

CITY OF  
**CRYSTAL LAKE PARK**  
**BOARD & COMMISSION**  
**TRAINING**

*Planning & Zoning/ARB &  
Board of Adjustment*

*August 5, 2020*

# PLANNING & ZONING COMMISSION/ARB



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# BIRD'S EYE VIEW--RESPECTIVE ROLES

- Planning and Zoning Commission—creates city plan and recommends land use regulations to Board of Alderpersons
- Board of Alderpersons—adopts land use legislation (may differ from P&Z recommendation)
- Board of Adjustment—adjudicates land use disputes
- Architectural Review Board—regulates community's construction aesthetic



# WHAT IS PLANNING?

Planning provides a vision for a community today and in the future.

- Maximizes the health, safety and economic well-being for all people living in communities
- Creates places where people want to live, work and locate a business
- Helps communities preserve their unique character



# WHAT IS PLANNING?

## Planning helps create communities of lasting value

- Balances existing and new development
- Helps communities plan for essential services and amenities that contribute to a high quality of life
- Enables everyone to participate in developing a long term vision for the community



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# WHAT IS PLANNING IN CRYSTAL LAKE PARK?

- Comprehensive Plan
  - Adopted in 2007
- Code of Ordinances
  - Title IV – Land Use
- Zoning Map
  - Four zoning districts (A, B, C, D)
- Design Guidelines
  - Adopted in 2010



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# COMPREHENSIVE PLAN

- Guides development within a community for 10-20 years
- Per Chapter 89, RSMo:
  - Guides zoning recommendations and decisions
  - Coordinates location and construction of public improvements
  - Coordinates subdivision design and location of streets and related improvements
- Developed with public input and reflects the community's vision
- Can be informed by a community's strategic plan
  - Shorter term plan for 3-5 years



# COMPREHENSIVE PLAN

- Anticipates future needs based on existing conditions, trends and public engagement
- Includes a vision, goals, strategies and implementation steps
- Provides a policy framework for decision-making regarding all aspects of a community (e.g. land use, historic preservation, transportation, housing, public facilities, economic development, natural resources)





# TITLE IV – LAND USE (ZONING)

- Cities are authorized by Chapter 89 to establish zoning regulations.
  - Zoning code is a tool used to implement the comprehensive plan
- Zoning promotes public safety, health and general welfare within a community.
- Provides the legal requirements for the use of land, what land uses are allowed, establishes zoning districts and performance standards such as setbacks, building height and site coverage.

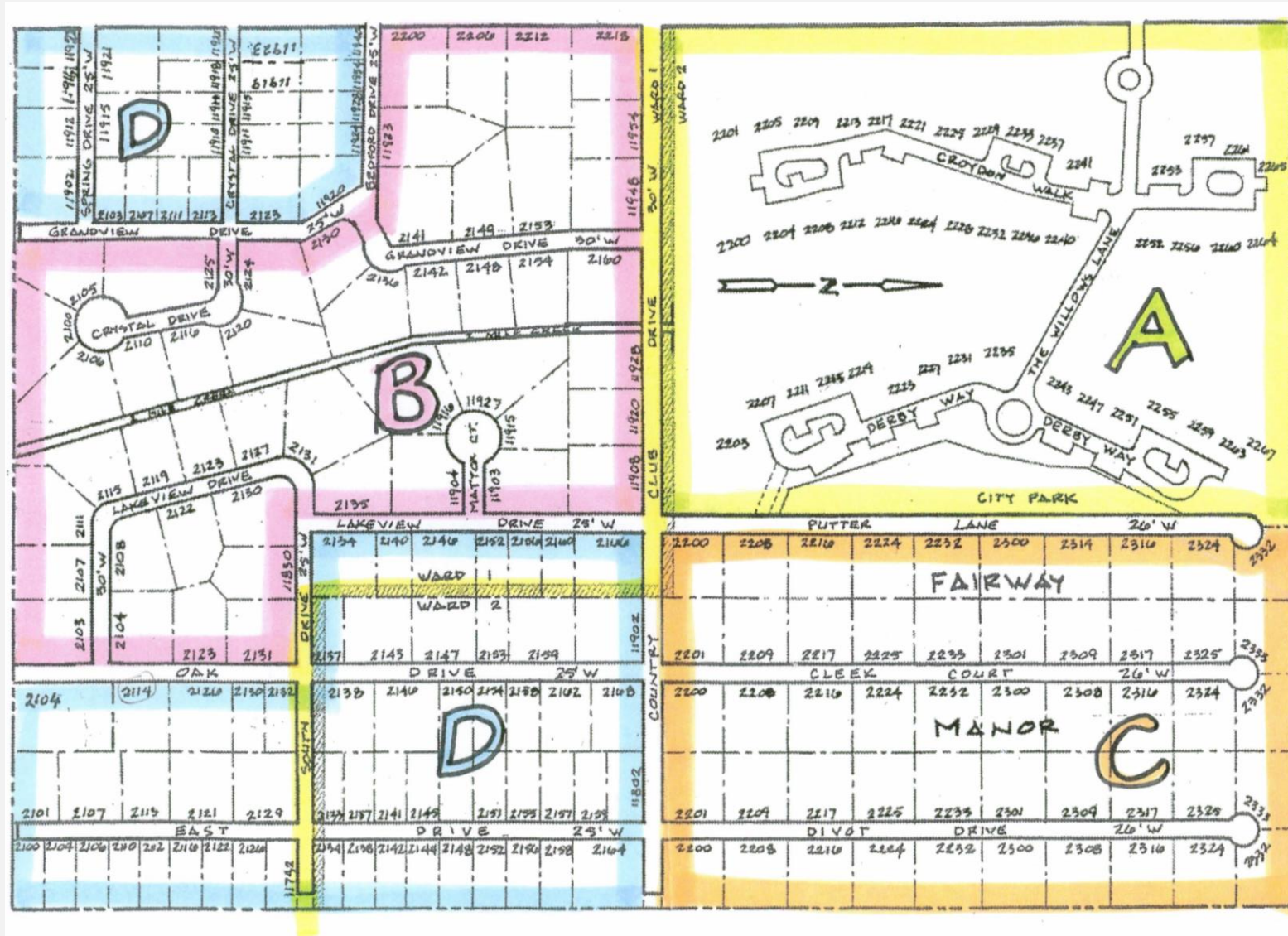


# TITLE IV – LAND USE (ZONING)

- Establishes the Planning & Zoning Commission, Board of Adjustment and Architectural Review Board
- Establishes procedures for review and approval processes
  - Application review
  - Public hearings
  - Appeals process



# CRYSTAL LAKE PARK ZONING MAP



# PLANNING & ZONING COMMISSION

- Authority governed by Chapter 89, RSMo.
  - Chapter 89 authorizes cities to create a zoning commission and a planning board. Many community choose to combine these two functions, creating a Planning & Zoning Commission
- Established in Chapter 415 of City Code
  - Outlines membership, officers, rules for meetings and record keeping, general powers and voting procedures



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# PLANNING & ZONING COMMISSION DUTIES

- Prepare and approve a comprehensive plan for systematic and organized development of the city
- Review, recommend and administer measures necessary to implement the comprehensive plan
- Make recommendations on land use applications, regulations and actions
  - P&Z actions should be consistent with the comprehensive plan
- Serve as the Architectural Review Board



# PLANNING & ZONING COMMISSION ROLE

- Advisory Role
  - Makes recommendations to the Board of Aldermen on issues and activities related to planning and zoning
- Regulatory Role
  - Prepares and adopts a comprehensive plan for the city
- Procedural Role
  - Conducts meetings consistent with due process and makes informed decisions



# PLANNING & ZONING COMMISSION CONDUCT

- Ex Parte Communication – private communication with an applicant or someone who has an interest in a matter before the commission
  - Avoid ex parte communication
  - Correct ex parte contact by disclosing the communication and substance of the conversation at the P&Z meeting and state whether you can still provide unbiased consideration of the application
- Conflict of Interest – when a commission member has substantial financial interest in a matter before the P&Z.
  - Describe conflict for record
  - Recuse yourself from deliberation and vote
  - “Substantial conflict” = money—neighborly loyalty is not a conflict (and must be ignored)





# PLANNING & ZONING COMMISSION CONDUCT

- Conflict of Interest (cont'd) – Avoid even the appearance of a conflict.
  - Describe the situation during the meeting (for the record)
  - May be best to recuse yourself
- Open Meetings – Meetings should be open to the public.
  - Deliberation should occur in public so all have opportunity to observe decision making (no ex-parte communication, no deliberation “behind the scenes”, by closed session or otherwise)
- Public Notice – Notice of meetings and hearings should be posted and advertised as provided in the City’s code.
  - No deliberation or action taken on any matter without proper notice



# ARCHITECTURAL REVIEW BOARD

- Chapter 423 of Title IV establishes the Architectural Review Board (ARB)
- Same membership and officers as Planning & Zoning Commission
- Reviews new construction and exterior alterations of structures
  - Review is guided by Design Guidelines and Comprehensive Plan



# DESIGN GUIDELINES - ARB REVIEW

- Difference between design guidelines and zoning code regulations
- Guidelines are meant to inform an iterative process by which consensus is reached by all as to home aesthetics
- If no consensus is reached, appeal to Board of Alderpersons
- If court appeal from Board of Alderpersons' decision, Guidelines serve as evidence of community aesthetic, which a court will respect barring an arbitrary/capricious design rejection



## Design Guidelines

*Adopted: January 11, 2010  
Revised April 8, 2013*



# DESIGN GUIDELINES

- Developed based on recommendation from the Comprehensive Plan
- Purpose is to protect the character of Crystal Lake Park
- Applicable in the B, C and D zoning districts
- Some minor items may be subject to administrative review



## Design Guidelines

Adopted: January 11, 2010  
Revised April 8, 2013



# DESIGN GUIDELINES - ARB REVIEW

- Review projects based on the design guidelines and their stated purpose
  - See *Introduction*, page 2
- Keep in mind compatibility with surrounding properties
- Review project as a whole not just individual parts
- Allow applicant to come up with alternatives



## Design Guidelines

Adopted: January 11, 2010  
Revised April 8, 2013



# DESIGN GUIDELINES - ARB REVIEW

- ARB approves or denies application
  - May impose conditions or restrictions
- Applicants can appeal decision of ARB to Board of Aldermen
- BOA decision appealed to Circuit Court



## Design Guidelines

Adopted: January 11, 2010  
Revised April 8, 2013



# BOARD OF ADJUSTMENT



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# COMPOSITION

- Five members
- Three alternates
- All must be Crystal Lake Park residents



# SECTION 89.090 - DUTIES

- Hear and decide administrative appeals
- To hear and decide variance applications



# EXAMPLES OF ADMINISTRATIVE APPEALS

- Denial of sign permit
- Denial or issuance of occupancy permit
- Determination of performance standard, e.g., location of setback
- Order to stop work because of the violation of a zoning regulation



# VARIANCE APPLICATIONS

- Request by an owner to vary or modify the application of a specific zoning regulation due to “practical difficulties or unnecessary hardships”, provided that “the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”
- Variances are an exception to the zoning choices made by the Board of Aldermen and, therefore, should be granted sparingly



# TWO TYPES OF VARIANCES

- Area Variance: a deviation from the restrictions which relate to permitted uses within a zoning district (such as setback requirements and lot size requirements)
- Use Variance: permits a use other than the uses permitted in the zoning ordinance



# AREA VARIANCE – PRACTICAL DIFFICULTIES

- First, would the applicant be allowed to build “but for” the zoning regulation?
- Second, is the disqualification due to a condition of the land – not a condition personal to the owner?
- Third, is the condition unusual or unique to the property involved – different from that suffered throughout the zone or neighborhood?



# AREA VARIANCES – SUBSTANTIAL JUSTICE

- Spirit of zoning code retained (de minimis or conditioned variances)
- Public safety and welfare secured
- Substantial justice done (role of precedent)
- BZA decision is a community determination





# CONDITIONS

- In granting a variance, the Board may condition the variance on such terms as it may find reasonable and necessary under the facts of a given case
- For example, the applicant may be allowed to construct closer to the side yard line than would normally be allowed (an “area” variance) but can be required to place such buffers or barriers as would reduce the impact on abutting properties



# HEARING AND RECORD

- Meetings shall be open to the public, including deliberations (Sunshine Law)
- Record must be kept for possible court review
- Witnesses are sworn; court reporter records everything
- Exhibits must include the Code of Ordinances, Comprehensive Plan, hearing notices, BZA application, and staff presentation; the applicant or may submit other exhibits
- Four votes required for decision
- Must prepare written decision, (findings of fact & conclusions of law)



# STANDARD OF COURT REVIEW

- Was the Board's decision based on competent and substantial evidence?
- Was the Board's decision arbitrary, capricious, or unreasonable?
- Was the Board's decision unlawful or in excess of the Board's jurisdiction?





**QUESTIONS?**

