

# Planning and Zoning Land Use Training Program



## *The Land Use System: Setting the Stage*



# Your Presenters Today

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# The Land Use Law Center of Pace University School of Law

*Dedicated to fostering the development of sustainable communities through the promotion of innovative land use strategies and collaborative decision-making techniques.*



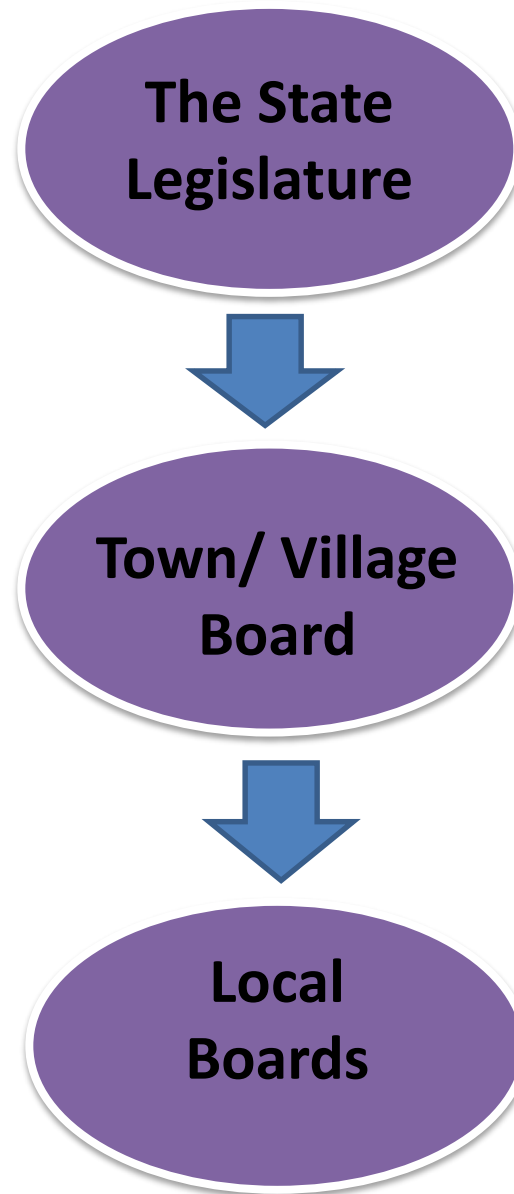
# Today's Topics

- Welcome and Introductions
- Land Use System: Board Roles & Responsibilities
- Case Law Update: Variances, Sign Regulations and Conditional Approvals
  - Small-Scale Exercise: Bay Window
- SEQRA and Community Character

# Who's in the room?



# THE DELEGATION OF LEGISLATIVE AUTHORITY



# THE LAND USE LEGAL FRAMEWORK

The New York State land use enabling act delegates authority to **LOCALITIES** to:

- Adopt comprehensive plans
- Zone
- Approve subdivision and site plans
- Issue special use permits
- Award variances



# THE LAND USE LEGAL FRAMEWORK . . .

Federal and New York State laws to **PREEMPT** or limit local land use authority regarding issues, such as:

- Utility siting
- Cellular facilities
- Religious uses
- Group homes



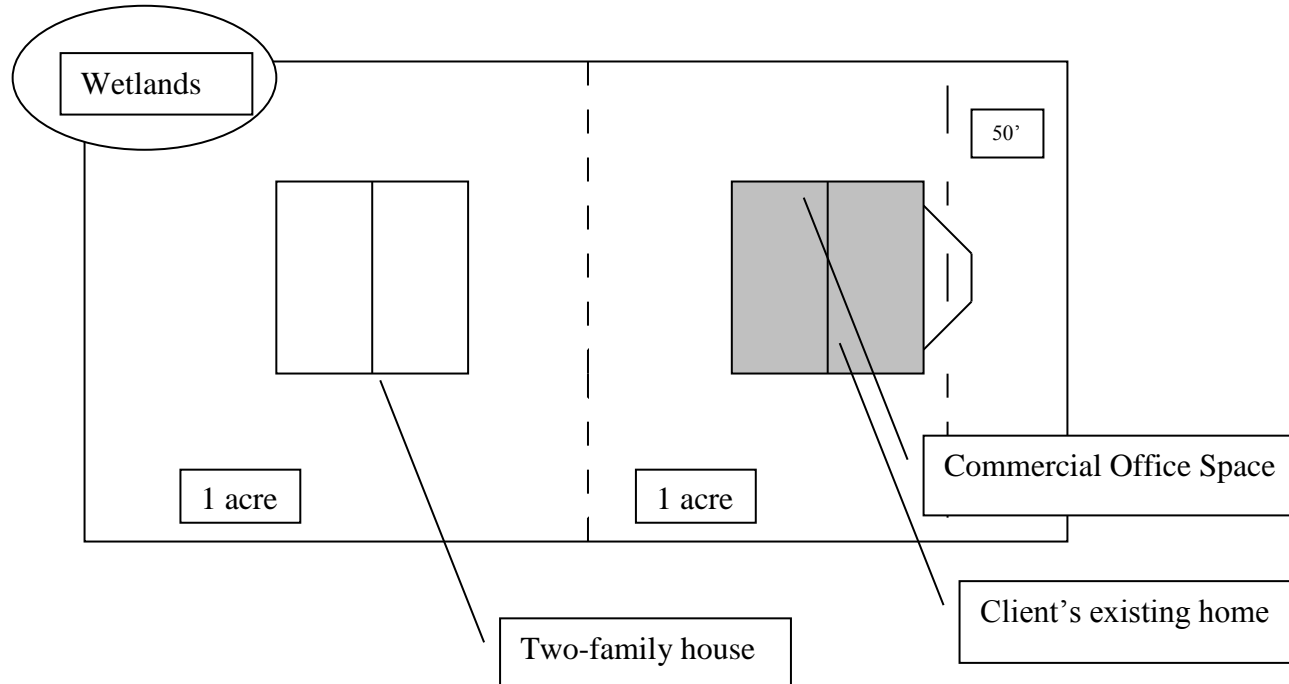


# Role of Local Gov't & Planning

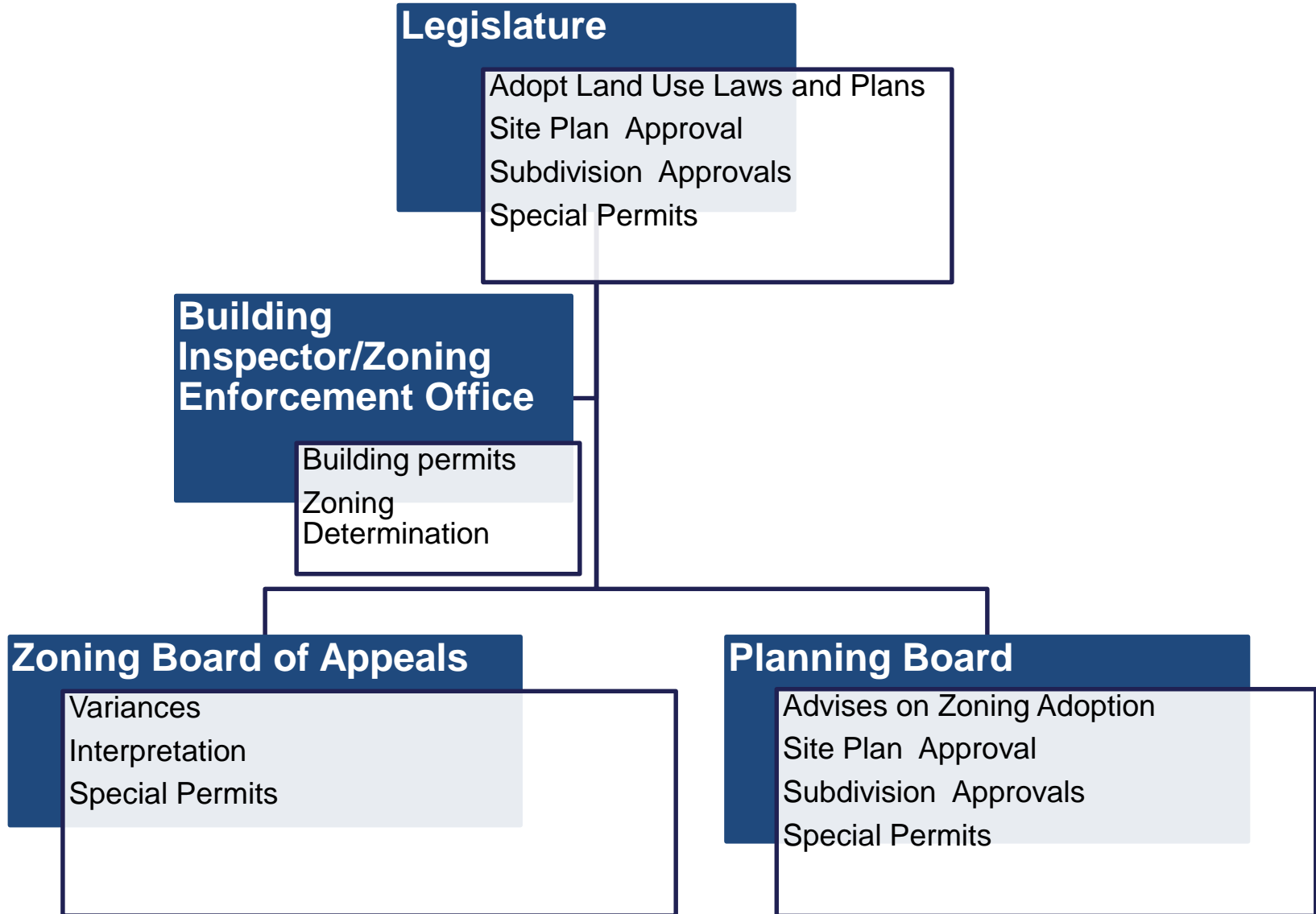
**1,550+** local jurisdictions in NY  
With land use authority

Source: NREL

# Project



# Delegation of Authority



# Zoning

**Zoning Must Be in Accordance with  
Comprehensive Plan**

# WHAT WE USE THE LAND USE SYSTEM TO ACCOMPLISH . . .

“Among our most important powers of local government is the responsibility to undertake comprehensive planning and to regulate land use to protect the public health, safety and general welfare.”

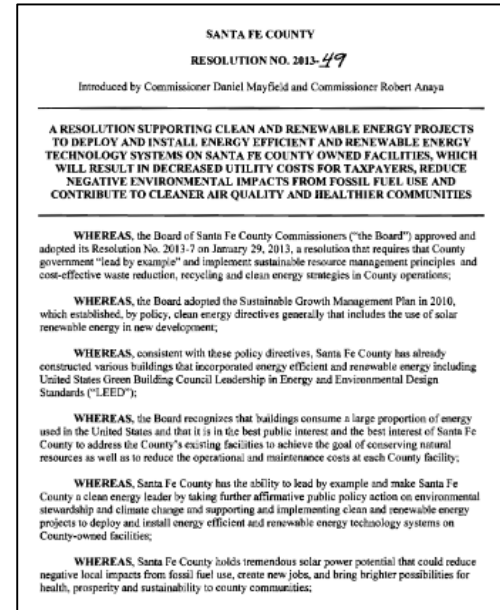


N.Y. Town, Village, General City Law

# POLICY DEVELOPMENT FRAMEWORK

## Adopt a Resolution that:

- Lists purpose (benefits and findings)
- States intention to plan and regulate
- Adopts a task force/committee
- Authorizes research and studies
- Seeks state and federal funding and assistance
- Develop a community engagement process



# APPOINT A TASK FORCE/COMMITTEE

- Charge an existing task force/committee
- Create a new Comprehensive Plan/LWRP Committee
- Must have a planning board member on your Comprehensive Plan Committee

# WHO SITS ON THE COMP PLAN COMMITTEE?

- Municipal Officials
- Chamber of Commerce
- HOAs
- Environmental/Non-profit Community
- Historic Preservation Representative
- Developers
- Landowners & Farmers
- Housing Advocates
- Planning Board Member (required for Comp. Plan)

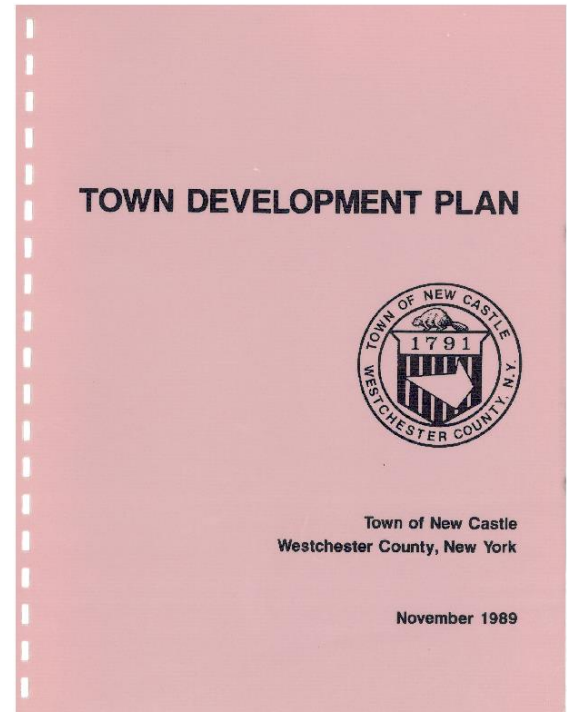


# WHAT IS THE COMMITTEE'S ROLE?

- Conducting studies & performing research
- Partnering with adjacent communities
- Leveraging state and federal technical assistance grants
- Developing a community engagement process
- Amending the comprehensive plan
- Considering regulatory changes

# TIME FOR A NEW PLAN

- Request for Zoning Amendments
- Social and community needs change
- Local, national, international shifts



# COMPREHENSIVE PLAN STRUCTURE

Then

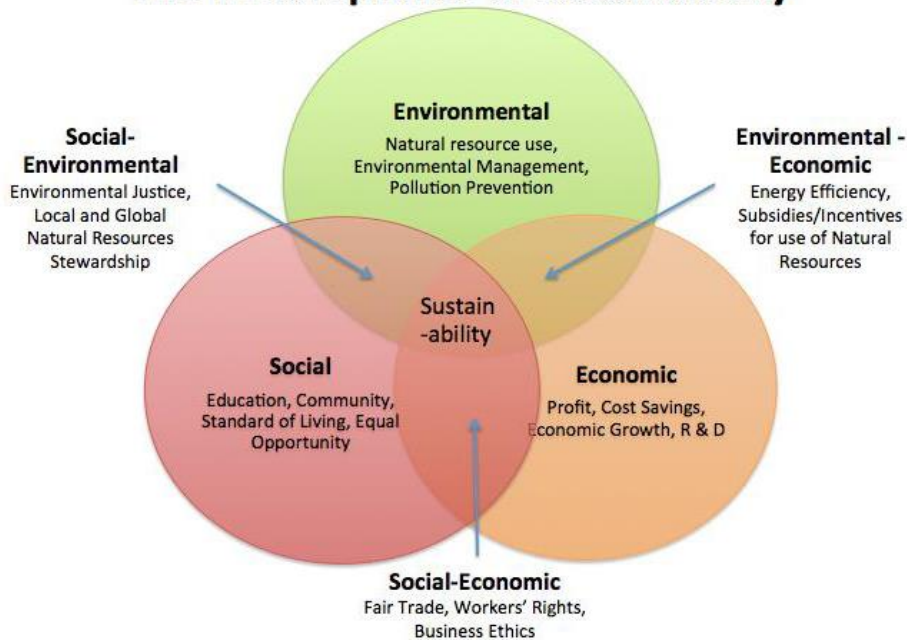


Now



# SUSTAINABILITY AND THE COMPREHENSIVE PLAN

## The Three Spheres of Sustainability



- APA Comprehensive Plan Standards for Sustaining Places
- LEED ND Rating System
- NYS Climate Smart Communities Certification Program
- STAR Communities Rating System

# MAJOR THEMES

Livable Built Environment



Harmony with Nature



Resilient Economy



Healthy  
Community



Responsible Regionalism