Presented by User-Centered Zoning Codes

Introduction

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Agenda

- Background on Zoning Code - History, Changes
- A User-Centered Approach - Why?
- Missouri Planning and Zoning Process - an Overview
- Avoiding Pitfalls in Zoning
- How to be More User-Centered
- Proven Zoning Code Solutions that Work
- Hot Topics in Missouri Zoning Codes
Mixed Use Zoning
UDC
Green Codes
Up Zoning
Suburban Sprawl
Green Space
Transect-Based
Mixed Use Zoning
Today…

User-Centered Government

Developers
Planning and Zoning Commissioners
Residents
Elected Officials
Staff
Real Estate
Business Owners
Today…

“To understand zoning, you have to have a law degree, it’s so convoluted and so dense. The whole process of how buildings get built these days is so confusing and opaque to people. There really should be more transparency, so people can have an understanding of what the future holds for their city.”

-Mike Ernst, Director of Planning at the Municipal Art Society of New York

https://www.nytimes.com/interactive/2016/05/19/upshot/forty-percent-of-manhattans-buildings-could-not-be-built-today.html?_r=1

User-Centered Design

- People
  - Residents/Citizens
- Process
  - Public interactions
- Technology
  - Code access tools

Becoming User-Centered

- Adapt a User-Centered Mission Statement
- Fully understand your users, their roles, their needs and their PAIN POINTS
- Adapt work processes to become more user-centered
- Collaborate on code content and access ideas with others
- Adopt appropriate tools/technology to improve access and clarity of your code
Review of Missouri Zoning Process

What is Zoning?
- A set of regulations and administrative procedures that prescribe how land within a municipality is used
- Authority to enact Zoning Codes - Chapter 89, RSMo.
- §89.040, RSMo., “…shall be made in accordance with a ‘comprehensive plan’” - cannot exist without a comp plan

Why?
- Zoning must be designed to protect the public good vs. private
- Zoning ords based on comp plans are consistently administered
- Zoning ords that reflect a comp plan require fewer amendments

Planning and Zoning Commissions
- §89.320, RSMo., makes provisions for a Planning Commission
- §89.070, RSMo., sets out provisions for a Zoning Commission
- Function is to plan for the development of the community
- Most munis combine planning and zoning into one body

Makeup of the Planning and Zoning Commission
- §89.320, RSMo., “not more than 15 nor less than 7 members”
- The Mayor, if the Mayor chooses to be a member
- A member of the legislative body, selected by the body if the body chooses to have a member on the Commission
- No more than 15 nor less than 5 citizen members
Review of Missouri Zoning Process

**Duties of the Planning and Zoning Commission**
- Creates and adopts a comprehensive plan (and city plans)
- Adopts major transportation plans (may be in comp plan)
- Holds public hearings on zoning-related matters
- Review and make recommendations regarding:
  - amendments to zoning ordinances
  - subdivision plans to legislative body
- Review and approve or disapprove major public works development
- Review rezoning requests and make recommendations to the legislative body

**Planning Department/Staff**
- Some municipalities have internal Planning Department/Staff
  - These departments assist the Planning and Zoning Commission with the comp plan and zoning code creation and amendments
  - They also help with understanding interpretation of the Zoning Laws to help facilitate proper implementation of the Code
- Other municipalities function without internal professional staff
  - Contract with consultants who specialize in zoning-related matters
  - Planning and Zoning Commissioners administer the code
  - Planning consultants prepare comp plans and zoning codes for adoption by the municipalities

**Zoning Code or UDC Amendment Procedure**
- Initiated by individual property owners (re zoning)
  - Application made, fee paid, public notice made (newspaper)
  - Legislative body MAY refer to Planning & Zoning Commission for review depending on the provisions of the individual Code
  - Public hearing held (§89.050, RSMo.)
  - Simple majority approval UNLESS <30% of 185' abutters sign a written protest (§89.060, RSMo.) or by a 2/3rds vote (§89.380, RSMo.)
- Initiated by legislative body, Planning and Zoning Commission, or other officials
  - All have a continuing obligation to review the zoning system
Review of Missouri Zoning Process

What Does Zoning Regulate?
• Allowable land uses (residential, commercial, industrial)
• Dimensional requirements (building height, lot area, setbacks)
• Parking requirements
• Nonconforming uses (prohibiting expansion of preexisting)
• Administration (permits, enforcement, records, inspections)
• Design of streets
• Installation/location of utilities or telecommunication towers

What Can Zoning NOT Regulate?
• Minimum costs of permitted structures (protective covenants)
• Dedication of public parks, public school sites, street ROW’s
• Non-Commercial Speech in Signage (Reed v. Gilbert AZ)
• Change non-conforming properties retroactively
• Anything NOT in your Zoning Code or UDC

Becoming User-Centered

The Code

- Adopt minor code amendments to clear up any internal conflicts and/or unanswered questions
- Streamline procedures in the code by removing any unnecessary or cumbersome steps
- Add the “why” to regulations in the code to help users understand what the city is trying to accomplish
- Revert the entire code to fully align with your user-based mission statement and/or major shifts in community needs
- Consider addition of graphics, illustrations, and tabular presentation of zoning code
Becoming User-Centered

**Public Input and Engagement**
- Have plans and codes translated for your community’s non-English-speaking residents
- Revise your application forms to be as short and simple as possible
- Utilize social media to engage with the community proactively and solicit feedback
- Give staff more decision-making authority to expedite development reviews
- Incorporate electronic development processes: applications, plan reviews, etc.

**User-Centered Design**

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  - Residents/customers
- **Process**
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- **Technology**
  - Code access/tools

**Becoming User-Centered**

- Add "customer effectiveness" to employee reviews to establish a formal structure for accountability
- Adopt a customer-first attitude and mission statement
- Train yourself and your staff to always be aware of what your messaging is saying and how it comes across to others
- Hire more staff
- Create an ombudsman position to help resolve disputes
- Keep the office open "after hours" to increase accessibility
Becoming User-Centered

Communications

- Add a comment form to your website
- Create how-to or FAQ resources
- Include easy access to code-related documents (PubDocs)

- Send out proactive press releases and/or tweets to keep users engaged
- Create a regular video or podcast, like a quarterly "from the planning director" message, to help build your brand
- Add opt-in notification services regarding development applications or changes to zoning code

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Solutions That Work

Graphically Rich Codes (Warsaw, MO)
Solutions That Work

Online Interactive Zoning Maps (City of Lake St. Louis, MO)

Solutions That Work

Post Planning & Zoning and Board of Adjustment Meeting Minutes along-side Code (City of O'Fallon, MO)

Solutions That Work

Post Comprehensive Plans along-side Code
Solutions That Work

Zoning Code Reviews (Fenton, MO)

Becoming User-Centered

Tools, Systems and Policies

- Let applicants and the general public know upfront what criteria will be used in evaluating an application
- Conduct online public meetings to make them more accessible to the public
- Implement an online citizen engagement platform to improve two-way communication
- Create an online zoning map that links to your online code

Procedures and Transactions

- Accept online payments
- Allow for submission of application forms online
- Go paperless with online forms
- Implement an enterprise-wide online permitting platform to make the development review process easier for everyone, including staff
Avoiding Pitfalls

- Don’t wait until someone challenges your ordinance or until there is an issue!
- Zoning ordinances and any future amendments must support the community’s Comprehensive Plan
- If you are asked repeatedly about a topic that is not addressed in your zoning code, bring it up with the appropriate parties—Officials have an obligation to ensure the code is working
- Don’t make up for cumbersome development procedures by passing reactive zoning code amendments—this is common, and has many unintended negative consequences!
- Smaller municipalities should consider employing the services of consultant planners when considering major changes to their zoning code.

Missouri Zoning Trends

- Accessory Buildings and Structures
  - Are they allowed? Which zones? Dimensional requirements? Setbacks?

Missouri Zoning Trends

- Tiny Homes
  - Minimum dimensions? Lot sizes? Community requirements?
Missouri Zoning Trends

- Mixed use and Planned Unit Developments on the rise
- Single-family replaced by multi-family residential zoning

Missouri Zoning Trends

- Backyard animals: Chickens, Ducks, Goats, Bees et al.

Missouri Zoning Trends

- Wireless Communication Towers/ 5G Technology
Missouri Zoning Trends

- Green Energy: solar/wind
- Residential and community solar applications

Missouri Zoning Trends

- Medical marijuana/CBD consumption/sales
- Possible legalization of recreational use on ballot in 2022

Missouri Zoning Trends

- "Non-traditional" uses in agricultural zones
- Agritourism
Missouri Zoning Trends

- Short-Term Rentals (airbnb, Vrbo, HomeAway, etc.)

Lessons Learned

- Maintain a user-centered focus
- Partner with others
- Know your users and their needs
- Measure your results: never stop improving!

Q&A
Contact Information

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