

CHAPTER 6. LAND USE REGULATIONS

Introduction

The zoning ordinance is one of the primary tools with which municipalities may implement the recommendations of a comprehensive plan. Raytown's Zoning Ordinance (which consists of written text and the Official Zoning Map) addresses such development issues as permitted land uses, height of structures, density, yard requirements, and performance standards. Enabling legislation for the City's zoning and planning authority is provided in Chapter 89, Revised Statutes of the State of Missouri, as amended.

Relationship Between Planning and Zoning

The Comprehensive Plan requires a legal mechanism to implement its land use and density recommendations because it is a advisory document. For example, the Comprehensive Plan may recommend that a specific tract of land be developed as high-density residential (e.g., apartments). To develop the property for this use, however, the Official Zoning Map must also show that the land in question is zoned for apartments. If the land is not zoned for apartment development, the owner has the right to request an amendment to the Official Zoning Map (commonly referred to as a rezoning).

By State law and the City's Zoning Ordinance, rezoning requests must first be considered by the Planning and Zoning Commission at a public hearing. The Planning and Zoning Commission recommends approval or denial of the rezoning request, with the Comprehensive Plan being considered as part of its decision making process. The final decision on rezoning requests is made by the Board of Alderman.

Zoning Districts

The City's Zoning Ordinance lists four residential zoning districts and six nonresidential districts. It also includes provisions for conditional use permits, which allow for "specialized or unique" uses in some or all zoning districts.

Raytown's Zoning Ordinance includes the following *residential* zoning districts:

- **Low Density Residential District:** This district allows single family housing with a minimum lot size of 7700 square feet. Assuming that approximately 25 percent of a single family subdivision consists of public right-of-way for streets, this minimum lot size translates into a density of almost four dwelling units per acre.
- **Medium-Density Residential District:** This district allows two-family housing (duplexes) with a minimum lot size of 4,500 square feet. Again assuming that 25 percent of a duplex development consists of public streets, this minimum lot size

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translates into a density of about seven dwelling units per acre. The R-2 zoning district also permits single family dwellings with a minimum lot size of 5,000 square feet, or a density of about 6.5 dwelling units per acre.

- **High-Density Residential District:** This district allows multi-household buildings. The approximate density range in the R-3 zoning district is nine to twenty-two units per acre. In addition, R-3 is an "exclusive" district, which means that it only allows multifamily development; single family and duplex units are not permitted.
- **Elderly Housing Residential District (RE):**
- **Manufactured Home Park Residential District (MH):**

Raytown's Zoning Ordinance also includes the following *nonresidential* zoning districts:

- **Neighborhood Commercial District (NC):** This district is intended to provide a location for miscellaneous retail, wholesale and businesses serving the consumer public and business.
- **Highway Commercial Corridor District (HC):** This district allows high intensity, highway oriented commercial uses that often require large land areas. Such uses include lumber yards, automotive sales, and warehousing.
- **Industrial District (M):** This district allows all types of industrial uses. No distinction between light and heavy industrial uses is indicated in the Zoning Ordinance, although it states that performance standards require heavy industrial uses to locate in "more remote or outlying sites," while light and medium industrial uses "could meet the required (performance) standards at closed-in locations." C-O, C-1, C-2, and C-3 uses are also permitted.
- **Conservation District (N):** This district is intended to promote and protect the City's natural features, such as scenic areas, wildlife habitat, floodplains, and watersheds. Agriculture and camps are permitted by right in this district.
- **Central Business Overlay District (CBD):** This is an overlay for the central business district and is intended to allow commercial uses that provide the major focus of retail, government, business services and entertainment facilities for the entire community as well as a mix of residential uses.

Finally, Raytown's Zoning Ordinance allows for the issuance of Conditional Use Permits for certain uses in particular (or all) zoning districts. Conditional use permits require a special review process, similar to a rezoning, to address the development issues related to the specific use in question. Section 16 of the Zoning Ordinance also permits Planned Developments that allows flexibility in setbacks and other design features so as to promote creativity in development.

Subdivision Regulations

Planned Developments that require plan approval may include various land uses and may be located in any zoning district. Another regulatory tool used to implement the recommendations of the Comprehensive Plan is the City's Subdivision Regulations. Chapter 22 of the Raytown

Code of Ordinances serves as the City's subdivision regulations, although this particular chapter is entitled, "Subdivisions." Like most subdivision regulations, Chapter 22 outlines the procedure for platting land, as well as any improvements subdividers may be required to make to their developments (such as sidewalks, streets, etc.). Approved plats should be consistent with the future land use and the major street elements of the Comprehensive Plan, because plats often show the location of public streets.

Planning Implications

These traditional regulatory tools are used to create compatible and desirable development and land use in Raytown. Communities tend to be archaic in nature and fall behind current development trends. Therefore, if the Comprehensive Plan is to be implemented successfully, serious consideration to revision and updating of development tools, such as regulatory and incentive, will need to be accomplished in the near future.

The City should consider a shift to performance-based zoning, allowing compatible mixtures of uses to be located together in planned development. It would be necessary to look at community needs and desires, and to develop more specific regulations, concentrating on nonresidential development and promoting redevelopment. This type of zoning would do away with problems the city is currently dealing with, such as residential uses located next to commercial and industrial uses with no buffering or consideration for compatibility.

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