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4 **SECTION**

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7
8 **GENERAL PROVISIONS**

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11 Sections:

- 12
13 1-1 Title and Scope
14 1-2 Authority
15 1-3 Purpose
16 1-4 Applicability
17 1-5 Powers of the Planning and Zoning Commission
18 1-6 Administration
19 1-7 Rules of Interpretation
20 1-8 Activities Governed by These Regulations
21 1-9 Miscellaneous Requirements
22
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24 **Section 1-1. Title and Scope**

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26 **1-1.01** These zoning regulations and the maps depicting zoning district
27 boundaries shall be known as the Raytown Zoning Regulations.
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29 **Section 1-2. Authority**

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31 **1-2.01** Except as otherwise provided for herein, these zoning regulations
32 are adopted by the Board of Aldermen of Raytown under powers
33 conferred by R.S. Mo., Section 89.010 et. seq.
34

35 **Section 1-3. Purpose**

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37 **1-3.01** These zoning regulations and districts as herein established have
38 been made in accordance with a land use study to promote, in
39 accordance with present and future needs, the safety, morals, order,
40 convenience, prosperity, and general welfare of the citizens of Raytown,
41 Missouri, and to provide for efficiency and economy in the process of
42 development, for the appropriate and best use of land, for convenience of

1 traffic and circulation of people and goods, for the use and occupancy of
2 buildings, for healthful and convenient distribution of population, and to
3 protect individuals and property from flood hazards or flooding by
4 providing for the orderly and safe development of flood-prone areas for
5 the most advantageous uses that are consistent with the health, safety
6 and welfare of the general public, and for adequate public utilities and
7 facilities by regulating the location and use of buildings, structures, and
8 land for trade, industry, and residence, by regulating and limiting or
9 determining the height and bulk of buildings and structures, and area of
10 yards and other open spaces, and the density of use. These regulations
11 have been made with reasonable consideration, among other things, of
12 the character of the district and its peculiar suitability for particular uses
13 and with a view to conserving the value of buildings and encouraging the
14 most appropriate use of land throughout the territory of Raytown,
15 Missouri.

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17 **Section 1-4. Applicability**

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19 **1-4.01** These zoning regulations shall apply to the land or structures
20 located within the boundaries of Raytown, Missouri.

21
22 **1-4.02** These zoning regulations shall not apply to railroad tracks,
23 signals, bridges and similar facilities and equipment located on a railroad
24 right-of-way and maintenance and repair work on such facilities and
25 equipment.

26
27 **1-4.03** These zoning regulations shall not apply to poles, wires, cables,
28 conduits, vaults, laterals, pipes, mains, valves or other similar
29 distributing equipment for telephone or other communications, electric
30 power, gas, water and sewer lines, provided that such installation shall
31 conform where applicable to all state and federal authorities with
32 jurisdiction.

33
34 **Section 1.5. Powers of the Planning and Zoning Commission**

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36 **1-5.01** The Planning and Zoning Commission (hereinafter referred to as
37 the Planning Commission) as established and created by Ordinance No.
38 139, Section XIII of the Raytown Code of Ordinances and provided for by
39 Missouri Statutes shall also function as a Zoning Commission and, as
40 such, may prepare a zoning plan for the regulation of the height, area,
41 bulk, location and use of private, nonprofit and public structures and
42 premises, and of population density. The adoption of such zoning plan
43 shall be in conformance with Missouri Statutes.

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2 **1-5.02** The Planning Commission shall elect its chair and secretary from
3 among the citizen members. The term of chair and secretary shall be for
4 one (1) year with eligibility for re-election. The Planning Commission
5 shall hold regular meetings and special meetings as it provides by rule,
6 and shall adopt rules for the transaction of business and keep a record of
7 its proceedings. These records shall be public records.

8
9 **1-5.03** The Planning Commission shall make and adopt a
10 comprehensive plan for the physical development of the municipality.
11 The comprehensive plan, with the accompanying maps, plats, charts and
12 descriptive and explanatory matter, shall show the Planning
13 Commission's recommendations for the physical development and uses
14 of land and may include, among other things, the general location,
15 character and extent of streets and other public ways, grounds, places
16 and spaces; the general location and extent of public utilities and
17 terminals, whether publicly or privately owned; the acceptance,
18 widening, removal, extension, relocation, narrowing, vacation,
19 abandonment or change of use of any of the foregoing; the general
20 character, extent, and layout of the replanning of blighted districts and
21 slum areas. The comprehensive plan shall be reviewed at least every two
22 (2) years after the effective date of these zoning regulations for
23 consistency with actions of the City, changes in the uses of land, or any
24 other appropriate criteria.

25
26 **Section 1-6. Administration**

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28 **1-6.01** Except as otherwise provided for herein, these zoning regulations
29 shall be administered by the Community Development Director or that
30 persons delegate.

31
32 **Section 1-7. Rules of Interpretation**

33
34 **1-7.01** Where the conditions imposed by the provision of these
35 regulations upon the use of land or structures are either more restrictive
36 or less restrictive than comparable conditions imposed by any other
37 provision of any other applicable law, ordinance, resolution, rule or
38 regulation of any kind, the regulations that are more restrictive and
39 impose higher standards or requirements shall govern.

40
41 **1-7.02** The provisions of these regulations are not intended to abrogate
42 any easement, deed restriction, covenant, or other private agreement or
43 legal relationship, provided that where the requirements of these

1 regulations are more restrictive or impose higher standards or
2 regulations than such private agreements, the requirements of these
3 regulations shall govern.

4
5 **1-7.03** Nothing contained in these regulations shall be deemed to be a
6 consent, license or permit to use any property or to locate, construct, or
7 maintain any structure or facility or to carry on any trade, industry,
8 occupation, or activity.

9 10 **Section 1-8. Activities Governed by These Regulations**

11
12 **1-8.01** All structures built hereafter shall comply with all of the
13 provisions of these regulations. Any structure hereafter moved from one
14 site to another site shall be considered to be a structure built hereafter.
15 Any structure rebuilt or restored after damage or destruction by fire or
16 other casualty of fifty percent (50%) or more of its appraised value shall
17 be considered to be a structure built hereafter, unless these regulations
18 otherwise permit such structures to be rebuilt or restored.

19
20 **1-8.02** If a use of any structure is hereafter changed to another, then
21 the new use must comply with the use requirements of these regulations
22 unless otherwise permitted by these provisions. The mere establishment
23 of the new use does not require the existing structure to conform to the
24 lot size requirements or the bulk regulations.

25
26 **1-8.03** If any structure is hereafter structurally altered as defined in
27 these regulations:

- 28
29 1. The entire structure as altered shall comply with the use
30 requirements of these regulations.
31
32 2. Any alterations of, enlargements of or additions to the structure shall
33 comply with the bulk regulations of these regulations, except as
34 permitted by these regulations for nonconforming structures.
35
36 3. The off-street parking facilities shall not be reduced below or, if
37 already less than, shall not be further reduced below the
38 requirements applicable to a similar new structure or use.

39 40 **Section 1-9. Miscellaneous Requirements**

41
42 **1-9.01** No more than one principal structure and use may be located
43 upon one lot. No accessory structure may be built on the lot prior to the

1 construction of the principal structure.

2
3 **1-9.02** All territory that may hereafter be annexed into the City of
4 Raytown shall be subject to the provisions of the zoning ordinance and
5 shall be placed in a zoning district that most closely resembles the land
6 use that exists on the land at the time it is annexed into the City.

7
8 **1-9.03** The Board of Aldermen, after receiving a recommendation from
9 the Planning Commission, may require the dedication of additional street
10 rights-of-way and/or easements for utilities as a condition related to a
11 change in zoning by either requiring that the land be platted or replatted
12 according to any subdivision regulations of the City or, in lieu of platting,
13 by a legal document making such required dedications.

14
15 **1-9.04** In all residentially zoned districts, the vision triangle shall have the
16 requirement that the two sides forming the corner lot line intersection shall
17 be a minimum distance of thirty (30) feet from the center of the lot line
18 intersection and in all other zoning districts such distance shall be a
19 minimum of twenty (20) feet (except that there shall be no vision triangle
20 requirements in the Town Square Overlay District).

21
22 **1-9.05** Screening and/or landscaping shall be provided on all properties
23 in accordance with standards on file with the Community Development
24 Director as authorized by Ordinance 4274-97, as amended, with the
25 following additions:

- 26
27 1. No fence, wall or hedge may be placed in the required front yard of
28 any lot after the effective date of these zoning regulations except for
29 corner lots where the fences, walls or hedges four (4) feet or less in
30 height may be placed half the distance of the required yard on the
31 side adjacent to the intersecting street.
32
33 2. On interior lots, fences, walls and/or hedges may be placed in any
34 side or rear yard or along the edge of any side or rear yard provided
35 that no such fence, wall or hedge can exceed six (6) feet in height. No
36 fence, wall or hedge along the front edge of the front yard of an
37 interior lot may exceed four (4) feet.
38
39 3. A landscaping and screening plan will be required for new
40 construction, structural alteration or exterior improvements of all
41 structures other than single-household homes or two-household
42 homes. Such landscaping and screening plan will conform to the pre-
43 existing standards for such plans approved by the Board of Aldermen

1 and currently on file with the Community Development Director.

2
3 4. A fence, wall or hedge will be placed on all property located in the
4 Neighborhood Commercial District (NC) or the Highway Commercial
5 Corridor District (HC) that is adjacent to any property located in the
6 Low-Density Residential District (R-1), the Medium-Density
7 Residential District (R-2), the High-Density Residential District (R-3),
8 the Elderly Housing Residential District (RE) and the Housing
9 Opportunity Residential Overlay District (HO).

10
11 5. A fence, wall or hedge will be placed on all property where a multi-
12 household building is adjacent to a single-household home or a two-
13 household home.

14
15 **1-9.06** All principal structures built hereafter within the City shall be
16 served by and connected to public electric, sewer and water systems.

17
18 **1-9.07** Permitted Obstruction in Required Yards.

19
20 1. The following shall not be considered to be obstructions when located
21 in a front, side or rear yard:

22
23 a. In all yards:

24
25 1. Open terraces not more than four feet above the average level of
26 the adjoining ground but not including a permanent roof over a
27 terrace or open or closed porches;

28
29 2. Awnings or canopies without independent supports;

30
31 3. Accessibility ramps four feet or less above grade that are
32 necessary for access to a permanent structure or for access to a
33 lot from a street or alley;

34
35 4. One-story bay windows, chimneys, and overhanging eaves and
36 gutters projecting thirty six (36) inches or less;

37
38 5. Window wells projecting thirty six (36) inches or less;

39
40 6. Arbors and trellises;

41
42 7. Flagpoles, ornamental lights and gas fixtures; and

43

1 8. Signs, when permitted by the sign regulations.

2

3 2. Permitted obstructions shall not interfere with the vision triangle,
4 shall not interfere with safe ingress and egress from required yards,
5 and shall not present an endangerment to pedestrians.

6

7 **1-9.08** Platted Building and Setback Lines. If a recorded subdivision
8 plat imposes a building or setback line that is different from the
9 minimum setback or yard required by the applicable section of these
10 regulations, then, notwithstanding any other provision of these
11 regulations, the minimum setback or yard shall be the same as that
12 shown on such subdivision plat, provided that it has been recorded prior
13 to the effective date of these regulations and has not otherwise been
14 officially vacated.

15

16 **1-9.09** Average Setback in Existing Residential Districts.

17

18 The front yard setback line established by district regulations shall be
19 adjusted in the following cases:

20

21 1. Increased Front Yard Setbacks: Where there is no recorded front
22 setback line established by platting and all of the frontage is
23 developed with buildings that have observed a front yard setback
24 that is greater than that required by the applicable zoning district,
25 then the minimum front yard setback shall be increased as
26 follows:

27

28 A. Where a new building is to be erected on a parcel of land that
29 is located between two existing buildings the minimum front
30 yard setback of the proposed building shall be the average of
31 the front yard setback of the two adjacent buildings; or

32

33 B. Where a new building is to be erected on a parcel of land that
34 is located adjacent to an existing building on one side only,
35 such proposed building may be erected as close to the street as
36 the existing building; or

37

38 C. Where an addition to a building is to be erected on a parcel of
39 land within 100 feet of any adjacent building, such addition
40 shall not be closer to the street than the adjacent building, or
41 the building onto which the addition is to be placed, whichever
42 building has the smaller front yard setback. In no case,
43 however, shall a new or enlarged building have a front yard

1 setback that is greater than 60 feet in a residential, commercial
2 or industrial district except within an overlay district.

3
4 2. Reduced Front Yard Setbacks: Where there is no recorded front
5 setback line established by platting and where fifty (50) percent or
6 more of the frontage on one side of a street between two intersecting
7 streets is developed with buildings that have observed a front yard
8 setback that less than that required by the applicable zoning district,
9 then the minimum front yard setback may be reduced as follows:

10
11 A. Where a new building is to be erected on a parcel of land that
12 is located between two existing buildings the minimum front
13 yard setback of the proposed building shall be the average of
14 the front yard setback of the two adjacent buildings; or

15
16 B. Where a new building is to be erected on a parcel of land that
17 is located adjacent to an existing building on one side only,
18 such proposed building may be erected as close to the street as
19 the existing building; or

20
21 C. Where an addition to a building is to be erected on a parcel of
22 land within 100 feet of any adjacent building, such addition
23 shall not be closer to the street than the adjacent building, or
24 the building onto which the addition is to be placed, whichever
25 building has the smaller front yard setback. In no case,
26 however, shall a new or enlarged building have a front yard
27 setback that is less than 10 feet in a residential, commercial or
28 industrial district except within an overlay district.

29
30 **1-9.10** Access to Commercial and Industrial Districts. No land that is
31 located in a residential district shall be used for a driveway, walkway or
32 access purpose to any land that is located in any commercial or
33 industrial district.

34
35 **1-9.11** Permitted Accessory Uses. Any structure, vehicle or device may
36 be allowed as an accessory use or structure if it meets the definition of
37 accessory use or building contained in these regulations. Such uses may
38 include, but are not limited to, the following:

39
40 1. On all property zoned residential, all accessory buildings shall comply
41 with the following regulations unless a conditional use permit has
42 been issued for the accessory building, pursuant to Section 20 of
43 these Zoning Regulations:

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A. An accessory building shall not be constructed on a lot until the principle structure has been constructed.

B. Number of Accessory Buildings Allowed: No more than two accessory buildings shall be located on a lot.

C. Size of Accessory Buildings Allowed: No accessory building shall cover a land area exceeding 720 square feet and a second accessory building shall not cover a land area exceeding 120 square feet.

D. Maximum Height of Accessory Buildings:

(1) An accessory building covering a land area of 720 square feet or less shall not have a height greater than the principle building on the property or fifteen (15) feet, whichever is less.

(2) An accessory building covering a land area of 120 square feet or less shall not exceed eight (8) feet in height.

E. Exterior Materials Allowed:

(1) The exterior materials of an accessory building covering more than 120 square feet of land area shall be the same as the exterior materials on the principle building. Alternative exterior materials may be approved by the Director of Community Development if such materials are durable, similar to the exterior materials on the principle building, and of a type commonly used in residential construction in Raytown.

(2) The exterior on an accessory building that is 120 square feet or less shall consist of one of the following materials:

- a. Prefabricated metal shed kit;
- b. Wood siding;
- c. Cement fiber siding;
- d. Clear fiberglass siding commonly used for greenhouses;
- e. Other exterior materials approved by the Director of Community Development if such materials are durable, similar to the exterior materials on the principle building, and of a type commonly used in residential construction in Raytown.

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F. Accessory buildings shall comply with all other applicable regulations and codes of the City of Raytown.

2. On all property zoned residential, all accessory uses shall comply with the following regulations:

A. Storage of recreational equipment and vehicles such as boats, camping trailers or motor homes is permitted, provided that they shall not be utilized for living purposes, except for the convenience of temporary lodging only for a period of two (2) weeks each year and, when stored on a residential lot as personal property of the occupant, shall not be located within the right-of-way of any dedicated street or less than five (5) feet from any property line, as long as such storage is on a paved surface.

B. Guest houses (without kitchen facilities) or rooms for guests in a permitted accessory building, provided that such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.

C. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in the district regulations.

3. On all property zoned residential, all accessory structures other than accessory buildings shall comply with the following regulations unless approved as part of a Planned Zoning Overlay District or a conditional use permit has been issued for the accessory structure, pursuant to Section 20 of these Zoning Regulations:

A. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences and walls constructed in accordance with these zoning regulations, bathhouses and swimming pools that are enclosed by a security-type fence as approved by the Community Development Director, regardless of whether the pool is above or below ground.

B. Pens, kennels, or other enclosures used for the keeping of animals are permitted, subject to the following conditions:

(1) No pen, kennel or other enclosure for the housing of dogs or cats shall be kept or maintained within fifteen (15) feet of the nearest portion of any building occupied by or in any way

1 used by human beings, other than the dwelling occupied by
2 the owner or keeper of the dogs or cats, or within ten (10)
3 feet of any property line.

4
5 (2) No chicken coop, dove cote, rabbit hutch or other yard
6 establishment for the housing of fowl or small animals,
7 except dogs and cats, shall be kept or maintained closer
8 than one hundred (100) feet to the nearest portion of any
9 building occupied by or in any way used by human beings,
10 other than the dwelling occupied by the owner or keeper of
11 the animals or fowl, or within twenty-five (25) feet of any
12 property line.

13
14 (3) No pen, kennel or other enclosure used for the keeping of
15 animals shall exceed 216 square feet.
16

17 **1-9.12** The following uses of land are permitted in each district unless
18 specifically restricted to particular districts and are subject to the
19 regulations and time limits that follow and to the other applicable
20 regulations of the district in which the use is permitted.

- 21
- 22 1. Permits for carnivals and for circuses may be approved with
23 conditions by the Director of Community Development. Such uses
24 need not comply with the bulk or lot-size requirements, provided that
25 structures or equipment that might block the view of operators of
26 motor vehicles on the public streets shall not be located within thirty
27 (30) feet of the intersection of the curb line of any two streets.
28
 - 29 2. Christmas tree sales in any business or industrial district for a period
30 not to exceed forty-five (45) days. Display of Christmas trees need not
31 comply with the yard and setback requirements of these regulations;
32 provided that no trees shall be placed in such a manner as to obstruct
33 the vision of traffic within 30 feet of the intersection of the curb line of
34 any two streets.
35
 - 36 3. Periodic conduct of what is commonly called "garage or yard or
37 rummage sales" that do not exceed a period of more than five (5) days
38 or on more than four (4) occasions during any calendar year.
39

40 **1-9.13** All development shall control any storm water drainage that is
41 created as the result of any development of the property according to
42 adopted City standards currently maintained by the Community
43 Development Director.

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2 **1-9.14** No structure shall be constructed or erected on a lot or tract of
3 land or moved to a lot that does not abut a public street or permanent
4 easement of access to a public street. Such easement shall have a
5 minimum width of twenty (20) feet.