## Planning and Zoning Land Use Training Program



### The Land Use System: Setting the Stage



## Your Presenters Today

### Jessica Bacher & Tiffany Zezula

Land Use Law Center, Pace Law School

Victoria Polidoro Esq.

Rodenhausen Chale & Polidoro, LLP

Jennifer Gray Esq.

Member, Keane & Beane, PC

### 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.



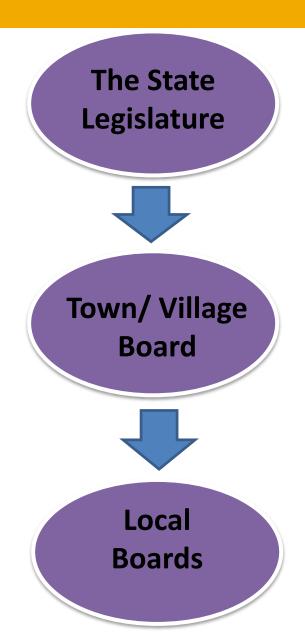
## Today's Topics

- 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









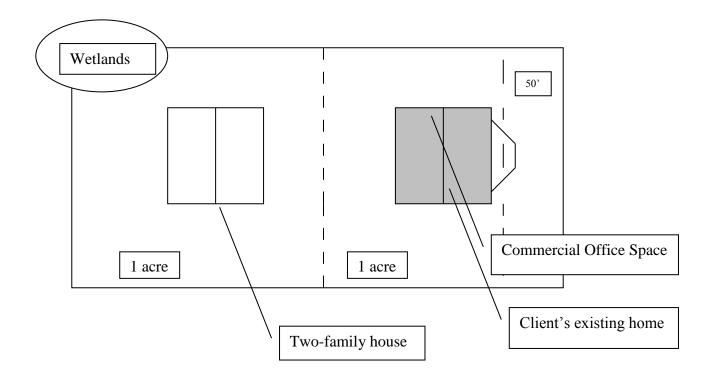


## Role of Local Gov't & Planning

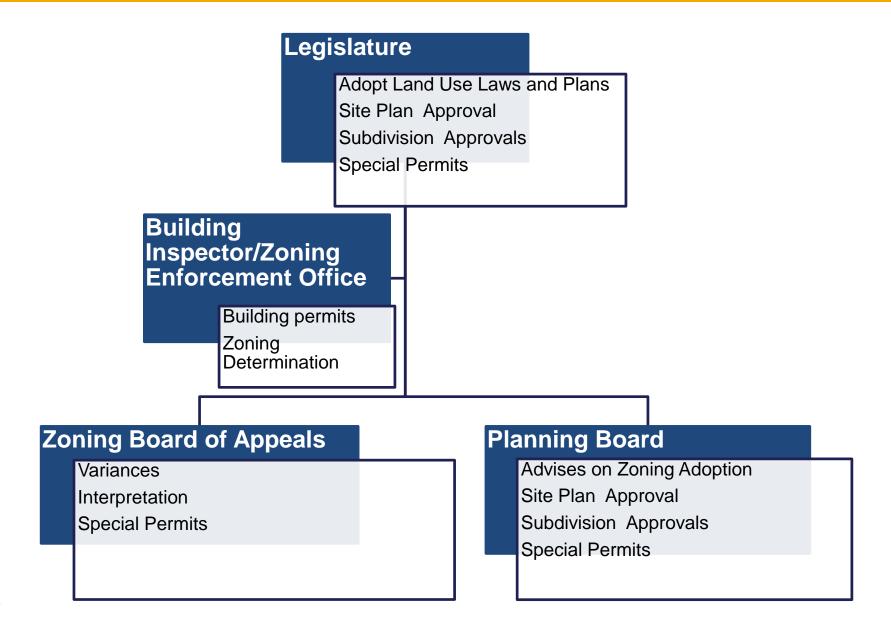
# 1,550+ local jurisdictions in NY With land use authority

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."



### 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

#### SANTA FE COUNTY

#### RESOLUTION NO. 2013-49

Introduced by Commissioner Daniel Mayfield and Commissioner Robert Anaya

A RESOLUTION SUPPORTING CLEAN AND RENEWABLE FURROY PROJECTS TO DEPLOY AND INSTALL FURROY EPFICIENT AND RENEWABLE ENREGY PECHOLOGY SYSTEMS ON SANTA FE COUNTY OWNED FACILITIES, WHICH WILL RESULT IN DECREASED UILLITY COSTS FOR TAXAY AFERS, REDUCE NEGATIVE ENVIRONMENTAL IMPACTS FROM FOSSIL FUEL USE AND CONTRIBUTE TO CLEANER AIR QUALITY AND BEALTHER COMMUNITIES

WHEREAS, the Board of Santa Fe County Commissioners ("the Board") approved and adopted its Resolution No. 2013-7 on January 29, 2013, a resolution that requires that County government "lead by example" and implement sustainable resource management principles and cost-effective waste reduction, recycling and clean energy strategies in County operations;

WHEREAS, the Board adopted the Sustainable Growth Management Plan in 2010, which established, by policy, clean energy directives generally that includes the use of solar renewable energy in new development:

WHEREAS, consistent with these policy directives, Santa Fe County has already constructed various buildings that incorporated energy efficient and renewable energy including United States Green Building Council Leadership in Energy and Environmental Design Standards ("LEED"):

WHEREAS, the Board recognizes that buildings consume a large proportion of energy used in the United States and that it is in the best public interest and the best interest of Santa Fe County to address the County's existing facilities to achieve the goal of conserving natural resources as well as to reduce the operational and maintanance costs at each County facility;

WHEREAS, Santa Fe County has the ability to lead by example and make Santa Fe County a clean energy leader by taking further affirmative public policy action on environmental stewardship and climate charge and supporting and implementing clean and enerwhole energy projects to deploy and install energy efficient and renewable energy technology systems on Countro-sweet facilities:

WHEREAS, Santa Fe County holds tremendous solar power potential that could reduce negative local impacts from fossil fuel use, create new jobs, and bring brighter possibilities for health, prosperity and ustainability to county communities;

### 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?

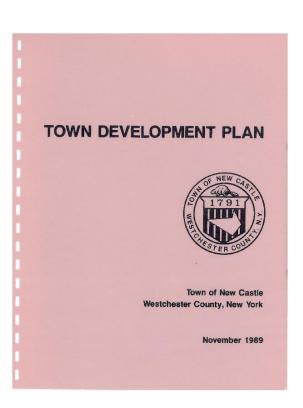
- Municipal Officials
- Chamber of Commerce
- HOAs
- Environmental/Non-profit Community
- Historic Preservation Representative
- Developers
- Landowners & Farmers
- Housing Advocates
- Planning Board Member (required for Comp. Plan)

### 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

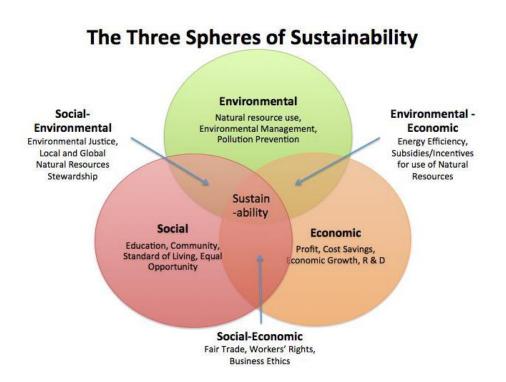
- Request for Zoning Amendments
- Social and community needs change
- Local, national, international shifts



### **COMPREHENSIVE PLAN STRUCTURE**



### SUSTAINABILITY AND THE COMPREHENSIVE PLAN



- 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



Sention (Consumer Many Many Residue)

Responsible Regionalism