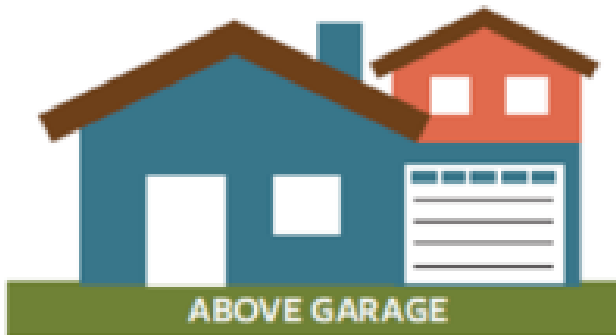
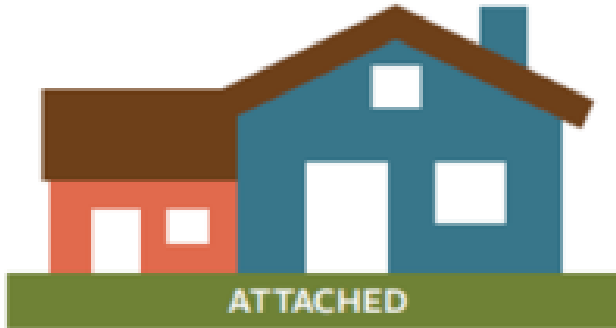
# Section 14, Off-street Parking and Loading Regulations

A. Off-Street Parking Requirements. Off-street parking spaces shall be provided in all districts as follows:

(18) Accessory Dwellings – One space per accessory dwelling with three or more bedrooms. The one parking space must be in addition to the two parking spaces required for the primary dwelling.

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# Example: Accessory Dwelling Units



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

# Maximum Occupancy per Dwelling

## Section 2, Definitions

Bedroom: A room intended or used for sleeping purposes that meets all applicable code requirements for habitable space.

Family: ~~Two or more persons related by blood, marriage, adoption, or not more than four persons not related by blood, marriage or adoption,~~  
A group of persons occupying a dwelling as an individual housekeeping unit.

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# Section 4, General Provisions

(16) Maximum Occupancy Limit for a Dwelling: The maximum number of occupants permitted within a dwelling shall be determined by the floor area of each bedroom.

## (a) Occupancy by Bedroom Size:

- A bedroom containing not less than 70 square feet and not more than 99 square feet qualifies for one occupant.
- A bedroom containing 100 square feet or more shall qualify for one (1) occupant per 50 square feet of floor area.
  - Calculation Method:
    - The floor area of each bedroom shall be divided by fifty (50) to determine the maximum number of occupants for that bedroom.
    - Fractional results shall be rounded down to the nearest whole number.
    - The maximum occupancy of the dwelling unit shall be the sum of the maximum allowable occupants for all bedrooms.



# Section 4, General Provisions

## (b) Example Calculation (for illustrative purposes only):

- Bedroom A 70 square feet:  $70 \div 50 = 1.4$  1 occupant
- Bedroom B 120 square feet:  $120 \div 50 = 2.4$  2 occupants
- Bedroom C 150 square feet:  $150 \div 50 = 3$  Occupants
- Bedroom A + Bedroom B + Bedroom C =  $1 + 2 + 3 = 6$
- The total maximum occupancy for this three-bedroom dwelling is 6 occupants.

# Expanding Residential Uses in Commercial Zoning Districts

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# Section 5, District Use Regulations

## (15) C-O Commercial Office District

### Permitted Uses:

- Agricultural activity
  - Place of Worship
  - Bank or financial institution, drive-in or otherwise
  - Office or office building
  - Medical, dental and psychiatric offices and out-patient clinics provided that retail sales shall be limited to those items which are professionally adjusted or fitted on the premises
  - Automobile parking lot, except no disabled, wrecked or junked motor vehicles shall be permitted
  - Public buildings erected by any public agency except no maintenance or storage buildings
  - Residential uses when located on the second floor or above.
-

# Section 5, District Use Regulations

## Conditional Uses:

- Mortuary
- Private School
- Retail Sales and the manufacture of articles to be sold at retail only, on the premises, when such activities are accessory uses to medical and dental offices and clinics provided that the total mechanical power used in manufacturing shall not exceed five (5) horsepower for any one shop and the space devoted to sales or manufacturing shall not exceed thirty (30) percent of the total floor area, and further provided that such manufacturing use shall not be noxious or offensive
- ~~Residential uses when located on the second floor or above~~

\*Moved to Permitted Uses\*



# Section 5, District Use Regulations

## (16) C-N Neighborhood Commercial District

### Permitted Uses:

- Agricultural activity
- Any permitted use of the C-O District
- Dressmaking, tailoring, shoe repair, repair of household appliances and bicycles, catering, and bakery with sale of bakery products on the premises and other uses of a similar character
- Mortuary
- Personal service uses, excluding massage parlors, but including barber shop, beauty parlor, photographic or art studio, laundry or dry cleaning receiving station and other uses of a similar character
- Photographic or blueprint service shops
- Private school
- Frozen food locker for individual or family use
- Private club or lodge
- Retail store provided that in connection with which there shall be no slaughter of animals or poultry, nor commercial fish cleaning and processing on the premises.
- Theatre, not including drive-in theatre
- Restaurants and cafeterias, not including drive-in or walk-in carry-out establishments
- Self-service laundry or cleaning establishment
- Shops for custom work, or the manufacture of articles to be sold at retail only, on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building and further provided that such manufacturing use is not noxious or offensive
- Veterinary office or clinic where small animals are treated, cared for or kept within a soundproofed, air conditioned building provided there shall be no odor that shall be perceptible at the boundary of the premises and further provided the noise outside the building shall not exceed that of normal daily traffic measured at the lot line
- Bed and Breakfast
- Residential uses when located on the second floor or above

# Section 5, District Use Regulations

## Conditional Uses:

- Automobile service station
- General service and repair establishments, including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering or appliance repair
- Bar or tavern
- Water tower, mechanical treatment plant or sewage lagoon where not approved under County Subdivision Regulations
- ~~Residential uses when located on the second floor or above~~

\*Moved to Permitted Uses\*



# Section 5, District Use Regulations

## (17) C-G General Commercial District

### Permitted Uses:

- Agricultural activity
- Any permitted use of the C-N District
- Amusement centers and video arcades
- Automobile service station
- Automobile repair shop
- Bar or tavern
- Billboards and signs in compliance with Section 25
- Bowling alley or billiard parlor
- Display and salesroom
- Farm implements, sale and repair
- Farm store or feed store
- Frozen food locker
- Hotel or Motel
- Laboratory, research, experimental or testing, but not testing combustion engines or explosives
- Radio or television broadcasting station or studio
- Reception Facility
- Rental agency
- Seasonal temporary fireworks stand
- Kennel where animals are kept within a soundproofed, air conditioned building provided there shall be no odor that shall be perceptible at the boundary of the premises and further provided the noise outside the building shall not exceed that of normal daily traffic measured at the lot line
- New or used cars, mobile homes, travel trailer, or boat sales or storage lot
- Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and services, upholstering and other general service or repair establishment of similar character. Not more than 10 percent of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment
- Residential uses on the second floor or above

# Section 5, District Use Regulations

## Conditional Uses:

- Transmission facility
- Drive-in or walk-in, carry-out establishment, including restaurant and theatre
- Lumberyard and building materials
- Farm feed store with bulk feed and/or bulk fertilizer storage and mixing facilities
- Bottling works
- Collection point for recyclable material
- Wholesale establishment or warehouse (including self-storage mini-warehouse) in a completely enclosed building
- Truck stop and associated uses
- Railroad spur tracks and truck terminal
- Water tower, mechanical treatment plant or sewage lagoon where not approved under County Subdivision Regulations
- Travel trailer park
- ~~Residential uses when on the second floor or above~~
- Portable concrete plant used for a specific construction project
- Permanent fireworks stand or store

\*Moved to Permitted Uses\*



# Updating for “Cottage” Lots

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# Section 3, District and Boundaries

~~B. District's Minimum Lot Sizes. The following are the minimum lot sizes for the corresponding districts specifically listed below:~~

## ~~Agriculture Districts~~

### ~~A-1 Agriculture:~~

~~The minimum lot size for any parcel within the A-1 zoning district is ten (10) acres.~~

### ~~A-2 Agriculture:~~

~~The minimum lot size for any parcel within the A-2 zoning district is two and one half (2 & ½) acres.~~

## ~~Transition Districts~~

### ~~A-R Agriculture-Residential:~~

~~The minimum lot size for any parcel within the A-R zoning district is one half (½) acre.~~

## ~~Residential Districts~~

### ~~R-S Single-Family Residential:~~

~~The minimum lot size for any parcel within the R-S zoning district is seven thousand (7,000) square feet.~~

### ~~R-D Two-Family Residential:~~

~~The minimum lot size for any parcel within the R-D zoning is seven thousand (7,000) square feet. The minimum lot size for a duplex is ten thousand (10,000) square feet.~~

### ~~R-M Moderate Density Residential:~~

~~The minimum lot size for any parcel within the R-M zoning district is seven thousand (7,000) square feet. The minimum lot size for a duplex is ten thousand (10,000) square feet. The minimum lot size for a multiple family dwelling is two thousand five hundred (2,500) square feet per dwelling unit.~~

\*Redundant language. Staff recommends striking entire Section 3, B. The same regulations are stated in tabular format in Section 11: Area Regulations\*

# Section 3, District Boundaries

## B. ~~C.~~ District Boundaries

- (1) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map." The district map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were fully set forth or described herein, the original of which district map is properly attested and is on file with the County Clerk of Boone County, Missouri.
- (2) Whenever any street, alley or other public way is vacated by official action of the County Commission, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

\*Only change being made is to move this from Section 3 C. to 3 B.\*

# Section 10: Yard Requirements

The following minimum yards for non-farm uses, measured in feet, shall be provided within the districts indicated below:

<u>District</u>	<u>Front</u>	<u>Rear</u>	<u>Side Minimum</u>
A-1, A-2	50	50	15
<b>A-R</b>	<b>25</b>	<b>20</b>	<del>6</del> <b>5</b>
<del>A-R</del> , R-S, R-D, R-M	<b>25</b>	<b>20</b>	<del>6</del> <b>5</b>
REC	10	20	6
C-O, C-N, C-G, C-GP	10	20	6
M-L, M-G, M-LP	25	25	6

# Section 11: Area Regulations

- A. Minimum Lot Areas. The following minimum lot areas must be provided in the districts indicated:

## Lot area per family in sq. ft.

<u>District</u>	<u>Sq. Feet</u>	<u>Single Family Dwelling</u>	<u>Two Family Dwelling</u>	<u>Multiple Dwelling</u>
A-1	10 acres*	10 acres*	N.A.	N.A.
A-2	2 1/2 acres*	2 1/2 acres*	N.A.	N.A.
A-R	1/2 acre*	1/2 acre*	N.A.	N.A.
R-S	4,000	4,000	2,500	N.A.
R-D	4,000	4,000	2,500	N.A.
R-M	7,000	7,000	5,000	2,500

\* or as specified in Section 3 and Section 5 (1/2 acre = 21,780 sq. ft.) There are no minimum area requirements in the Recreation, Commercial, and Industrial Districts.

Table A: Required Subdivision Design and Improvement Standards

	GREATER THAN 10	GREATER THAN 2.5	LESS THAN 2.49 TO 0.5	LESS THAN 0.49-7,000'	LESS THAN 6,999' TO 4000'	MULTI-USE DEV
<b>RIGHT OF WAY</b>						
ALONG EXISTING CO. RD	YES	YES	YES	YES		YES
LOCAL STREETS	-	50'	50'	50'		50'-66'
ALLEY WIDTH	-	-	-	24'		24'
UTILITY EASEMENTS ALONG ROADS*	20'	20'	20'	20'		20'
MAX BLOCK LENGTH	-	1320'	1320'	1320'		1320'
MIN BLOCK LENGTH	-	200'	200'	200'		440'
MAX CULDESAC LENGTH	-	1000'	1000'	1000'		1000'
MIN CULDESAC RADIUS	-	47'	47'	47'		47'
<b>IMPROVEMENTS</b>						
PAVEMENT WIDTH	-	24'	28'	32'		32'-38'
MAX GRADE	-	4	-	-		-
MIN GRADE	-	10%	10%	10%		10%-6%
MIN SIGHT DISTANCE	-	1%	1%	1%		1%
WATER SYSTEM	-	YES	YES	YES		YES
FIRE HYDRANT	NO	YES	YES	YES		YES
CURB & GUTTER	NO	NO	NO	YES		YES
PAVING REQUIRED	NO	*4	YES	YES		YES
SIDEWALKS	NO	NO	NO	YES		YES
CENTRAL SEWERS	NO	*5	YES	YES		YES
MIN LOT WIDTH AT BUILDING LINE	150'	150'	150'	60'	40'	60'
MIN LOT DEPTH	250'	250'	125'	100'	60'	100'
MAX LOT DEPTH	-	3 x WIDTH	3 x WIDTH	3 x WIDTH	N/A	3 x WIDTH
TIER LOTS	NO	*6	*6	*6	*6	*6

\*Utility easements along roads are in the  
regs as 10' but will not pass utilities approval

4) As required per Section 2.1 of 2 Appen

5) As required per Section 3.2 Appendix E

6) See Section 1.8.1 of Appendix B.

Index B.

B.

# “Cottage” Lot Standards

- These updates **DO NOT** include:
  - Lots less than 4000 ft<sup>2</sup>
  - Single family attached with 0 lot lines (townhomes)
  - Tiny homes unless allowed by the adopted Building Code
  - Homes on wheels

\*Single family attached and lots less than 4000ft<sup>2</sup> would still be possible under a planned rezoning request\*

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# Example: “Cottage” Lots





# Updating Subdivision Plat Vacation Procedures

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# Chapter 1, Subdivision Regulations

**1.8 *Replatting and Plat Restrictions*** - All plats and replats of subdivisions shall be subject to the following requirements and restrictions.

**1.8.1 *Plat Vacation*** - Recorded subdivision plats may be vacated in whole or part only under the following circumstances and conditions:

**1.8.1.1 *Vacation of Entire Undeveloped Subdivision Plats*** - A recorded subdivision may be vacated in its entirety without approval of the Commission or the County commission so long as:

- All real estate contained within the subdivision to be vacated is owned by the party or parties seeking vacation.

and

- No buildings, structures, utilities or other improvements have been constructed, erected or otherwise installed or placed upon property contained within the subdivision to be vacated.

1. See *Replat* in Definitions Section 1.4

\*The language shown in black is the same as the existing regulations, with a different formatting for clarity. There are no proposed changes on this slide or the next slide.\*

# Chapter 1, Subdivision Regulations

## 1.8.1.2 *Subdivision Plats with Vacation Procedures* -

A plat may be vacated in whole or part without approval of the Commission or County Commission if a Vacation Covenant has been placed on the face of the recorded subdivision plat and

- The recorded subdivision covenant is applicable to and binding upon all property within the subdivision.
  - The vacation covenant establishes a method or procedure to permit or authorize subdivision lot or plat vacation.
  - The established vacation method or procedure has been used as shown of record.
-

# Chapter 1, Subdivision Regulations

**1.8.1.3 Subdivision Plats Without Vacation Procedures** - Except as otherwise provided in section 1.8.1 or 1.8.2, no subdivision plat may be vacated in whole or part unless the owner of the land for which vacation is sought petitions the ~~County Commission~~ **Director** for the vacation ~~in writing~~ **on forms provided by the Director**. All applications for plat vacations must be submitted concurrent to the submission of the replat and after a formal concept review on the project.

**1.8.1.3.1 Administrative Approval.** The Director may approve the vacation, after consideration of the application and proposed replat, upon finding that:

- The area being vacated does not include any public right of way,
- Any publicly dedicated easements shall be replaced or relocated by the corresponding replat,
- The proposed vacation and replat does not adversely affect access, drainage, or utility service to any other lot or tract,
- Proposed vacation and replat complies with the subdivision regulations.

# Chapter 1, Subdivision Regulations

**1.8.1.3.2 County Commission Approval.** The Director shall refer all vacation requests that do not meet the criteria listed in section 1.8.1.3.1 for administrative approval to the County Commission to hold a public hearing on the request. The County Commission may approve the vacation request after consideration of the following criteria:

- the character of the neighborhood
- traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision
- property values within the subdivision
- public utility facilities and services
- the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate

**1.8.1.3.3 Effective.** Any plat vacation approved by the Director or County Commission shall not take effect until the corresponding replat has been reviewed and approved by the procedures designated by these regulations and recorded in the land records by the Recorder of Deeds.

# Chapter 1, Subdivision Regulations

## 1.8.2 ***Replatted Subdivisions*** -

1.8.2.1 ***Replatted Subdivision, Vacation Required***- Prior to replatting a recorded final plat or multiple use plat or any portion thereof, it must first be vacated in accordance with Section 1.8.1.

1.8.2.2 ***Replat Approval*** - A replat of a recorded final plat or multiple use plat may be approved by the County Commission only if it is part of a duly approved planned development or if the land to be replatted has had all preexisting plats applicable to it vacated and if the County Commission finds after public hearing that replat will not adversely affect:

See *Replat* in Definitions Section 1.4

See *Planned Development* in Definitions Section 1.4

\*The language shown in black is the same as the existing regulations, with a different formatting for clarity. There are no proposed changes on this slide or the next slide.\*

# Chapter 1, Subdivision Regulations

- the character of the neighborhood
- traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision
- property values within the subdivision
- public utility facilities and services
- the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

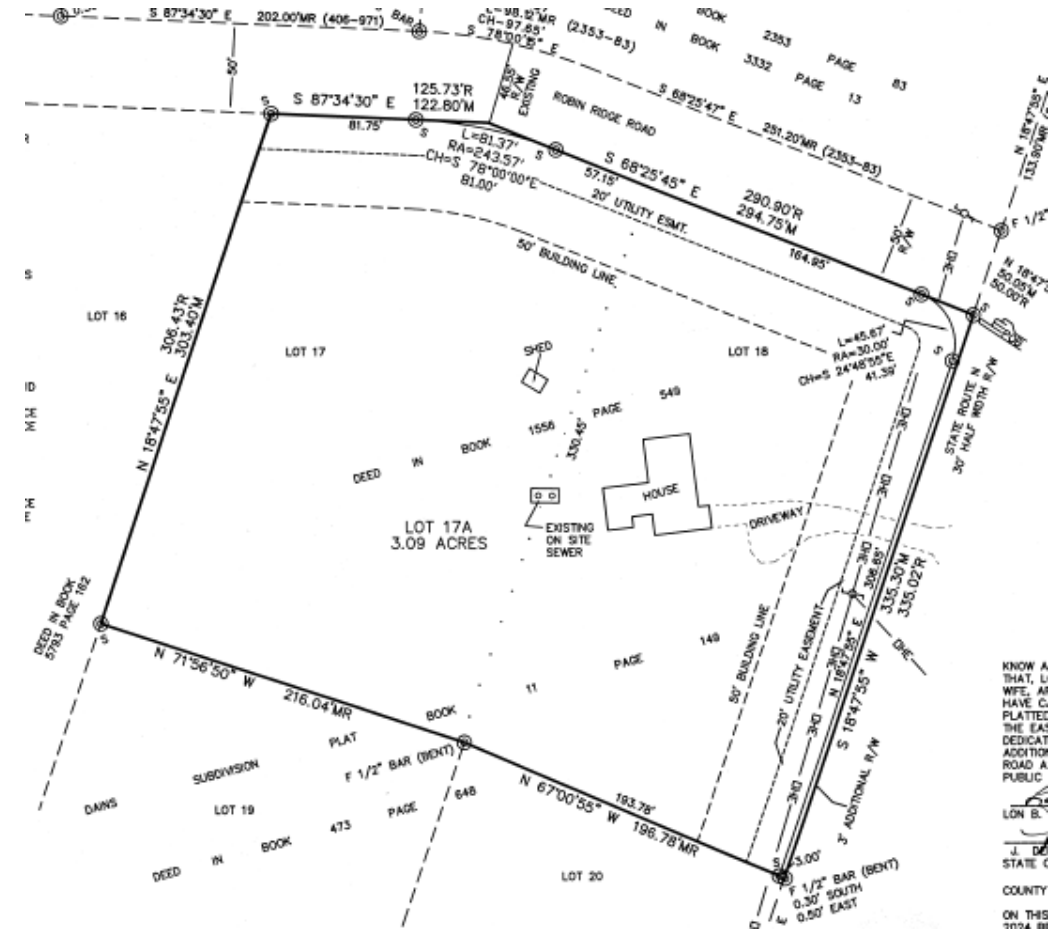
1.8.2.2.1 **Replatting Requirements, Minor Plat** - The requirements and process for replatted minor subdivisions shall be the same as for a minor subdivision unless the Director for good cause requires submission of a preliminary replat of the subdivision prior to preparation of a final replat.

1.8.2.2.2 **Replatting Requirements, Major Plat and Multiple Use Plat**

A replat of lots contained within a major subdivision or multiple use subdivision shall not change the nature of the original subdivision, or the lots to be replatted, to any other type of subdivision plat. The requirements and process for replatted major subdivisions shall be the same as for a major subdivision. The requirements and process for replatted multiple use subdivisions shall be the same as for a multiple use subdivision.

# Example: Plat Vacation – Jay Dains Subdivision Plat 2A

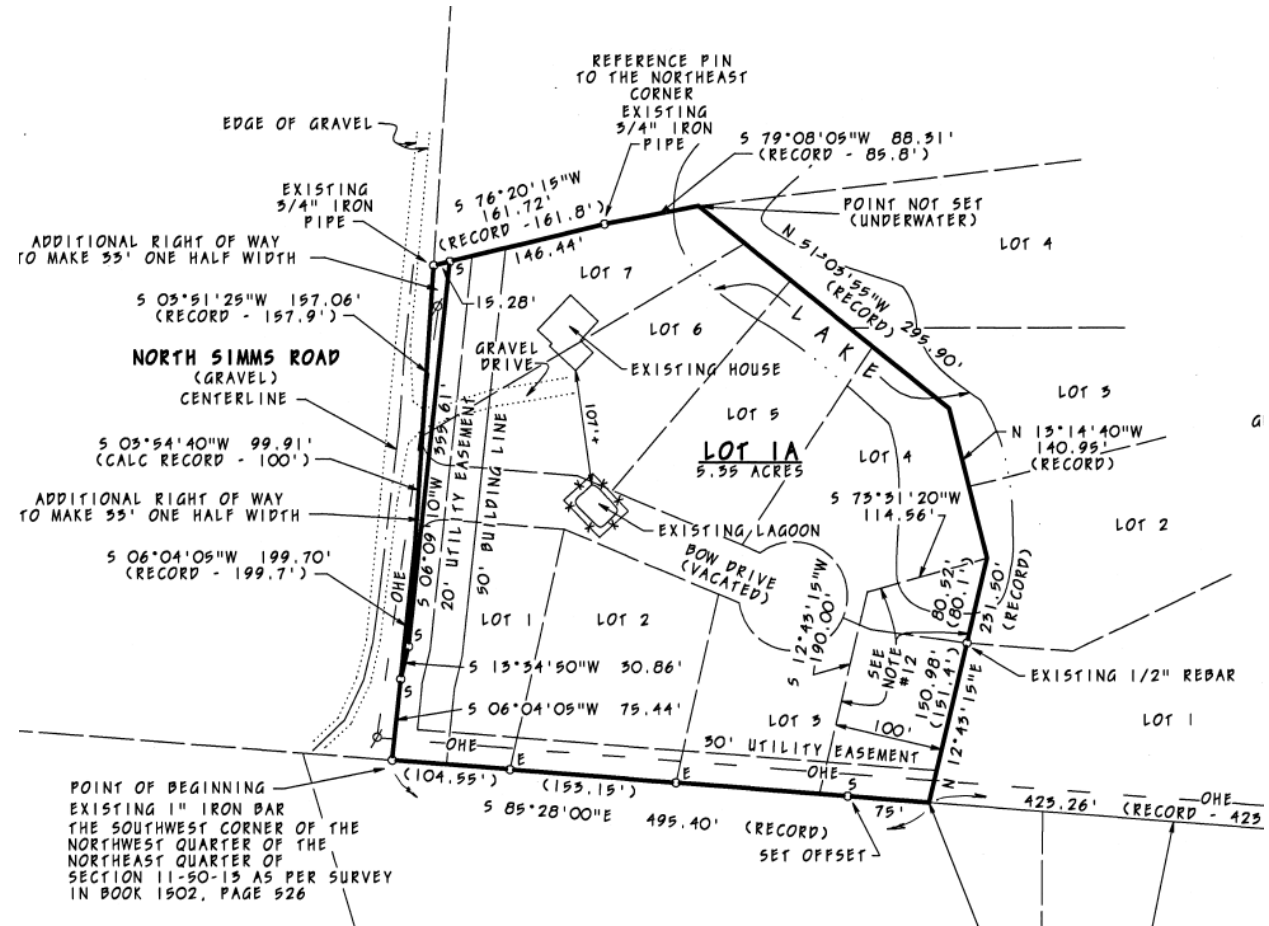
- Originally platted in 1975 as lots 17 and 18 of Jay Dains Subdivision.
- Property owners owned the house on one lot and wastewater system on the other.
- Needed to repair the onsite wastewater system that served the home.
- Had to seek plat vacation from County Commission before replating and getting a permit to fix their onsite system.
- Example of a plat vacation that **WOULD** be handled administratively.





## Example: Plat Vacation – Trevor & Amber's Ranch

- Originally platted as Lakelure Development in 1970.
- Property owner had lots 1 thru 7, plus the right of way for the unconstructed Bow Drive.
- A house crossed lot lines and the lagoon sat within the right of way of Bow Drive.
- Due to the presence of right of way, this is an example that would require a **PUBLIC HEARING** and decision from the County Commission instead of administratively granting the plat vacation.



# Administrative Allowances for Subdivision Plats

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# Chapter 1, Subdivision Regulations

**1.5.2 *Compliance with Other Applicable Regulations*** - No final plat shall be reviewed or approved by the Director, Commission or County Commission unless such plat is consistent with the Boone County Master Plan, and complies with the Zoning Regulations and other rules and regulations adopted by Boone County which may apply to the land subdivided or the use thereof, **except for the administrative allowance described by these regulations.**

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# Chapter 1, Subdivision Regulations

**1.9.1 *Interpretation*** - These regulations shall be construed as minimum requirements for the promotion of the public health, safety and welfare and shall be liberally and broadly construed and applied to the greatest extent permitted by law in order to promote and protect the public health, safety and welfare. These regulations are not intended to conflict with, abrogate or annul any other rule, law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other regulations, rule or law, the provision which is more restrictive or imposes a higher standard shall control. These regulations including appendixes and tables are intended to be construed and interpreted harmoniously and consistently with each other and with all other applicable rules, laws and regulations. If any part or provision of these regulations is declared invalid or unconstitutional then the remainder of these regulations shall not be declared invalid or unconstitutional but shall remain in full force and effect to the greatest extent permitted by law.

\*No changes to this language. Added for continuity.\*

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# Chapter 1, Subdivision Regulations

**1.9.2 Board of Adjustment Variances** - The Boone County Board of Adjustment organized and existing under the zoning regulations of Boone County, Missouri as now and hereafter in effect shall have the jurisdiction to and be charged with the duty of hearing and deciding applications for variances from the strict application of the provisions of any provision of Appendix A or B of these regulations. The Board may grant a variance only if it finds after public hearing and upon competent and substantial evidence that the applicant meets the criteria for grant of a variance required by these regulations. No variance from any requirement contained within Appendix A or B of these regulations shall be granted unless the board finds:

- (A) The applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations.
- (B) Grant of a variance will not endanger the health, safety or welfare of the public, and
- (C) Grant of a variance will not hinder, thwart or circumvent the general intent or any specific purpose of these regulations.

All applications for variance shall be filed with the Director and after review thereof the Director shall make a recommendation to the Board to grant or deny the application and state the reasons for his recommendation. Either the applicant or the Director may appeal or seek judicial review of any decision of the Board as may be provided by law.

\*Only formatting changes for clarity. No changes to the language\*

# Chapter 1, Subdivision Regulations

**1.9.2.1 *Administrative Allowance, Setback.*** The Director may grant an allowance where an existing structure is or will be located in the front setback after the property is subdivided. In allowing the Administrative Allowance the Director must be able to make the following findings:

- The structure(s) has been legally constructed,
  - The structure(s) shall be a minimum of 25 feet to the new right-of-way created in conjunction with the plat or administrative survey,
  - Structures must not encroach into existing or proposed utility easements,
  - There shall be no impact on current or future utility service, including easements as requested by the utility providers,
  - The allowance does not adversely affect access, drainage, or utility service to any other lot or tract.
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# Chapter 1, Subdivision Regulations

Any structure that is proposed by the subdivider to receive an Administrative Allowance for a setback shall clearly be labeled on the proposed subdivision plat. The land surveyor shall identify each structure with a corresponding letter or number on the plat, and shall meet the following conditions:

- Add the following note to the plat: “These structures encroach into the required front setback and are allowed to remain in said setback provided the structure is not damaged by any means equal to more than seventy-five (75) percent of the actual value of the building immediately prior to the damage.”
- Add the following note to the plat: “Structures damaged, by any cause, to the extent of more than seventy-five (75) percent of the actual value of the building immediately prior to the damage shall be removed. Any reconstruction shall be in a location that is compliant with the required setback, rendering the Administrative Allowance void.”
- Conditions on approval of administrative allowances for existing structures within the minimum yard requirements can be placed upon approval, at the Director’s sole discretion.
- The graphic component of the plat shall show the:
  - existing structures and distance to the front property line and dimension of the encroachment into the front setback,
  - the dedicated right of way,
  - the required front setback.

# Stormwater Updates

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# Section 28.7 Illicit Discharge Detention and Elimination

## 28.7.2 Prohibitions

(3) Waste disposal prohibitions: It shall be unlawful for any person to place, deposit or dump or to cause or allow the placing, depositing or dumping any refuse, rubbish, yard waste, paper litter, **human waste or litter from encampment activities or other gatherings in close proximity to any waterway**, or other discarded or abandoned objects, articles and accumulations containing pollutants into the municipal separate storm sewer system or into any waterway.

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# Public Hearing Schedule

Tuesday, February 10<sup>th</sup> at Centralia Council Chambers, 6:30pm

Thursday, February 19<sup>th</sup> at County Commission Chambers, 7:00pm

Tuesday, February 24<sup>th</sup> at Southern Boone Schools Central Office, 6:30pm

**Please send written comments to [RMPlanning@boonemo.gov](mailto:RMPlanning@boonemo.gov) by Tuesday, February 24<sup>th</sup> 11:59pm.**

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# Thank You

Written comments to: [RMPlanning@boonemo.gov](mailto:RMPlanning@boonemo.gov)

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