

ARTICLE 1

THE ROLE OF EACH PARTICIPANT

INTRODUCTION

The purpose of zoning and subdivision regulations is to promote orderly growth and redevelopment in the City of De Soto. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this Procedures Manual is to set forth guidelines for the proper administration of the Zoning and Subdivision Regulations. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the Procedures Manual, the Zoning and Subdivision Regulations will be applied more equitably and consistently.

The power to enact zoning and subdivision regulations has been granted to cities and counties by state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Commission, the Board of Zoning Appeals, and the Governing Body.

De Soto Planning Commission. By Kansas statutes, in order to implement land use regulations, the Planning Commission must adopt a city plan for the physical development of the municipality. Before adopting or amending the plan, the Planning Commission must hold a public hearing. After adoption, a copy is certified to the City Council, and City Clerk, and a copy is recorded in the office of the County Department of Records and Tax Administration. The City Council must approve the plan.

The Planning Commission is primarily an advisory body. Under the zoning regulations, a primary duty of the De Soto Planning Commission is to hold a public hearing where public opinion can be expressed. In this sense, the Planning Commission is a sounding board for community attitudes toward development. It is important for the Planning Commission to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Planning Commission is required to forward recommendations to the Governing Body regarding rezoning of land, special use permits, and

changes to the zoning and subdivision regulations.

Under the subdivision regulations, the Planning Commission has responsibility for approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the design standards set out in the regulations.

Board of Zoning Appeals. The Board of Zoning Appeals is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to two types of tasks:

1. The appeal of an administrative decision or interpretation; and
2. The granting of variances for cases of hardship.

In the first case, the responsibility of the Board of Zoning Appeals is to rule on the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. Variances are granted for unusual physical constraints, and the role of the Board of Zoning Appeals is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning ordinance and fair to the applicant. The Board of Zoning Appeals is not involved in administering the subdivision regulations.

The City Council. The Governing Body has responsibility for enacting and amending the zoning and subdivision regulations after consideration of the recommendations of the Planning Commission. This responsibility does not include approving subdivision plats. The role of the Governing Body in the subdivision process is limited to accepting or rejecting dedications of easements, rights-of-way and public lands, and approving financial guarantees or financing mechanisms to ensure construction of all public improvements.