

Date: April 6, 2025
To: Planning and Zoning Commission Members
From: Tim Teddy, Community Development Director
Re: Definition of “Family”

INTRODUCTION

The purpose of this report is to respond to the recommendation in the *Boone County and the City of Columbia Housing Study* (October 2024) that Boone County jurisdictions, including Columbia, eliminate preemptive zoning restrictions on numbers of unrelated individuals who may occupy a single dwelling unit. As stated in the Recommendations section, page 177 of the report:

Abolish zoning restrictions that cap the maximum number of unrelated individuals who are allowed to live together. These regulations related to the number of unrelated individuals are typically attempting to regulate potential externalities, like excessive noise and parking. Instead of regulating the number of unrelated individuals, these potential externalities should be regulated directly, through noise ordinances, parking standards, and other regulations.¹

The problem with capping the number of unrelated persons that may live together as a single household is that it might leave excess capacity in the dwelling unit (for example, a four-bedroom, two and one-half bath dwelling could only house three unrelated persons if zoned R-1 District). There are also concerns that caps restrict alternative family structures and cohabitation arrangements, for example, the sharing of housing by two couples, or a couple and an unrelated person, together with their children or other dependents.

CITY OF COLUMBIA CURRENT DEFINITION OF FAMILY (ZONING):

The City of Columbia has a multiple-part definition of “family” in the Unified Development Code to define how many persons are eligible to reside in a dwelling unit, which includes a freestanding detached house, duplex and townhouse units, and individual apartments in a multiple-family dwelling. The definition, which has been amended a number of times, currently reads as follows:

¹ Boone County and the City of Columbia Housing Study, prepared by Dr. David Boston, Amarach Planning Services, LLC for the Boone County Community Services Department, October 2024, page 177. The elimination of the cap on unrelated persons living together is one of several “Other zoning code and plan revisions” contained in section 1.5.

Family.

(1) An individual, married couple, or registered domestic partnership and the children thereof, including foster children placed in the household by a public agency, and no more than two (2) other persons related directly to the individual, married couple or registered domestic partnership by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage; or

(2)

a. In zoning districts R-1 and PD (when the PD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis; or the use of a dwelling unit by four (4) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.

b. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

The definition has been used to determine when a dwelling unit has excessive occupancy, which is not necessarily the same as overcrowding. “Overoccupancy” is one or more persons in excess of “family,” whereas “overcrowding” occurs when the combination of bedrooms, fixtures and habitable floor space is insufficient for the number of persons occupying a dwelling unit.

LEGISLATIVE HISTORY – CITY OF COLUMBIA ZONING DEFINITIONS

Columbia’s definition of “family” has been revised from time to time. Below is a summary of the definitions as they have appeared in selected historical Columbia zoning ordinances. Years are not necessarily the date of a change in the definition.


1935

The original Columbia zoning ordinance (appended to the 1935 City Plan) stated simply that a “family” was “**Any number of individuals** living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.” The key phrase was single housekeeping unit. Subsequent Councils found it necessary to add numbers to the definition.

1963

The 1963 ordinance definition permitted “groups of **not more than five (excluding servants)**” to live together “by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis” as an alternative to “one or more persons related by blood or marriage.”

Building & Site • CATSO • Planning

 573.874.7474 Service Counter
573.874.7239 Administrative Offices

 701 E. Broadway, P.O. Box 6015
Columbia, Missouri 65205

 CoMo.gov
CoMo.gov/community-development

Our vision: Columbia is the best place for everyone to live, work, learn and play.

1974

The 1974 ordinance [as amended in 1972] defined family as an individual or married couple and their children plus no more than two other persons related directly to the individual or married couple, and one additional unrelated person who may be provided sleeping accommodations but not kitchen facilities. As an alternative, a “family” could be a group of **four persons not related by blood or marriage** living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a non-profit cost-sharing basis.

1983

The 1983 definition continued the 1974 definition: “Family” meant an individual or married couple and their children [no limit on number of children] and no more than two additional relatives [any two relatives among aunts, uncles, grandparents, in-laws, etc] plus one unrelated person as long as they were provided with sleeping accommodations but not [their own] kitchen facilities; OR a group of **four persons not related by blood or marriage** living as a single housekeeping unit.

1991

In 1991, the City Council approved an amendment that changed the number of unrelated adults that could live in a single dwelling unit and remain the equivalent of a family. The definition differentiated multi-family units from single-family units for the first time. The amendment resulted in a double standard; **four unrelated adults could continue living as a “family” in multiple-family and two-family zoned districts** whereas **in R-1 Single-family the maximum number of unrelated adults was lowered to three.**

Ca. 2007 [verify date] the City Council amended the definition to remove the reference to “single kitchen facilities.” The Home Builders Association, observing that a number of new houses had second kitchens, requested the amendment to avoid disqualification of such houses as “single-family homes.”

More recently, Council amended the definition to add “**registered domestic partnership**” to individual and married couple to make clear that two adults living together with children need not be married to be considered a family.

OTHER DEFINITIONS OF FAMILY, A SAMPLER

Family. An individual or group of individuals occupying a dwelling unit as a single housekeeping unit, or a group of Persons whose right to live in a single dwelling unit is protected by the federal Fair Housing Act Amendments of 1988.²

- Arbor, MI

² This is a simple, clean definition that maximizes the possibilities for alternative family structures and cohabitation arrangements. The City of Columbia refers to the protections of the Fair Housing Act in its definition of Group Home (which allows cohabitation of up to eight persons living as a single housekeeping unit).

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

- **Boone County, MO**

Family: The following living arrangements shall constitute a family for the purposes of this article:

- (a) One or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
- (b) Three or less unrelated persons living as a single housekeeping unit; or
- (c) Two unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

- **Springfield, MO**

Family: One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of unrelated persons of not more than eight (excluding live-in domestic assistance such as housekeeping, hospice care, etc.) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

- **St. Joseph, MO**

Family shall mean two or more persons related by blood or marriage, including not more than two lodgers or boarders, living together and occupying a single housekeeping unit with common kitchen facilities, or a group of not more than four persons (excluding servants), who need not be related by blood or marriage living together by joint agreement and occupying a single housekeeping unit with common kitchen facilities.

- **Lee’s Summit, MO**

One (1) or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with single kitchen facilities or a group of persons living together and occupying a single housekeeping unit with single kitchen facilities, of which group no person shall be unrelated to more than two (2) persons in the group or any group of people related by blood, marriage or adoption and one (1) other unrelated person.

- **City of St. Charles, MO**

FAMILY. The following living arrangements shall constitute a family for the purposes of this chapter:

- (a) (One or more persons related by blood, marriage, legal adoption or custodial relationship living as a single housekeeping unit; or,
- (b) Not more than three unrelated persons, all of whom live together in a dwelling unit; or,
- (c) Two unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

- **Independence, MO**

Family means:

- (1) One or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit, plus up to two domestic servants;
- (2) Three or fewer unrelated persons, including any domestic servants, living as a single housekeeping unit; or
- (3) Two unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, plus up to two domestic servants, living as a single housekeeping unit.

The term "family" shall not be construed to mean a fraternity, sorority, club or institutional group.

- **Cape Girardeau, MO**

Family shall mean a person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, hotel, fraternity, or sorority house, provided, however, that for the purposes of definition, "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption. "Family" shall include members of the service dependent population living in community living facilities and recovery homes as herein defined.

- **Champaign, IL**

(80) Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (a) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship;
- (b) Three unrelated people;
- (c) Two unrelated people and any children related to either of them;
- (d) Not more than eight people who are:
 - (i) Residents of a “Family Home” as defined in Section 414.22 of the Iowa code and this ordinance; or
 - (ii) “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
- (e) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a “functional family”) pursuant to Section 29.1503(4)(d) of this ordinance.
 - (i) Exceptions - The definition of a “Family” does not include:
 - (a) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
 - (b) Any group of individuals whose association is temporary or seasonal in nature; and
 - (c) Any group of individuals who are in a group living arrangement as a result of criminal offenses.

- Ames, IA

Family.

- (a) A family is one of the following:
 - (1) An individual; or
 - (2) Two (2) or more people related by blood, marriage, domestic partnership, or legal adoption, living together as a single household in a dwelling unit, including foster children; up to four (4) roomers, and their dependents; or
 - (3) Up to five (5) unrelated adults and the dependents of each, living together as a single household in a dwelling unit; or
 - (4) Up to six (6) unrelated people who have disabilities under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), who are living as a single household because of their disability and requiring assistance from a caregiver.
- (b) Up to two (2) personal attendants who provide assistance or support to people with disabilities under the FHAA or ADA shall be considered part of a family. Such services may include support and assistance with activities, daily living or independence, including but not limited to, personal care, housekeeping, meal preparation, laundry and companionship.

- Madison, WI

Family (zoning). In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five (5) person unit must be placed within a freestanding structure of not more than two (2) stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one (1) or more five (5) unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups.³

- Fayetteville, AK

CONCLUSION

Of the definitions cited above, the Ann Arbor definition is probably the most consistent with the spirit of the Housing Study consultant's recommendation. It essentially defines a single-family as an individual or group living as a "single housekeeping unit" without setting arbitrary limits on the number or familial relationships of the occupants. Presumably the question of "how many is too many?" occupants is answered by the property maintenance code.

If Columbia wants to take a more gradual approach to the problem, it should at least make the definition of family uniform across zoning districts.

SUGGESTED READING (ATTACHED)

Brian J. Connolly and David A Brewster, "Modern Family: Zoning and the Non-Nuclear Living Arrangement," American Planning Association *Zoning Practice* Issue 5 May 2020.

Kate Redburn, "Why Are Zoning Laws Defining What Constitutes a Family?" *Bloomberg CityLab*, June 17, 2019.

³ This is cumbersome language, to say the least. Included here to show the complexity of defining family and redefining it in alternative zoning classifications.