

# Establishing minimum lot sizes in our zoning code

A **Base Zoning District** establishes regulations governing land use and site development in a specific geographic area. Regulations may include:

- A minimum lot size
- A minimum lot width
- Maximum impervious coverage
- Maximum height allowances
- Required setbacks

In my opinion, regulating lot size through your zoning code vs your subdivision code really isn't a matter a benefits, so much as it is simply a matter of following state law.

Chapter 211 of the Local Government Code (LGC) authorizes Cities to apply zoning regulations. This is the statute that gives the City of Woodcreek the legal authority to have its own Chapter 156 (Zoning Code). Section 211.003 of the LGC specifically states that cities may regulate population density through zoning. What does population density have to do with lot size? Well, a lot is part of the population density equation. If the goal is to have a single-family zoning district (one dwelling per lot) that allows no more than 4 dwellings per acre; this means that minimum lot size should be no less than 10,980 sf.

Chapter 212 of the LGC authorizes municipalities to regulate subdivisions of land. This is the statute that gives the City of Woodcreek the legal authority to have its Chapter 155 (Subdivision Code). Unlike Chapter 211, Chapter 212 does not specifically authorize cities to regulate lot size through subdivision platting. In fact, it specifically prohibits cities from regulating the number of dwelling units within its ETJ. Section 212.003(a)(4) states: ...in its extraterritorial jurisdiction a municipality shall not regulate..... the number of residential units that can be built per acre of land.

So in summary, the Local Government code provides the following rules: 1) regulation of lot size through zoning (City limits only) is legal; 2) regulation of lot size through a subdivision code only, is not specified; and 3) regulation of lot size in the ETJ is illegal.

Currently, Woodcreek does not regulate lot size through its zoning code. It regulates lot size through its subdivision code only. Additionally, the lot size regulations in the subdivision code do not specify that they only apply to land within the city limits. So in my opinion, the City is not following these 3 rules and is risking being challenged when it applies the current lot size requirements.

Brandon Melland, AICP, CNU-A Senior Planner K Friese & Associates

# From the Comprehensive Plan

## *Land Use*

The City of Woodcreek is a collection of residential neighborhoods forming one large subdivision. There is no town center or central district. There is one small retail area within the City Limits at the north entrance to Brookmeadow.

Woodcreek boasts a diversity in housing choices with high-density options like apartments, duplexes, town homes, condominiums, and a pending fourplex planned development district to a wide variety of low-density single-family options with a significant range in lot sizes from 6,500 square feet to multiple acres. Most of these housing options being that of single-family residential lots with an average size of around or just above a quarter of an acre.

## DWELLING PREFERENCES



Shows Preference for Conventional 1/3 Acre Lots

## HOW MUCH AD VALOREM REVENUE DOES EACH DEVELOPMENT TYPE GENERATE PER ACRE?

Amounts represent revenue for the City of Woodcreek only.  
Amounts in italics represent estimates.

### CONV. LOT (1/3-ACRE)



Ad Valorem/Acre: **\$2,643**

14,520 sq ft      per lot \$881.

### COTTAGE (1/5-ACRE)



Ad Valorem/Acre: **\$2,703**

8,712 sq ft      per lot \$ 540.

The five aspects of Woodcreek that participants valued most were (in order):

- natural beauty
- peace and quiet
- location
- safety
- rural setting.

- Maintaining Woodcreek's character was in the top four pressing issues and was mentioned in open comments as something residents supported.
  - When considering why residents chose Woodcreek to live, it becomes apparent that the quiet, peaceful, and rural setting are large factors in their decision.
  - This general concept was a common thread running through most responses.
  - Aside from road improvements, if there was one thing that united respondents it would be the desire to protect Woodcreek's charm as a residential community with significant natural features.
  - Respondents were against growth and commercial development.

Excluding those lots in the Brookmeadow Overlay (outlined in pale blue) the red dots show the SF1 properties that are large enough to be divided into smaller lots under our current standards. Our current zoning code allows for lots as small as 8,334 sq ft.





# After the Land Use Workshop the Ordinance Review Committee took up this issue

ORDINANCE REVIEW COMMITTEE  
September 06, 2022; 2:30 PM  
Woodcreek, Texas

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## MINUTES

### 5. **Discuss and Take Appropriate Action on Minimum Lot Sizes under Zoning.**

Council Member Liaison Debra Hines explained the Minimum Lot Sizes document as an existing guideline, but expressed the need to define the minimum lot sizes within the City as that does not currently exist within Woodcreek City Code, as recommended by K.Friese.

Discussion on increasing the minimum lot size for all zoning districts within the City of Woodcreek to 14,520s.f. (1/3 acre) which also encompasses the minimum lot size of 12,000s.f. for water and sewer connection.

Motion was made by Vice-Chair Hector to recommend sending this item to the Planning and Zoning Committee then to City Council. The motion was seconded by Chairperson Davenport.

A roll call vote was held.

Voting Yea: Chairperson Davenport, Vice-Chair Hector, Member Passalacqua, Member Duncan

The motion carried with a 4-0-0 vote.

# After the Ordinance Review Committee, P&Z considered this issue

PLANNING AND ZONING MEETING  
October 05, 2022; 5:00 PM  
Woodcreek, Texas

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## MINUTES

### 3. **Discuss and Take Possible Action on Making Recommendation to City Council to Establish Minimum Lot Size Requirements in the City of Woodcreek Code of Ordinances.**

Discussion was held on the available options for addressing this agenda item. Council Liaison Hines stated: (1) the item can be tabled; (2) the item can be sent to City Council to have K.Friese review; OR (3) the items can be sent to City Council with a declination to address.

Motion was made by Commissioner Robertson to support the recommendation of the Ordinance Review Committee of increasing minimum lot size for all zoning districts to 14,520s.f., which encompasses the minimum lot size of 12,000s.f. for water and sewer connection and send this agenda item to City Council for review and approval. Motion was seconded by Chairperson Davenport.

A roll call vote was held.

Voting Yea: Commissioner Robertson, Chairperson Davenport, Vice-Chair Johns

Motion carried with a 3-0-0 vote.

# The following documents are from the P&Z packet

**PLANNING AND ZONING MEETING**  
**October 05, 2022; 5:00 PM**  
**Woodcreek, Texas**

Item 3.

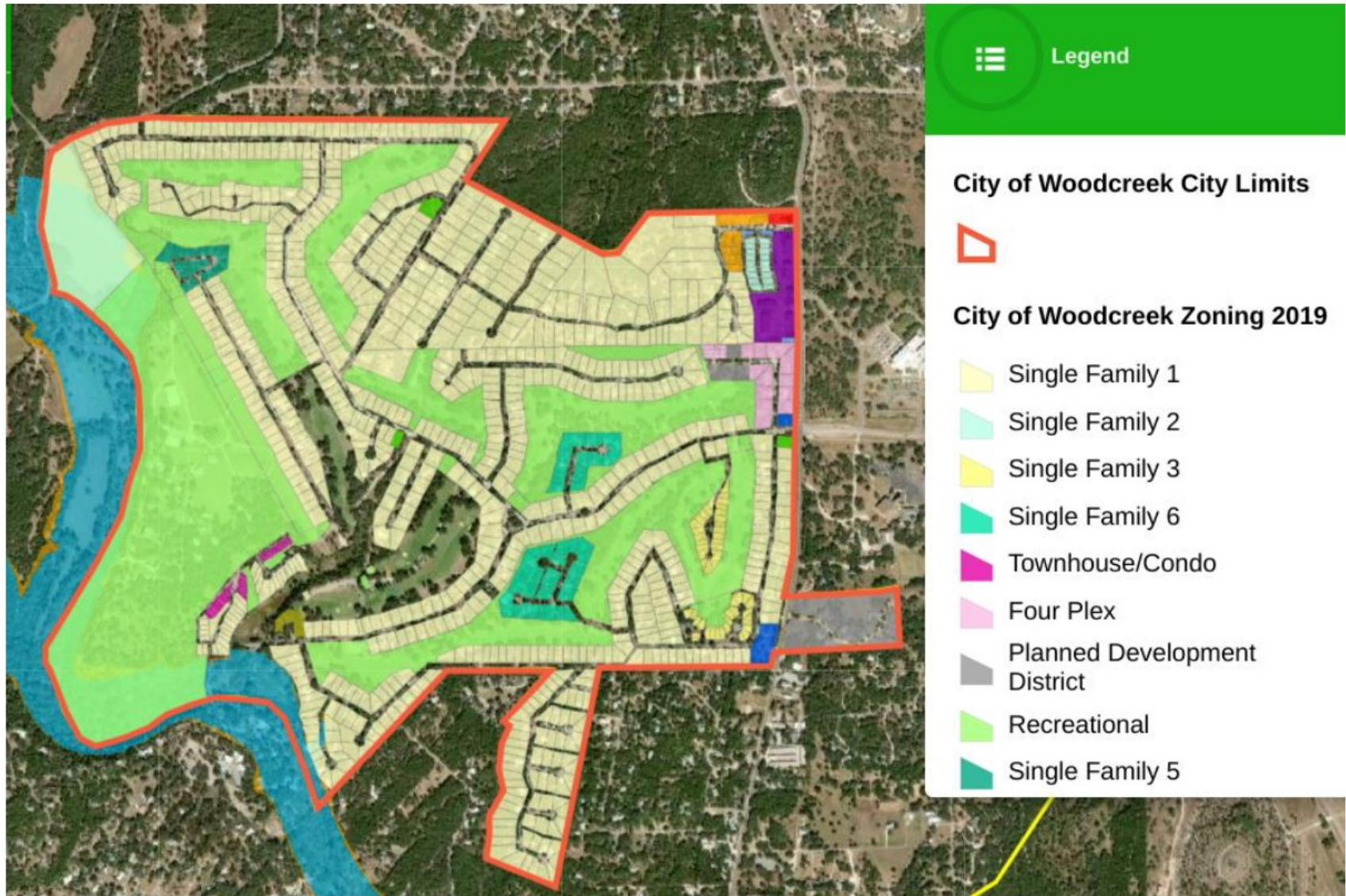
**Establishing Minimum Lot Sizes in Zoning**

Currently, we have standards on the minimum requirements for the size of a residential structure, garage space, parking, and maximum impervious coverage, but we lack minimum lot size designations in our Residential Zoning. Right now, to determine the minimum lot size allowed for each zoning SF1-6 you have to calculate it using the minimum build and impervious coverage requirements.

K.Friese first brought this irregularity to Councilmember Hines’ attention in fall of 2021. City zoning regulations typically designated a minimum lot size for residential zoning purposes.

NOTE: Council has set a minimum lot size for future subdivision of single-family residential lots (SF1-6) to 12,000 sq ft to connect with wastewater services. However, the City STILL needs to address variance requests and to bring code into alignment with best practice for City code by setting minimum lot sizes.

	<u>Minimum Build</u>	<u>Garage</u>	<u>Parking</u>	<u>Impervious Coverage 30%</u>	<u>TOTAL MINIMUM LOT SIZE</u>
SF1	1500	400	600	2500	8334
SF2	1000	400	600	2000	6667
SF3	1000	400	600	2000	6667
SF4	900	0	600	1500	5000
SF5	1000	200	600	1800	6000
SF6	1000	400	600	2000	6667
TH/C	1000	400	600	2000	6667
DU-1	2000	400	1200	3600	12,000
4-PLX	3200	800	2400	6,400	21,334
				all numbers in square feet	



**RECOMMENDATIONS FROM ORDINANCE REVIEW**

<b>ZONING TYPE</b>	<b>CURRENT MINIMUM USING CALCULATION OF MINIMUM BUILD + IMPERVIOUS COVERAGE</b>	<b>PROPOSED MINIMUM LOT SIZE</b>
SF-1	8334	14,520
SF-2	6667	14,020
SF-3	6667	14,020
SF-4	5000	12,000
SF-5	6000	12,000
SF-6	6667	12,000
TH/C	6667	12,000
DU-1	12,000	14,520
4-PLX	21,334	21,780

¼ of an acre is 10,890 square feet

1/3 of an acre is 14,420 square feet