

CHAPTER ONE - COMPREHENSIVE PLAN PURPOSE

INTRODUCTION

The Comprehensive Plan is an official public document adopted by the Planning Commission for the physical development of the community within the City of Grandview, Missouri. The Plan indicates, in general, how the citizens of the community want the City to improve in the next 20 to 30 years. The Comprehensive Plan also is a rational and comprehensive guide for physical development that fosters quality growth, conservation and redevelopment of the City. To implement the Plan, the City of Grandview must follow certain procedures and policies in order to carry out the consensus opinion of its citizens.

COMPREHENSIVE PLAN PURPOSE

The Comprehensive Plan is intended to guide policy and provide recommendations for future actions involving land development and land preservation. The Plan should be recognized and utilized as a flexible document to be interpreted within the broad spectrum of land development possibilities and changing conditions.

The Comprehensive Plan is the nexus and legal framework upon which the zoning ordinance and subdivision ordinance are enacted and amended by the Board of Aldermen upon recommendations from the Planning Commission. These two land use regulatory ordinances shape the locations, type, quality, and comprehensiveness of the physical development of Grandview. While the Plan outlines recommended modifications to current zoning regulations in order to implement its recommendations, it should not be viewed as a zoning document or ordinance.

The Plan continues a process whereby an established community is poised for continued growth, development, and renewal in partnership with residents, business owners and landowners. Its underlying purpose is to preserve and enhance investment by all citizens. It intends not only to provide the foundation for economic growth and stability, but growth in a safe and healthful environment, to nurture future generations that will take pride and invest in the City of Grandview.

Successful development and revitalization in Grandview will be achieved by community leaders and caring and concerned citizens who, while using this Plan as a guideline, adhere to sound judgment, using thoughtful, intelligent, and reasonable observation. That process was clearly demonstrated by the active and positive participation of Grandview residents and community leaders in the development of the long range vision and specific recommendations outlined in this Plan. This process was named “Beyond 2000...A Vision for Grandview.”

Stagnant, dilapidated, and dying cities do not occur by accident. They occur when communities refuse to plan wisely for the long term, when special interests are vocal and pandered to, and when the rights of a few are elevated above those of the community-at-large. The City of Grandview Comprehensive Plan of 2002 forms a visionary, yet achievable basis for planning programs and development guidelines. It is intended to suggest additional areas of study and planning that are essential in moving projects forward to successful completion.

Public Benefits

Since *Village of Euclid vs. Amber Realty Company*, decided in 1926, the U. S. Supreme Court has consistently recognized the legitimate right of government to legislate land use for the protection and promotion of the public welfare. In exercising this right, the government cannot deprive a property owner of all reasonable economic use of his property, nor can it act arbitrarily, using the law to accomplish against an individual property owner what it is otherwise unable or unwilling to do through direct compensation. However, the government has a broad ability to mitigate the public impact of private development and promote the public welfare. This is an authority which has been used to uphold laws mandating historic preservation, wetlands protection, pollution control, zoning, signage restriction, aesthetic regulation, and impact fee and required dedication ordinances. *Euclid* is still the law today. The government cannot single out individual property owners, nor can it act in an arbitrary manner. The ends must justify the means.

The public also has a right to expect that the public benefits of non-development, or of development with conditions, may often outweigh individual economic interests. Preservation of historic structures, or natural resources and habitats such as forests, riverfronts, and wetlands, may supersede an individual or corporate interest in their destruction. Inclusion of landscaping, lighting, drainage, buffering, sidewalks, and public spaces may be necessary to ameliorate the public impact of a specific development proposal. The public also has a right to expect that development decisions will withstand the test of time. Will the development serve not only present but also future public needs?

Civic Responsibility

Civic responsibility is also critical to the strength of community. Citizens who spend hours of their free time trying to make their community a better place to live view themselves as part of a whole. They understand that their neighborhood will survive only with their participation. And they know that participation cannot be left to others. At the same time they recognize that the well-being of the community is in their individual interest.

Strength builds from the bottom up. Where there is a sense of responsibility towards the neighborhood, there is a sense of responsibility toward the larger community. Communities cannot be strong without strong neighborhoods. The goals and objectives of the Plan in Chapter

4 reflect the civic responsibility expressed by the elected appointed officials, staff and the public-at-large.

ZONING ORDINANCE

The zoning ordinance is a law enacted and amended from time to time for implementing the Comprehensive Plan. It delineates the boundaries for land use districts which regulate:

- land development and use;
- density of population;
- lot coverage; and
- bulk of structures.

The purpose of the zoning ordinance is to:

- protect and promote the public health, safety, convenience, comfort and general welfare of the City; and
- facilitate the adequate provision of transportation, water, sewage service, schools, parks, and other requirements;
- encourage appropriate uses of land;
- maintain and stabilize the value of property;
- reduce fire hazards and improve public safety and safeguard the public health;
- decrease traffic congestion and its accompanying hazards;
- prevent undue concentration of population and over crowding of land;
- create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities;
- to provide adequate light and air.

SUBDIVISION ORDINANCE

The Subdivision ordinance is a law enacted and amended, from time to time by the Board of Aldermen to implement the Comprehensive Plan. The subdivision ordinance provides standards for the division of land for the purpose of development or redevelopment.

The general purposes of the subdivision ordinance are to:

- provide for the orderly growth and harmonious development of the City;
- protect and promote the public health, safety, convenience, comfort and general welfare;
- guide the future growth and development;
- provide minimum standards for the proper location and width of streets, roads, building lines, open space and recreation and to avoid congestion of population;

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- protect and conserve the value of land, buildings and improvements and to minimize conflicts among the uses of land and buildings;
- establish reasonable standards of design for subdivision in order to further the orderly layout and use of land;
- insure that public facilities, including roads, water, sewer and drainage facilities, are adequate to serve the needs of proposed subdivisions.

IMPLEMENTATION BODIES

Role of the Planning Commission

The Planning Commission is an advisory body of appointed Grandview Citizens with a paid professional staff. Recommendations at the Commission are forwarded to the Board of Aldermen following technical reviews and the holding of public hearings.

1. Adopt Comprehensive Plan for the physical development conservation and redevelopment of the City of Grandview. The following are the steps involved in adopting or amending the Comprehensive Plan.
 - Before adopting or amending the Comprehensive Plan, the Commission holds a public hearing.
 - After Plan adoption or amendment, the Commission certifies a copy of the resolution adopting or amending the Plan to the Board of Aldermen and City Clerk.
 - Record a copy of the resolution adopting or amending the Comprehensive Plan in the Office of the County Recorder of Deeds.
2. Advisory Body to the Board of Aldermen regarding ordinances involving land development and redevelopment.
 - Hold public hearings to obtain public opinion regarding each application for proposed zoning district map amendment, conditional use permit, zoning text amendment, street or alley vacation, subdivisions, or amendments to the Future Land Use and Transportation Plan.
 - Make recommendations to the Board of Aldermen on each land use decision over which it has authority.
3. Approve or disapprove both preliminary plats and final plats.

Role of the Board of Aldermen

1. Enact and amend the zoning ordinance and zoning district map after considering the Planning Commission’s recommendation.
2. Enact and amend the subdivision regulations after considering the Planning Commission’s recommendation.
3. Accept or reject dedications of easements, rights-of-way and public lands on subdivision final plats after having been approved and recommended by the Planning Commission.
4. Approve plans for construction of public improvements.
5. Approve financial guarantees or financing mechanisms to ensure construction of all public improvements within subdivision plats.

Role of the Zoning Board of Adjustment

The Zoning Board of Adjustment is empowered with the task of protecting the property owner from zoning ordinance regulations that on their face may be valid, but which, when applied to a particular property, may result in an “unnecessary hardship.” Unlike the Planning Commission, which serves mainly as a recommending body to the Board of Aldermen, the Zoning Board of Adjustment has the “final say” in the appeals it rules on so that the spirit of the zoning ordinance is observed and substantial justice is done. The Board functions in the following ways:

1. The Zoning Board of Adjustment is a quasi-judicial body rather than a recommending or legislative body.
2. The Zoning Board of Adjustment’s role is limited to three types of tasks:
 - Appeals of an administrative decision or interpretation where there is an ambiguous provision or an alleged error in the administration of the zoning regulations;
 - Applications for variances related to alleged unnecessary hardship; and
 - Other matters referred to it by the City zoning ordinance, as allowed by state statute.
3. The Zoning Board of Adjustment is not involved in the administration of the zoning regulations.

The Basis of Decision-Making

As with other police powers, the administration of zoning and subdivision regulations is subject to certain legal limitations. One of the most important limitations requires that zoning and subdivision regulations not be applied in an "arbitrary or capricious" manner. Decisions regarding zoning and subdivision issues cannot be based upon or arrived at through an exercise of will or by caprice, without consideration or adjustment based upon principles, circumstances, or policies related to the public health, safety, and welfare of the City of Grandview.

Appendix A of this report provides ethical principles and codes of conduct for all appointed and elected officials.