

I. What are Planning and Zoning?

Two of the most important functions of local government are planning and zoning. In Missouri, both municipalities and counties undertake planning and zoning. A **plan** is a blueprint or guide for the orderly growth of a community. The goal of planning is to create a community that is a good place for its residents to live, work, go to school, and play. A good city plan will provide for:

- ✓ sound infrastructure — a term that refers to the streets and highways, railways, and water and sewer lines within a community.
- ✓ safe, attractive residential areas that promote family life.
- ✓ shopping areas along major streets easily accessible to the public.
- ✓ industrial areas that are close to major highways and rail or river terminals, but removed from residential areas
- ✓ open space and parks that preserve the beauty of the community and provide recreational opportunities for residents.
- ✓ special areas for hospitals, schools, and other public buildings.

The city itself may be responsible for implementing or doing some parts of the plan — such as building streets or laying water lines. But much of “the doing” under a plan is not done by governments, but by individuals and businesses that buy property and build houses and stores and factories. The plan is intended to guide the land use decisions of individual property owners in order to promote the general well-being of the community. But while the typical resident of a community is likely to support the general idea of planning, specific planning decisions are often highly controversial because they affect what people can do with their property and what others who live near you can do with theirs.

A city tries to make sure that the land use decisions of individual property owners are consistent with the plan. The city does this by zoning. **Zoning** refers to the city’s laws or ordinances that tell what kinds of land use can occur in various parts of the community. In other words, cities use zoning as a way to make sure that development in the city fits within the plan. Like planning, zoning is intended to protect the health and safety of the city’s residents, preserve property values in the community, and promote the city’s economy.

The idea behind zoning (and planning as well) is that land use decisions in a particular area are neighborhood should be consistent or fit together. You probably would not like to live in a house located beside a smoke-belching factory or a noisy mall subject to heavy traffic. Zoning aims to prevent such “inconsistent” uses by keeping residential areas (homes and apartments) apart from areas of industry (factories and warehouses) and commercial areas (office parks and shopping centers). Thus, a city will divide up its land area into zones or zoning districts.

II. What are Zoning Districts?

There are three main kinds of zoning districts: (1) residential; (2) commercial; and (3) industrial. Each of these is described below.

Residential Zoning Districts

The typical city not only designates particular areas as residential, but divides up the residential areas for particular kinds of housing. Thus, a city may have four kinds of residential districts, such as:

- **R-1** for single family homes;
- **R-2** for duplexes (up to two families);
- **R-3** for apartments and condominiums; and
- **R-4** for retirement centers.

Notice that as the “R” number gets larger, the type of residence will “house” more people. By having these different kinds of residential zoning districts, cities can control zoning “density” of where people live. “Density” refers to the number of people living on each acre of land.

R-1 does not mean the same thing in every city. In the City of Ellisville, R-1 zoning requires that homes be built on lots one-half acre in size or greater. Thus, six homes can be built of three acres. In the City of Wildwood, R-1 zoning says that homes must be built on lots three acres in size or greater. In Wildwood, the city population will never become very large because only one home can be built on every three acres. Wildwood has zoned in this way to cut down on its population in order to avoid many of the problems that come with more population, such as more traffic and overcrowding problems in the schools.

Commercial Zoning Districts

Commercial zoning is very much like residential zoning. There is a group of commercial zones ranging from C-1 to C-4, with the higher number indicating greater density.

- **C-1** districts allow for small business offices, such as dentists and attorneys, that have few customers. These are “low impact” businesses that create few traffic or noise problems.
- **C-2** districts allow land uses of greater impact than C-1. C-2 businesses might include medical buildings, small libraries, and museums — businesses that create more traffic than C-1 business, but are not viewed as disruptive to neighborhoods.

- **C-3** land uses, such as grocery stores, restaurants, and gas stations, have a large impact on surrounding areas; they generate lots of traffic, noise, and trash, and so are placed well apart from residential areas.
- **C-4** businesses include movie theaters, shopping malls, and automobile dealerships. They require very dense, large-scale land use, and are seldom located next to residential areas.

Industrial Zoning Districts

Industrial zoning is much like residential and commercial zoning. Industrial zones might be divided between **M-1** (“M” stands for manufacturing) for warehouses and truck depots and **M-2** for factories, smokestack industries, or other large-scale manufacturing plants. M-2 zones would never be placed next to a residential zone, because a noisy, smoke-belching factory would make residential life miserable and significantly reduce the property value of homes nearby.

Buffering is an important part of zoning. If a commercial zoning district is next to a residential zoning district, the commercial zoning district will require certain buffers to keep residents in their own homes from being exposed to harm from commercial activities — such as the revving of car engines and the constant whirring of heating and air conditioning units in a large discount store. Buffering may involve wooden privacy fencing or certain kinds of trees like evergreens, that always screen the two zoning districts from each other. Certain zoning districts may also have 50 foot or 100 foot “no build” zones that help to keep all commercial buildings at least 50 feet or 100 feet from the nearest home.

Setback requirements for buildings, like buffering, help to lessen the effect of all kinds of property problems. Setback requirements may say, for example, that no home can be built closer than 35 feet from the street, or less than 10 feet from any other property line. If you live in a home next to an open field, setback requirements prevent another person from building a house right “on” your property line, and putting your bedroom window about 100 feet from his bedroom window.

III. What Are the “Politics” of Zoning?

In applying its zoning rules, a city usually makes a distinction between permitted uses and conditional uses.

- **Permitted uses** pose no special problems for a particular zoning district, and so all that is needed is a business license from the city.
- **Conditional uses** can pose traffic, noise, or other problems, and so must get special approval from the city’s governing body (the board of aldermen or city council).

The following example shows how a C-3 zone might distinguish between permitted and conditional uses.

C-3 Commercial Zoning District

Permitted Uses

Single Family Homes
General Office
Banks
Gasoline Service Stations
Medical Buildings (less than 40,000 square feet)
Hardware Stores
Pet Stores
General Retail Sales
Sit-Down or Dine-In Restaurants

Conditional Uses

Grocery Stores
Any liquor sales establishment
All Businesses with Drive-through Facilities
Fast Food Restaurants
Skating Rinks
Recreational Facilities
Post Office
Hospital
Utility Facility
Convenience Store

Notice that conditional uses generally have land uses that are more likely to cause problems than are permitted uses. If a record store wanted to locate in a C-3 zoning district, it would come under the category of “General Retail,” which is a permitted uses. If a fast-food restaurant with a drive-through facility wanted to locate in the C-3 zoning district, it would fall under the conditional use heading. The fast-food restaurant could not just open its business, as the record store could. It would first have to apply for a conditional use permit from the city government.

Planning and Zoning Commission. An application for a conditional use permit goes to the city’s planning and zoning commission, which holds a meeting or “public hearing” at which anyone can speak for or against the restaurant’s proposal for a conditional use. The commission will make sure that the restaurant has thought about such issues as lighting, traffic flow, noise, and crime. The commission can require that the drive-through stay open only until midnight so that

people who live nearby don't have to put up with "Would you like fries with that?" blaring from the loudspeaker at three o'clock in the morning. The commission can even require that the restaurant pay for traffic lights on the street near its entrance. After the hearing, the commission recommends to the city council either that the permit be granted or denied.

City Council. After the planning and zoning commission has made its recommendation, the city council or board or aldermen (depending on what the city calls it) will hold its public hearing on the application. At this second hearing, the council will make sure that the restaurant has addressed the concerns of all residents and nearby businesses before it is allowed to build and operate its fast-food business. After the hearing, the council will vote "yes" or "no" on the question of whether to grant the conditional use permit. If the council votes yes, the restaurant may open. If no, the restaurant may not operate.

If the council votes no, it must have a very good reason for not letting the restaurant be opened. If the property owner who wants to build the restaurant feels that the city is being unfair, the owner can sue the city, hoping that the judge who hears the lawsuit will force the city to issue the permit and even pay the owner for lost income for the time the restaurant was not allowed to open.

IV. Conclusion

In carrying out zoning and land use policy, city officials must weigh the interests of the property owner against the interests of the entire community. This balancing act is often controversial because the typical resident wants to be able to use her property as she sees fit to have a zoning policy that produces a safe, attractive community. Achieving both goals at the same time is not always easy.

