The Ongoing Relationship Between Your Comprehensive Plan & Zoning Code

81st Annual New York Planning Federation Conference

Sagamore Resort, Bolton Landing, NY

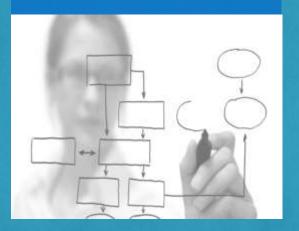


Today's Agenda

- COMP PLAN 101 -A Brief Overview



- PLANNING & ZONING EXAMPLES -



- TAKEAWAYS & DISCUSSION - Q & A





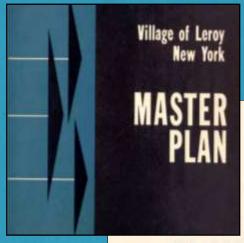


- Comprehensive Plan vs Master Plan -



- > Land Use
- EconomicDevelopment
- **Transportation**
- **Utilities**
- **Parks**
- **Environment**
- > Etc.

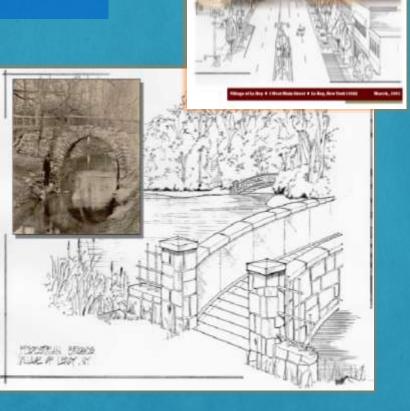








- Comprehensive Plan vs Master Plan -



Village of Le Roy

Comprehensive Plan



COMPREHENSIVE PLANS

- CommunityCharacter
- Civic Design
- Public Health
- Sustainability
- CommunityResources
- Active Transportation
- Aging-In-Place
- Etc.

Barton & Joguidice

- Why Do We Need A Comprehensive Plan -

- 1. Provided for by New York State Law
- 2. Promotes the health, safety & welfare of the public



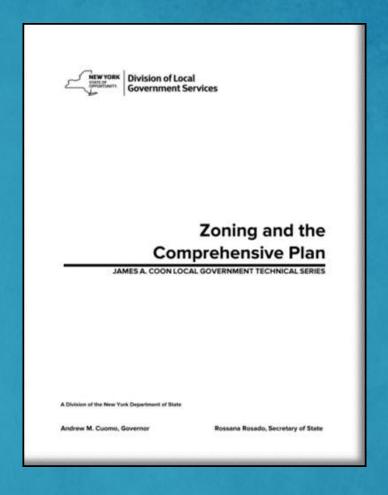
- 3. Provides background information & policies to assist with decision-making
- 4. Establishes framework for future programs, development & investment



- Why Do We Need A Comprehensive Plan -

City Law §28-a. City comprehensive plan.

Village Law §7-722. Village comprehensive plan.



General Municipal Law §239-d. County comprehensive plan.



- Why Do We Need A Comprehensive Plan - The definition of "Town comprehensive plan" identifies a document with both an immediate and a long-range view:

"town comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the *immediate* and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.

Town Law §272-a (emphasis added).



1. Represents a statement of policy & priorities by the Boards

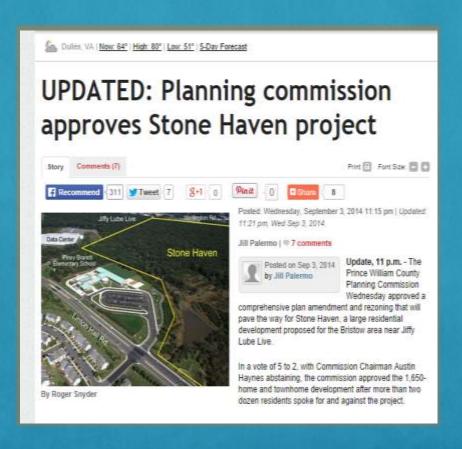
CAMPAIGN FOR URBAN PARKS







- 1. Represents a statement of policy & priorities by the Boards
- 2. Provides direction to decision makers (PB, ZBA, staff)





- Represents a statement of policy & priorities by the Boards
- 2. Provides direction to decision makers (PB, ZBA, staff)
- 3. Strengthens the municipality's legal position in land proceedings

"In the absence of a well considered comprehensive plan, the risk always exists that the zoning upon which it is supposedly based will be invalidated if challenged in court."

News Blog

Archives RSS

· Poverty is a factor in urban educat...

Albany is going to fi

THURSDAY, AUGUST 15, 2013

Westport Crossing developer sues Village of Pittsford

POSTED BY JEREMY MOULE ON THU AUG 15, 2010 AT 12:56 PM

The developer of the proposed Westport Crossing project in Pittsford — better known as 75 ft — is now suing the Village of Pittsford to stop it from applying a section of its local laws. Althor deals only with this development, it could ultimately have a broader effect, preventing village appealing Planning Board decisions through the village Board of Trustees.

The village has a law on the books that lets any "applicant or interested person" appeal a Plant decision via the village board. And that's just what the Friends of Pittsford Village and two vill Justin Viletstra and Michael Reynolds, did on July 17, challenging the Planning Board's July 10, approval of the project's site plan.

Vlietstra, Reynolds, and the Friends group said that the site plan failed to meet criteria set by board in a regulating plan. That plan, which the village board approved in December, basically the allowed number and size of the buildings as well as the approved footprint of the project.



- 1. Represents a statement of policy & priorities by the Boards
- 2. Provides direction to decision makers (PB, ZBA, staff)
- 3. Strengthens the municipality's legal position in land proceedings
- Serves to make government more efficient & responsive







- 1. Represents a statement of policy & priorities by the Boards
- Provides direction to decision makers (PB, ZBA, staff)
- 3. Strengthens the municipality's legal position in land proceedings
- 4. Serves to make government more efficient & responsive
- 5. Increases chances of funding for the municipality & its partners by outside organizations







- 1. Represents a statement of policy & priorities by the Boards
- 2. Provides direction to decision makers (PB, ZBA, staff)
- Strengthens the municipality's legal position in land proceedings
- 4. Serves to make government more efficient & responsive
- 5. Increases chances of funding for the municipality & its partners by outside organizations
- 6. Fosters economic development



> Zoning & Regulatory Measures:

- > Development Guidelines or Standards
- Innovative Zoning Techniques
- > SEQR Compliance

Potential Non-Regulatory Tools:

- > Farmland and open space conservation
- > Purchase of development rights
- > Special districts (BID, SAD, etc.)

> Capital Budgeting:

- Community Facilitates and Infrastructure
- > Phasing Strategy
- > Grants and Financing Opportunities

› Organizational Capacity:

- > Governmental, Nonprofit, and Private Sector
- Regional and Intermunicipal Connections



- A Comprehensive Plan is NOT -

....An end, but the beginning of a process.

COMMUNITY-WIDE VISION

Comprehensive Plan

Current Conditions, Needs & Issues, Vision, Goals/Policies & Objectives Future Land Use Map Implementation Strategies

Functional Plans

Natural Resources, Housing, Transportation, Public Utilities, etc.

Capital Improvement Programs

Fiscal Impact Analysis, Capital Budget, etc.

Small Area Plans

Neighborhoods Corridors Activity Centers

Implementing Ordinances

Zoning Ordinances, Development Regulations, Building Codes, Design Standards, etc.

Administration

Plan Reviews, Development Permits, Building Permits, etc.



- A Comprehensive Plan is NOT -

- 1. An end, but the beginning of a process.
- 2. A reason to expect immediate changes.
- 3. Permanent or rigid.
- 4. Zoning or land use law.



- In Summary -

"A comprehensive plan is 'comprehensive' in its scope, not its detail. It is intended to integrate many related issues so that their connections are clear and understandable. The community should have realistic expectations of what a plan can and cannot accomplish. It can guide the future but cannot determine it. It can recommend actions but cannot ensure they will occur. The success of any comprehensive plan depends on the citizens of a municipality to work together and see that it happens."

~ NYPF Article



Comprehensive Plan Process



What is a Comprehensive Plan?

A Comprehensive Plan's primary role is to:

Establish the community's vision for its future

Be directional about how to attain this vision

Assign responsibilities for and to prioritize the specific actions that will be taken following completion of the plan



What is a Comprehensive Plan?

The Plan provides a venue for identifying:

The current state

•••

Take stock of the situation – What do you cherish? What are your issues/concerns about the future?

The desired state



What does the community want to be like in the future – what is its vision?

How? ∙••

What will the community do to get there?



Developing the Plan

Referrals

Planning Board ("may"), County
Planning Board ("shall")

Adoption

Legislative body, by resolution

Who Prepares

Legislative body, Planning Board, or a "Special Board"

Public Hearings

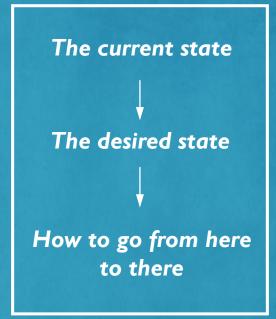
One or more during preparation, one or more prior to adoption

Review

Must set "the maximum intervals at which the adopted plan shall be reviewed"

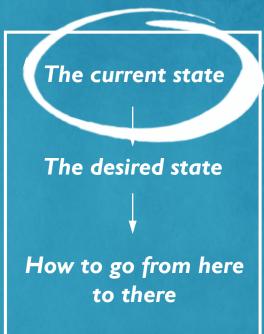


- 1. Plan to Plan ✓
- 2. Structure and Schedule the Process ✓
- Gather and Analyze Data
- 4. Identify Problems, Issues, and Concerns
- 5. Develop a "Vision" for the Plan
- 6. Develop Plan Goals and Objectives
- 7. Generate and Evaluate Plan Alternatives
- 8. Select and Develop a Preferred Plan
- 9. Adopt the Plan, Set Implementation Schedule
- 10. Monitor for Results and Impact



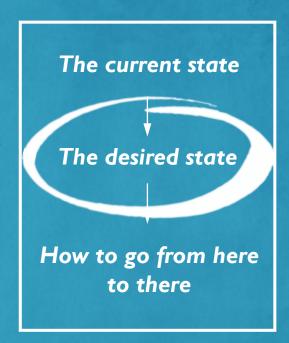


- 1. Plan to Plan
- Structure and Schedule the Process
- 3. Gather and Analyze Data ✓
- 4. Identify Problems, Issues, and Concerns ✓
- 5. Develop a "Vision" for the Plan
- 6. Develop Plan Goals and Objectives
- 7. Generate and Evaluate Plan Alternatives
- 8. Select and Develop a Preferred Plan
- 9. Adopt the Plan, Set Implementation Schedule
- 10. Monitor for Results and Impact



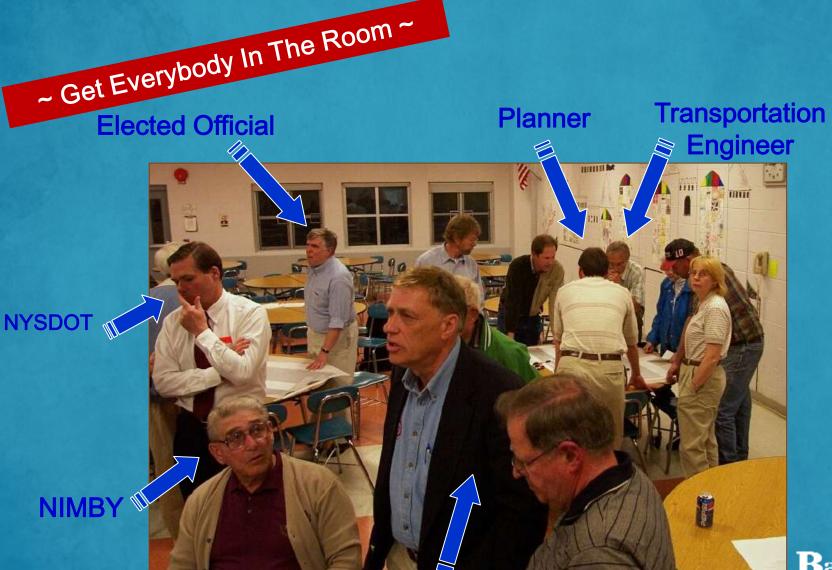


- 1. Plan to Plan
- 2. Structure and Schedule the Process
- Gather and Analyze Data
- 4. Identify Problems, Issues, and Concerns
- 5. Develop a "Vision" for the Plan ✓
- 6. Develop Plan Goals and Objectives ✓
- 7. Generate and Evaluate Plan Alternatives
- 8. Select and Develop a Preferred Plan
- 9. Adopt the Plan, Set Implementation Schedule
- 10. Monitor for Results and Impact





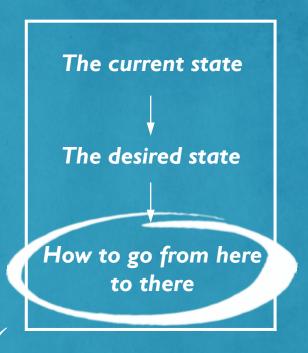
The Desired State: Public Participation



Residents

Barton & oguidice

- 1. Plan to Plan
- 2. Structure and Schedule the Process
- Gather and Analyze Data
- 4. Identify Problems, Issues, and Concerns
- 5. Develop a "Vision" for the Plan
- 6. Develop Plan Goals and Objectives
- **7.** Generate and Evaluate Plan Alternatives \checkmark
- 8. Select and Develop a Preferred Plan ✓
- 9. Adopt the Plan, Set Implementation Schedule
- 10. Monitor for Results and Impact





- 1. Plan to Plan
- 2. Structure and Schedule the Process
- Gather and Analyze Data
- 4. Identify Problems, Issues, and Concerns
- 5. Develop a "Vision" for the Plan
- 6. Develop Plan Goals and Objectives
- 7. Generate and Evaluate Plan Alternatives
- 8. Select and Develop a Preferred Plan
- **9.** Adopt the Plan, Set Implementation Schedule ✓
- **10.** Monitor for Results and Impact ✓

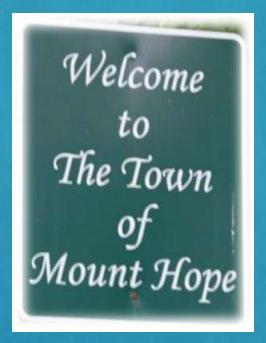


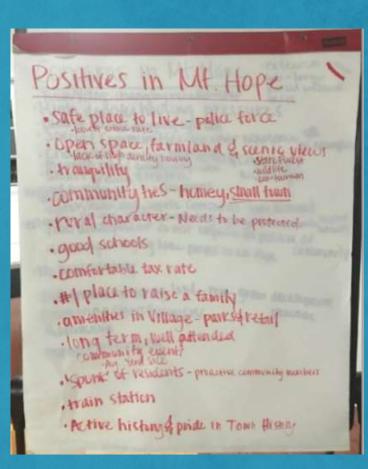


Orange County, Population: 7,000

- > CPUC Kick-off Meeting: June 9, 2016
- > Monthly CPUC Meetings









The Current State

Municipal Documents

- 1991 Mount HopeComprehensive Plan
- > Town Zoning and Subdivision Regulations

Countywide Documents

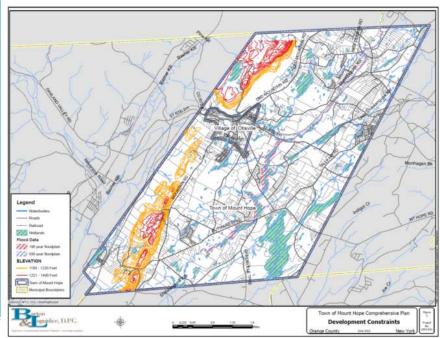
- > 1998 Orange County Agriculture and Farmland Protection Plan
- > 2004 Orange County Open Space Plan
- 2010 Orange County Comprehensive Plan
- > 2010 Orange County Design Manual
- 2010 Orange County WaterManagement Plan

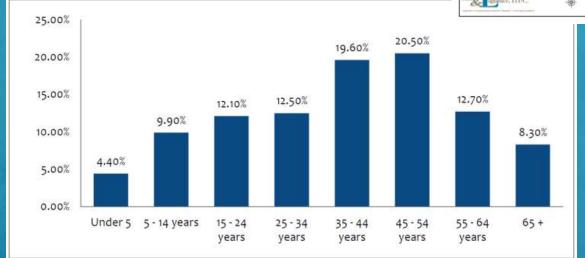


The Current State

Population by Age Cohort

- > Median Age in 1990 was 30
- > Median Age in 2014 was 41







The Current State





Mount Hope Comprehensive Plan Update Public Workshop

HELP DEVELOP A VISION FOR THE TOWN OF MOUNT HOPE



To Learn More:

When: Tuesday, September 20, 2016 7:00 P.H.

Where: Community Center, 7-11 Baker Street , Mount Hope, NY

Why: The Town of Mount Hope Comprehensive Plan Updase Committee (CPUC) is sponsoring an

Issues Identification Workshop on Tuesday September 20, 2016 at 7:00 PM at the Community Center (7-11 Baker Street). The Town is currently updating its comprehensive plan to establish the community's vision for the future regarding a variety of topics such as residential growth, economic development, land use, infrastructure and community character.

economic development, and use, impatrocture and community character

The purpose of this initial public workshop is to introduce the community to the comprehensive plan process. We will also work together to define the Town's strengths and identify issues and concerns that should be addressed through the planning process. Residents, property owners, business owners, and all others who are interested in the future of the Town are encouraged to participate in this workshop.

The Comprehensive Plan Updata Committee was established by the Town to prepare the comprehensive plan update. The Committee's recommendations will ultimately be forwarded to the Town Board for adoption. For additional information about upcoming meetings, or to review notes from past meetings, please visit the Town website at http://pomonthiounthiops.org.

Who Should Attend:

Residents. Property Owners, Business Owners, and all others who are interested in the future of the Town of Mount Hope

Speciment by the Town of House Hope Comprehensive Pan Lighter Committee

From here special month due to a bandous place contact Town Vall (59') 106-140





The Desired State

Visioning Workshop
December 2016



Preliminary Vision and Goals

Vision Statement

The Town of Mount Hope is a vibrant rural community that has conserved active farmland and protected its abundant natural resources and scenic beauty while guiding appropriate residential and commercial growth in and around the Village of Otisville, in the Town's small hamlets, and in other well-defined, compact development areas. The Town provides cost-efficient services to its residents, maintains public safety, and celebrates its history and culture while encouraging residents and welcoming visitors to patronize its small businesses and enjoy its rural character and outdoor recreational opportunities.



How do we go from here to there?

Recommendations:

Protect Environmental Resources

Promote Rural
Business
Develop a Vision for an Interconnected
Network of Open
Space and
Recreational

Promote Open
Space and
Farmland
Conservation

Update Land R Use Regulations to Preservation of Rural Character

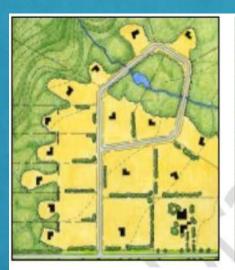
Additional
Town-wide
Recommendations

Resources



Update Land Use Regulations to Preserve Rural Character

- > Review residential density
- > Separate concepts of "density" and "lot size"
- Conservation Subdivision Design
- Discourage frontage development
- Incentive Zoning





A comparison of a conventional subdivision (left) with a conservation subdivision (right). In both cases, a total of 16 residential lots were created. A conservation easement ensures that the open land preserved as part of the conservation subdivision (right) cannot be further subdivided or developed in the future.

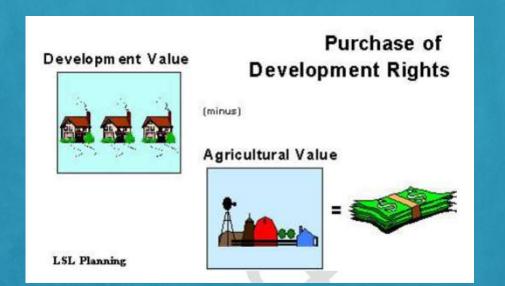


Frontage development along a rural road in Mount Hope (Google Earth)



Promote Open Space and Farmland Conservation

- Conservation Easements
- Purchase of Development Rights (PDR)
- > Funding Options



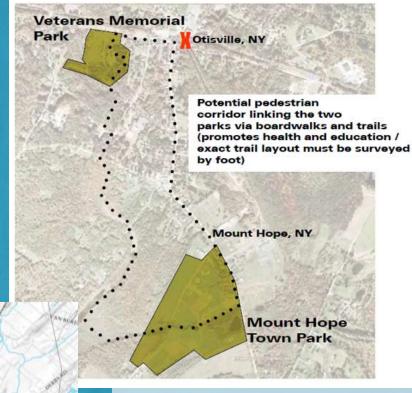




Develop a Vision for an Interconnected Network of Open Space and Recreational Resources

OTISVILLE

MOUNT HOPE



Otisville – Mount Hope Trail Network

Orange County Heritage Trail Extension



Protect Environmental Resources



Example of parking area bioswale from the Stormwater Coalition of Tompkins County

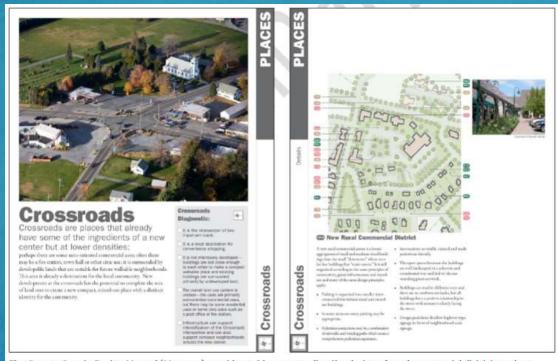


Promote Rural Business Development





Promote Rural Business Development



The Orange County Design Manual (May 2011) provides guidance regarding the design of rural commercial districts such as those in Mount Hope.



Town of Mount Hope Comprehensive Plan Update



Trace of Maum Hope: Comprehensive Flori Spirite Committee
Flori Committee Drift - November (417)

For public review and discounts at a Public Meeting (Public Repring) on Humbay, Recentive 23, 2013, 2008 PM (E-the Community Cores: or Baker Server.



Final Comprehensive Plan Adoption - March 2018

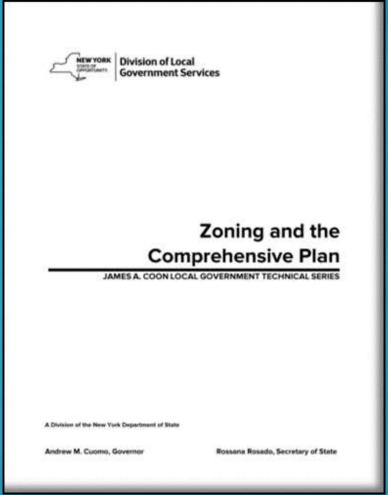


Zoning Code Update Adoption – January 2019



Relationship of Zoning to the Comprehensive Plan

New York requires that zoning be adopted in accordance with a well-considered or comprehensive plan.

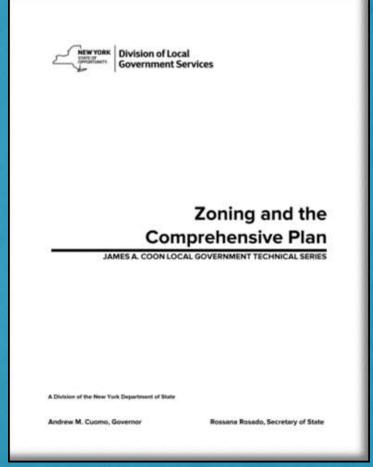




Relationship of Zoning to the Comprehensive Plan

The comprehensive plan is insurance that the ordinance bears a "reasonable relation between the end sought to be achieved by the regulation and the means used to achieve that end."

Fred F. French Investing Co., Inc. v. City of New York (1976)





Examples of Zoning Innovations to Implement a Comprehensive Plan



"Plans are only good intentions unless they immediately degenerate into hard work."

- Peter Drucker

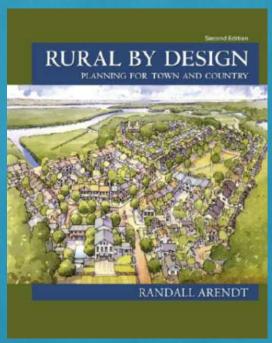


Conservation Subdivision Design (term coined by Randall Arendt)

Uses open space resources present on a site to be developed as the starting point for design, much in the same way that a golf-course community is designed.

The four-step conservation subdivision design process:

- 1. Identify conservation areas potential development areas follow once the conservation areas have been "greenlined".
- 2. Locate house site
- 3. Align streets and trail
- 4. Draw in the lot lines







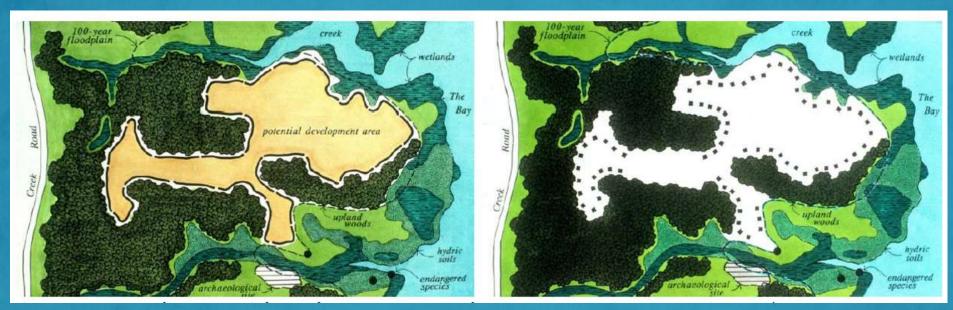
Figures 19-5 A & B: Predevelopment Situation and "Yield Plan". The land prior to development, shown in Fig. 19-5A, consists of roughly 80% upland, almost equally divided between farmland and forest, with the remainder being wetlands and floodplains. The conventional layout of 72 houselots (Fig. 19-5B) also serves as a "Yield Plan", demonstrating the number of houselots the property would ordinarily support in a standard plat with no usable open space. Source: Arendt 2993





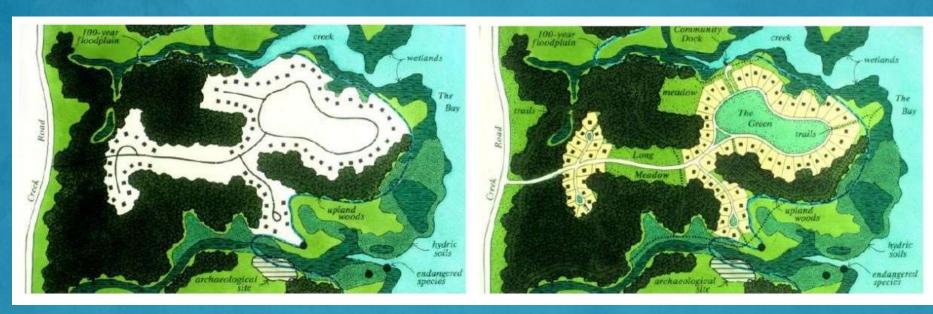
Figures 19-6 A & B: Step One, Identifying Primary and Secondary Conservation Areas. The first step involves identifying Primary Conservation Areas (Fig. 19-6A, limited to wetlands, floodplains and steep slopes), and Secondary Conservation Areas (Fig. 19-6B) including those unprotected elements of the natural and cultural landscape that deserve to be spared from clearing, grading, and development. In this example the upland forest habitat is of critical environmental importance, while the farmland's ecological value is negligible. Source: Arendt 2993





Figures 19-7 A & B: Potential Development Areas and Step Two, Locating House Sites

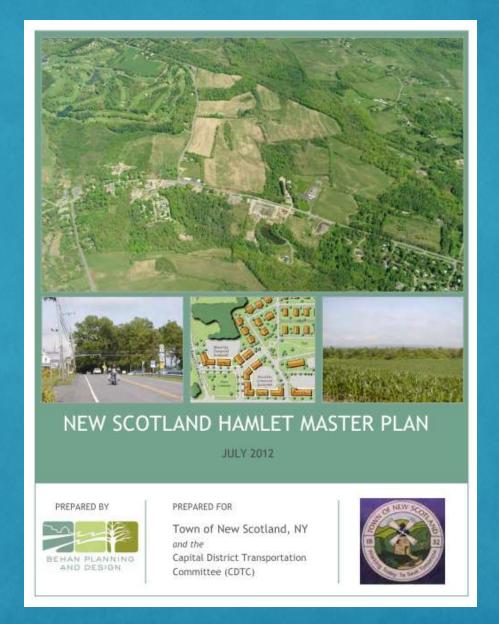




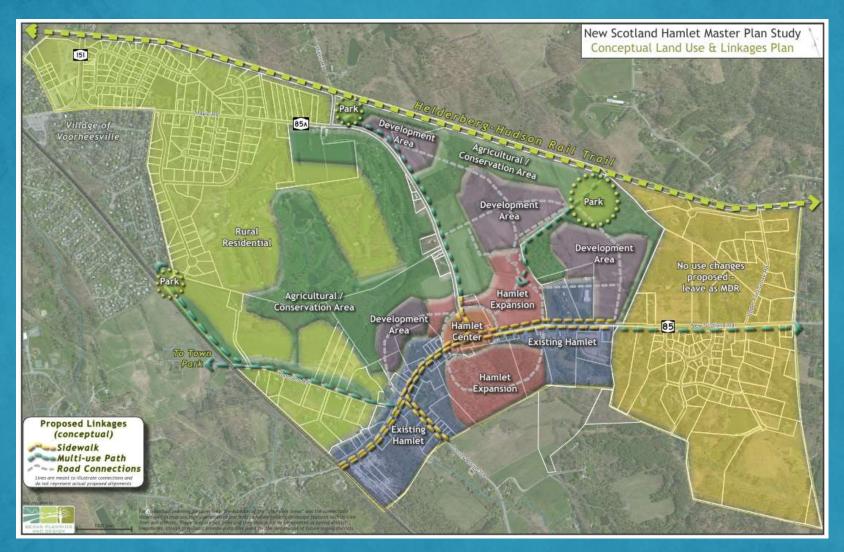
Figures 19-8 A & B: Step Three, Aligning Streets and Trails; and Step Four, Drawing in the Lot Lines. The third step consists of tracing a logical alignment for local streets to access the 72 homes and for informal footpaths to connect various part of the neighborhood, providing recreational space while building community among residents (Fig.19-8A). The final step involved drawing in the lot lines, perhaps the least important part of the process. Successful developers of open space subdivision know that most buyers prefer homes in attractive park-like settings, and that views of protected open space enable them to sell lots or houses faster and at premium prices (Fig.19-8B). Such homes also tend to appreciate more in value, compared with those on lots in standard "cookie-cutter" developments offering neither views nor nearby open space. Source: Arendt 1993



Albany County Population: 8,600











A conceptual layout for the northeast corner of the **Hamlet Center** and adjacent **Hamlet Expansion** area. In this concept commercial development is concentrated around the commons and along the major roads with moderate density residential development beyond. Park land and pedestrian accommodations are also considered and interwoven within the new development.

Barton

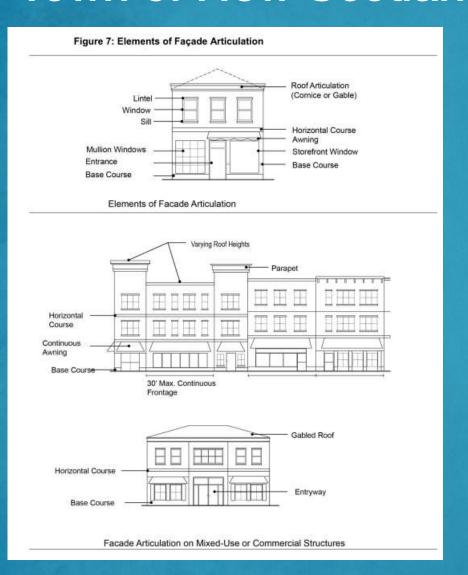
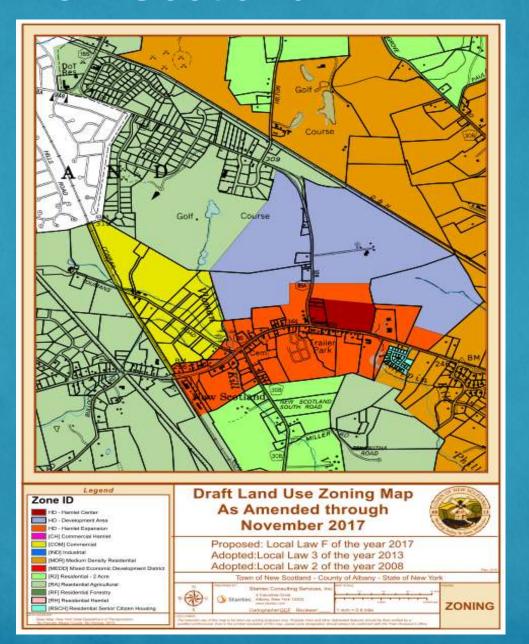


Figure 8: Design Standards for New Streets* Design Speed: 25 MPH Boulevard 6-8' 5' Design Speed: 25 MPH Main Street Local Street Neighborhood Street Pedestrian Street * Bike facilities shall comply with the design standards set forth in Figure 9







Town of New Scotland Comprehensive Plan Update April 2018



Town of New Scotland Comprehensive Plan Update April 2018





1Page



Vision Statement - excerpt

Achieving the Town's goal of preserving its rural fabric hinges on adopting laws and implementing policies that support and encourage the concentration of appropriately scaled development within the Village and hamlet centers while conserving the Town's natural preserves.

It is the vision for the Town of New Scotland to enact laws and implement policies that will:

- Retain the rural, agricultural and open-space character of the Town;
- Protect and restore natural resources³ and scenic vistas⁴ throughout the Town;
- Promote sustainable, walkable, climate smart development which directs development to areas with existing water/sewer infrastructure;
- Encourage affordable housing;
- Promote the economic vitality of the Town's five hamlet centers and in a manner complementary to the Village by improving existing development and concentrating new commercial infrastructure and development within and surrounding these areas; and,
- Provide for an active and engaged community for its residents and visitors.



Implementation Measures - excerpt

Recommended Implementation Measures

To following implementation measures are recommended to achieve the above referenced eleven goals. Each measure has been given a high (H), medium (M) or low (L) priority as indicated in the right hand column. This list is not exhaustive. Other measures may also assist in the implementation of the Plan's goals.

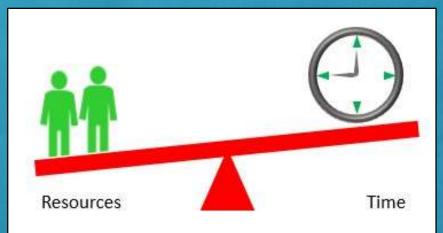
Goal 1: Revitalize Hamlet Areas and Village		
1.1	Establish Priority Development Districts using natural resources and existing infrastructure as a guide.	н
1.2	Partner with the Albany County Land Bank to create a strategic approach to reduce the number of vacant, abandoned or underutilized properties in hamlet areas and the Village. Seek grant funding to provide financial support for such efforts.	М
1.3	Consider the adaptation of the New Scotland Hamlet Center zoning district land use standards to the other hamlets and Village of Voorheesville. Amend zoning regulations where needed to allow restaurants to accommodate outdoor dining and allow shared parking and mixed-use development. When updating the zoning code, consider form-based code implementation.	L
1.4	Establish sittable places; implement sidewalks, lighting and signage; and improve traffic and pedestrian safety.	М



Funding for Comprehensive Plans and Zoning Code Updates

- 1. NYS Department of State: Local Waterfront Revitalization Program (LWRP)
- 2. NYS DEC: Climate Smart Communities Program
- 3. NYS Empire State Development (ESD):
 Strategic Planning and Feasibility
 Studies Program
- 4. NYS Homes and Community Renewal (HCR): Community Development Block Grant Program (CDBG)
- 5. Others







Summary of Takeaways on Comprehensive Plans

- 1. Represents a statement of policy & priorities by the Boards
- 2. Provides direction to decision makers (PB, ZBA, staff)
- 3. Strengthens the municipality's legal position in land proceedings
- 4. Serves to make government more efficient & responsive
- 5. Increases chances of funding for the municipality & its partners by outside organizations
- 6. Fosters economic development



Questions & Discussion

Robert J. Murphy, AICP

Project Land Use Planner (518) 218-1801

rmurphy@bartonandloguidice.com

Barton & Loguidice, DPC 10 Airline Drive, Suite 200 Albany, NY 12205

