ZONING & SUBDIVISION REGULATION UPDATE
PLANNING AND ZONING PROCESS
PARKVILLE, MISSOURI

INTRODUCTION

This Issue Paper provides an overview of Planning and Zoning processes, a basic background on how regulations relate to plans, and how regulations are administered and enforced.
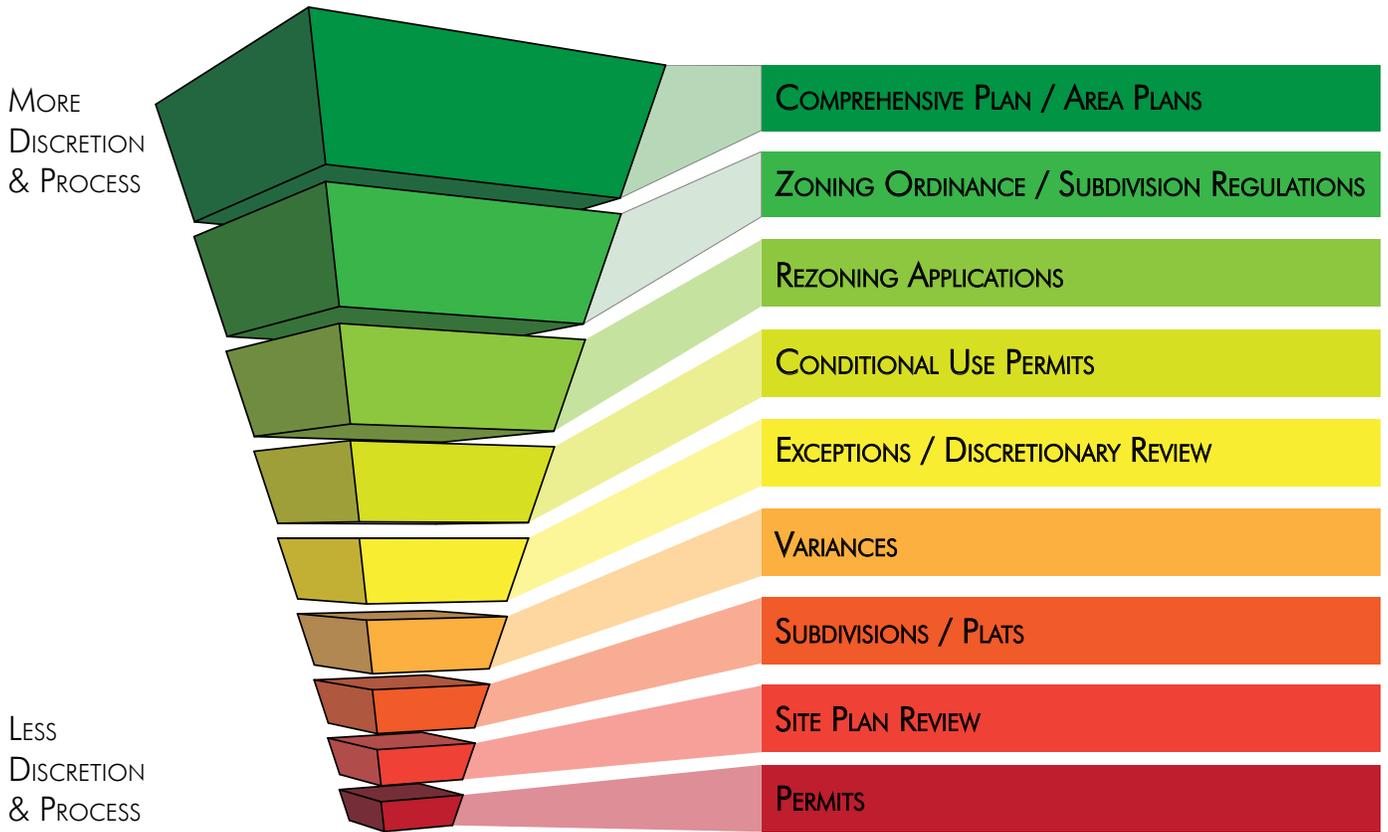
PLANS VS. REGULATIONS

Plans are documents that explain the overall goals or vision for the community. They can be either general or specific and visionary or technical. They can range in scale from the entire city to a specific area or topic. Plans generally do not have the force of law, but are used as a guide for public or private decision-making, and are used to support adopting laws. However, plans are often implemented by non-regulatory actions, such as: the prioritization, design and construction of public investments; establishing more specific administrative and economic policies; coordinating and guiding investment of private resources; and the cooperative activities where public, quasi-public and private entities invest in the community.

Regulations are used as one way to implement plans. They establish basic requirements for all developments, but can also establish criteria and processes for which applications are reviewed, including any parameters for discretionary or flexible application of laws. However, they are reactionary, and do not cause reform to occur. Regulations should be guided by, but not constrained to, plans.

ROLES OF DIFFERENT BODIES IN THE PLANNING AND DEVELOPMENT PROCESS

- Board of Alderman – Legislative body: adopts laws, considers discretionary reviews, accepts public improvements, determines budgets and priorities.
- Planning Commission – Advisory body: adopts plans; recommends laws and discretionary reviews; approves administrative reviews, approves plats.
- Board of Zoning Adjustments – Quasi-judicial body: grants variances, determines appeals, reviews any exceptions specifically referred to it.

MORE DISCRETION & PROCESS

- COMPREHENSIVE PLAN / AREA PLANS
- ZONING ORDINANCE / SUBDIVISION REGULATIONS
- REZONING APPLICATIONS
- CONDITIONAL USE PERMITS
- EXCEPTIONS / DISCRETIONARY REVIEW
- VARIANCES
- SUBDIVISIONS / PLATS
- SITE PLAN REVIEW
- PERMITS

LESS DISCRETION & PROCESS

GOALS FOR IMPROVED PROCEDURES...

When updating development regulations, improved procedures are often part of the objectives. Through detailed discussions it is often discovered that the mutual interests of the city, development community and citizens is to make the process more predictable, efficient, and effective – that is coordinated with the city's expressed development policies. Specific improvements often include the following:

- Clear application submittals deadlines, timelines and forms.
- Better coordination of review with plans and policies.
- Specific decision criteria for each application.
- Proper degrees of notice.
- Appropriate degrees of flexibility, but with criteria and guidance.
- Clear effects of decisions – including routes for appeals or other relief.

ACTIONS TO CONSIDER

- Create a "how to use" manual for the completed code.
- Create a user-friendly procedures brochure to orient applicants.
- Formalize pre-application process and make the process clear and explicit for potential applicants.
- Develop applicability statements, submittal forms, timelines, decision criteria, and pre- and post-application steps for all applications.
- Consider removing application submittals from code sections; create forms administered by the departments and made available on-line.
- Consider more administrative approvals and reviews. Document the process for administrative approvals and interpretations, so they can be published and maintained for future applications.
- Create two levels of site plans – administrative = those that require only a check of basic and established standards already expressed in the regulations; major = those that have some discretionary element to be reviewed and determined by the Planning Commission.
- Log and schedule yearly reviews of all applications and administrative processes and adjust the code as necessary.