



Ulster County 2021 Climate Smart Communities Recertification Documentation

CSC Action 6.2: Incorporate Smart Growth Principles into Land-use Policies and Regulations

8 POINTS DOCUMENTED

Background & Documentation:

- The Ulster County *Land Use Referral Guide* contains policies and procedures that should be utilized at the earliest stages of the land use approval process. It is available in both PDF and web/online format. The updated Referral Guide is complemented by the *Community Design Manual*. The Guide helps applicants navigate the approval process for those land use actions where the Ulster County Planning Board (UCPB) has jurisdiction.
 - *Land Use Referral Guide* webpage: <https://ulstercountyny.gov/planning/ref.html>
 - Various Smart Growth Principles are included in the *Referral Guide*, and these guidelines are organized under three overarching themes (p. 15):
 - “Nature: This is the underlying framework of natural resources and open spaces around which development patterns must be organized in order to protect the environment and preserve the integrity of natural systems.
 - Links: This is the linking of all elements of the built environment by creating as fine a grained street-and-block network as possible and by enabling all forms of mobility to reduce dependence on the automobile
 - Communities: These are places where, to the greatest extent possible, people can live, work, shop and recreate within walking distances. Building complete communities is essential for reducing dependence on automobiles, for advancing equity, and for fostering social interaction.”
 - **Smart Growth Principles in the *Land Use Referral Guide*** (please note that some of these guidelines incorporate more than one smart growth principle):
 - Mix land uses (1 point)
 - “Create diversity of land use
 - Integrate neighborhood civic uses
 - Create diversity of housing types
 - Provide for flexible use/mixed use” (p. 20)
 - Promote compact building design and cluster development (1 point)
 - “Protect natural and scenic resources – Protect Farmlands” (p. 17)
 - “Create Beautiful Neighborhoods” (pp. 20-21)
 - “Create ‘Main Street’ Environments (p. 21)
 - Diversity of housing opportunities and choices (1 point)
 - “Create diversity of land use – Create diversity of housing types” (p. 20)
 - Walkable neighborhoods (1 point)
 - “Create linked open spaces
 - Link protected resource areas on individual parcels
 - Create and link parks and greenways “ (p. 16)
 - Foster distinctive, attractive communities with a strong sense of place (1 point)
 - “Create the urban forest
 - Landscape parks and plazas

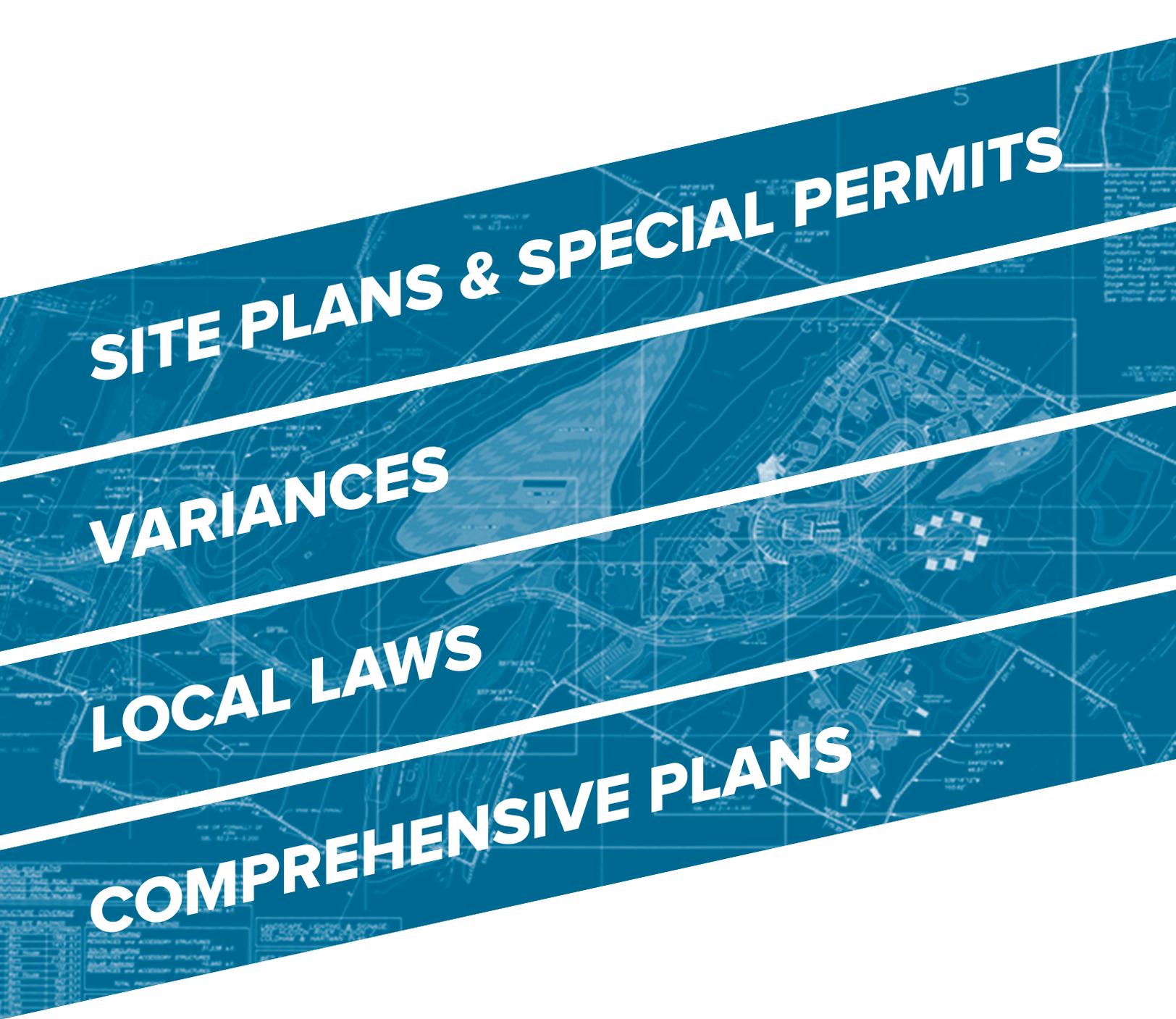


- Create green streets “(p. 16)
 - “Create beautiful neighborhoods
 - Orient buildings to streets
 - Promote context-sensitive design” (pp. 20-21)
 - Preserve open space, farmland, natural beauty, and important natural areas (1 point)
 - “Protect natural and scenic resources
 - Create resource-specific plans and regulations
 - Mandate conservation subdivisions
 - Protect watersheds and freshwater wetlands
 - Protect farmlands “(p. 17)
 - Strengthen and direct development toward existing community centers, hamlets or urban areas (1 point)
 - “Create pedestrian-oriented commercial areas
 - Promote mixed-use buildings
 - Promote infill development
 - Create “main street” environments” (p. 21)
 - Promote density that facilitates non-car transportation options (1 point)
 - “Maximize connectivity
 - Create a connected street network
 - Create new roads and connections into and between developments
 - Create a trail network “(p. 18)
 - “Design streets for people
 - Design for pedestrians and bicycles
 - Design beautiful streets” (pp. 18-19)
 - “Manage the automobile
 - Deal with parking creatively
 - Accommodate transit
 - Traffic-calm roads “(p. 19)
- Additionally, the Ulster County *Community Design Manual* was developed as a complementary manual in conjunction with the Ulster County Planning Board's Land Use Referral Guide whereby the latter document guides local officials, applicants, and members of the public through the County's review process, while the Community Design Manual focuses on policies of the Ulster County Planning Board with respect to both the built and natural environments from the macro scale down to specific site details. The document is filled with examples that can be applicable to community comprehensive plans updates, zoning statute updates, and can be applied to site-specific reviews.

The document can be viewed in two forms, PDF available for download and on the web at the "Better Town Toolkit. The PDF version contains more locally-focused examples and imagery while the web version is an ongoing and evolving project that continues to add more materials on a regular basis and the many details, tools & actions can be access more directly.

 - Community Design Manual webpage: <https://ulstercountyny.gov/planning/design-manual>
 - Better Town Toolkit: <http://designyourtown.org/>

**included in documentation*



SITE PLANS & SPECIAL PERMITS

VARIANCES

LOCAL LAWS

COMPREHENSIVE PLANS

Land Use Referral Guide

Ulster County Planning Board

Updated December 2016

Acknowledgments

The Ulster County Planning Board's Referral Guide was developed by staff with help from Regional Plan Associates (RPA) and the Ulster County Planning Board Executive Committee. We gratefully acknowledge all those who participated in the creation of this guide.

Ulster County Planning Board Staff: Guide Management Team

Dennis Doyle, Project Director
Robert Leibowitz, AICP, Project Manager

The Ulster County Planning Board

Kristopher Lovelett, Chair, Marbletown
Michael Calimano, Vice Chair, T/New Paltz
Peter Brooks, Secretary, Lloyd
Frank Almquist, Ulster
Paul Andreassen, T/Saugerties
Michael Baden, Rochester
Drew Boggess, Olive
Jere Brown, Rosendale
Gio Gagliard, C/Kingston
Linda Geary, Gardiner
John Konior, T/Kingston
Cindy Lanzetta, Marlborough
James Leverich, Denning
Victor Markowitz, Wawarsing
Vincent McLaughlin, V/Saugerties
William Murray, V/New Paltz
Roxanne Pecora, Esopus
Matthew Rudikoff, Woodstock
Sam Spata, Shandaken
Mark Watkins, Shawangunk
Douglas Whitaker, Hurley
Thomas Wilkin, Plattekill
Johanna Winer, Ellenville

Adopted by the Ulster County Planning Board, December 7th 2016

Contact

If you have any questions, comments, or concerns, please contact either:

Dennis Doyle, Director
845-340-3339
ddoy@co.ulster.ny.us

Robert A. Leibowitz, AICP Principal Planner
845-340-3337
rlei@co.ulster.ny.us

Mailing Address

Ulster County Planning Board
244 Fair Street
P.O. Box 1800
Kingston, NY 12402

Main Phone: 845-340-3340
Fax: 845-340-3429

An electronic version of the guide is available at ulstercountyny.gov/planning

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About this Guide

This document will help applicants navigate the approval process for those land use actions where the Ulster County Planning Board (UCPB) has jurisdiction.

The first part of the document is devoted to a step-by-step outline of the approval process. It includes important thresholds for completing each step and identifies alternative paths for completion depending on the circumstances of the action.

The process in its entirety is presented graphically on page 4. In the subsequent pages, each of the steps is explained individually in more detail and in conjunction with supporting tables. The steps are numbered so that it is possible to refer back to the process chart on page 4.

The next section describes the meeting policies and procedures for the monthly UCPB meetings. This section includes answers to Frequently Asked Questions.

The last part of the document explains how the referral process relates to comprehensive planning in Ulster County. In particular, it presents best practices for development and design. These are taken from the Ulster County Design Manual, where they are presented in detail with implementation strategies. The full document is available at <http://www.ulstercountyny.gov/planning>.

Referral Process Basics

Why Actions Are Subject to Referral

The Ulster County Administrative Code (UCAC), Section §A7-5 established the Ulster County Planning Board (UCPB).

§A7-7A. grants the UCPB authority to review land use actions as enumerated under Article 12-B of New York State General Municipal Law (GML). In addition §A7-7B. gives the UCPB "...the power to review, with the right to render advisory reports only, other land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B." This extends the UCPB review authority beyond the 500-foot jurisdiction found in GML 239 -m and -n to all locations within Ulster County. In response, the UCPB has developed a two-tiered approach for referrals based on project location either within or outside the 500 foot jurisdiction.

The key sections of Article 12-B of New York State GML cited by the UCAC that pertain to the referral process are 239 -l, -m, & -n. These sections provide for actions and materials that must be submitted, time frames for review, and the consideration and response of the UCPB. We have detailed this process via flow-chart.

The Ulster County Land Use Referral Process



1 Determine that Action is Referable?

Most actions, taken by a referring body, are subject to the County Charter and General Municipal Law and will therefore require referral, provided that the referring body has not entered into an exception agreement with the County. The following actions are subject to referral:

- Municipal Comprehensive Plans
- Zoning Code or Map Enactment or Amendments
- Site Plan Review
- Subdivisions
- Special Permits
- Area Variances
- Use Variances
- Other Special Authorizations*

*Other special authorizations refer to land use related local laws that do not amend the zoning statute or map itself

1A Optional pre-referral gateway meeting?

A pre-referral gateway meeting is not a required step in the land use referral process. A gateway meeting is intended for those proposals that will benefit from early input from County planning staff and other involved or interested agency officials (State and/or County Level). The Ulster County Planning Board encourages communities to direct applicants to contact our staff to participate in a pre-referral gateway meeting as early as possible in a development project's or legislation's planning stages.

Gateway meetings bring all of the key players to the table at a single event to allow the applicant the opportunity to explain a project's design philosophy, its site restrictions, and any alternatives they or the local referring body may have considered. It is also the intent of these meetings to achieve a better understanding for all parties of the responsibilities and policies of the reviewing agencies as well as to discuss and try to solve, or provide alternatives to any issues associated with the project or plan as early in the review stages as possible.

2 Has your local board signed the exception agreement and is the action exempt per Table One?

General Municipal Law Article 12-B also allows the County Planning Board to enter into agreements with municipalities to exempt certain actions from the referral process. The Board has determined that certain local actions are not likely to have a county-wide impact and should be exempt from review. If your local board has entered into an exception agreement with the County, please review the Referral Submittal Reference Matrix (Table 1) for actions that are not required to be referred if an agreement has been signed with the UCPB. If the action is listed on Table 1, you need not proceed any further with the Land Use Referral process.

Yes If yes to both questions, then you need not proceed any further with the Land use Referral Process.

No If no, to either or both of the above questions will necessitate a referral of the proposed action to the County Planning Board. A full statement (per step **3**) must be developed.

3 Develop a Full Statement?

GML requires that the UCPB receive a "full statement" of the action being referred. That means all materials requested, used, or developed by the referring body to make its determination under SEQRA are required to be submitted and an environmental assessment form (EAF) must be submitted. Where a DEIS is required, referrals should include it. Full statements, by their nature, require deliberation and a decision on completeness by the referring body prior to referral. The referring body should by formal action determine the completeness of an application. A signature by the Chairperson of the referring body certifies that the referring body has determined the application to be complete. The UCPB cautions against a policy of having the referring board's secretary, zoning enforcement officer, or attorney submit applications without prior local board review.

Table 1: Referral Submittal Reference Matrix

Actions listed below are exempt from the referral process.

Table Notes:

- If not noted specifically in the matrix, referral is required
- Referrals are only exempt if an agreement has been made between the decision making body and the UCPB.

Type of Referral	Referral Requirements by Proximity	
	Boundaries for determining proximity criteria (within or outside of 500 feet):	
	<ul style="list-style-type: none"> • Village, City, Town boundary • Boundary of county or state park or other recreation area • Right-of-Way of county or state road • Right-of-Way of stream or drainage channel owned by the County or within established channel lines • Boundary of county or state owned land on which public buildings or institutions reside • Boundary of a farm operation located in an Agricultural District per Article 25-AA of Ag and Markets Law 	
	Within 500 feet	Outside 500 feet
Site Plans and Special Permits	<ol style="list-style-type: none"> 1. Re-occupancy or reuse of existing structures as long as the following conditions are met: <ul style="list-style-type: none"> • An increase in parking spaces is not required by local statute • Channelized access to State or County Road exists or is proposed • New site lighting, if proposed, utilizes full cut off luminaires and does not exceed IEA lighting levels. 2. Accessory apartments 3. Signage that meets local zoning requirements 4. Wireless Telecommunication Facilities that are collocations per the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.* 	<p>All SEQRA Type II or Unlisted actions as long as the following conditions are met:</p> <ol style="list-style-type: none"> 1. Not a disturbance of one or more acres of land 2. Not a structure greater than 100 feet in height 3. Not a structure located in the 100-year floodplain 4. Not a mining operation 5. Not a building(s) with gross floor area \geq 4,000 square feet 6. Not an adult Use 7. Not a substantial increase in size of a wireless telecommunication facility or tower per the Nationwide Agreement for the Collocation of Wireless Antennas*
Subdivisions	<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> 1. Fewer than 5 lots and 2. Access roads and structures are not located within the 100-year floodplain 	<p>Subdivisions that meet all of the following conditions:</p> <ol style="list-style-type: none"> 1. Not a Type I action 2. Do not create greater than 5 acres of disturbance 3. Access roads and structures are not located within the 100-year floodplain
Area Variances	<ul style="list-style-type: none"> • Residential Side and Rear Yard • Residential side and rear yard fence height • Residential minimum lot size if central water and sewer is available • Accessory Apartment variances 	All actions are exempt.
Use Variances	Uses where no physical expansion of structures, utilities, or facilities is necessary and/or does not occur on vacant lot.	All actions are exempt.

*The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas can be found at: <http://wireless.fcc.gov/releases/da010691a.pdf>

4 Is this a Major Referral:

A "Major Referral" for the purposes of this guide include the following actions and referral types:

- Type I Actions,
- Comprehensive Plans,
- Zoning Statute or Map amendments,
- or Other special Authorizations.

Yes If you answered "yes" to the exemption agreement and if this is a Type 1 action, then it must be referred to the UCPB within 30 calendar days (per step **4A**).

No Site plans, special permits, area variances, and use variances that are not Type 1 actions are subject to the normal 12 calendar day requirements (per step **4B**).

Table 2: Referral Deadlines by Action Type

Days Receipt Before UCPB Meeting	Type of Action
12 Calendar Days (Required)	<ul style="list-style-type: none"> • All Variances • Site Plan Review • Special Permits • Subdivisions
30 Calendar Days (Requested)	<ul style="list-style-type: none"> • Comprehensive Plans • Zoning Statute and Map Amendments • Other Special Authorizations • Any of the above actions that constitutes a Type 1 action under SEQRA

5 Refer to Ulster County for Review

Once certified as complete for reviewed and signed by the chairperson of the referring body, the action may be referred to the County Planning Board.

- Applicants are not permitted to make direct referrals to the Board; they must come from the referring body.
- Supplemental material may be submitted to the UCPB providing the same material will or has been submitted to the referring body, and it has been informed that the UCPB has been sent materials.
- Submittals must be accompanied by the proper UCPB form. Paper copies of all materials that meet the "full statement requirements" must be included. Digital copies of materials should also be submitted if available. Digital copies of large reports are acceptable if approved by the referral officer.

The day of receipt triggers the 30-day review process. The referral officer, a member of the County Planning Department's staff, will review the action for whether it is referable and whether a complete statement has been submitted.

6 Ulster County Planning Board Meeting

The Ulster County Planning Board meets the first Wednesday of every month. The UCPB reviews each referral and issues a recommendation. General Municipal Law 239-1 "...authorizes the County Planning Board to review proposed actions for intercommunity or county-wide considerations" including:

- Compatibility of various land uses with one another
- Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities
- Impact of proposed land uses on existing and proposed county or state institutional or other uses
- Protection of community character with regards to predominant land uses, population density and relation between residential and non-residential areas
- Community Appearance
- Drainage
- Community Facilities
- Official development policies, municipal and county, as may be expressed through their comprehensive plans, capital programs or regulatory measures.

7 Was the Referral Response Received Within 30 Days?

Per GML, the UCPB is allowed a minimum of thirty (30) days to review and reply after receipt of the full statement. The UCPB also has a maximum time frame for submitting its response of up to two (2) days prior to a regularly scheduled meeting of the referring body when it intends to take a final action.

Yes Should the response be returned within the appropriate time frames, then the UCPB's decision applies (per step **7A**).

No Should the UCPB exceed the 30-day time frame and fail to submit its response two days prior to the taking of a final action by the referring body, the referring body may take its final action without the response (per step **7B**).

8 The Final Action

The referring body is required to send the UCPB a record of its decision within thirty (30) days of taking final action. In addition to returning the Report of Final Local Action form, the local board must provide reasons for any contrary decision. Failure to submit a Final Action Report may place the local board and the project in legal jeopardy.

Table 3 summarizes the types of recommendations issued by the UCPB and their impacts.

Table 3: Recommendations of the Ulster County Planning Board

Recommendation	Explanation	Vote Impact on Referring Body
No County Impact	The matter is primarily of local concern and involves no countywide or inter-municipal issues or concerns.	Simple Majority Vote
Advisory Comments (Within 500ft)	County-wide concerns are not raised. Comments are provided for guidance and technical assistance.	Simple Majority Vote
Advisory Comments (Outside 500ft.)	The UCPB can only make advisory comments on these referrals. Comments will reflect the UCPB's concerns and recommendations.	Simple Majority Vote
Approve	The matter is consistent with all the goals and objectives of the UCPB and provides for a clear betterment of the community.	Simple Majority Vote is required to approve this action. A Majority Plus One is required should the referring board take an action contrary to this action.
Required Modifications	The matter contains some significant aspects that are in conflict with County Planning Board policy, County land use plans, state enabling legislation, or local plans. These aspects can be addressed by imposing certain conditions or by altering the proposal.	Simple Majority Vote is required to approve this recommendation if the modifications are followed. A Majority Plus One is required if the referring board seeks to approve the action without following the modifications.
Disapprove	The matter will have a significant countywide or inter-community impact and is in direct conflict with the goals and policies of the Board, the local comprehensive plan, or sound planning principals.	Simple Majority Vote is required if this recommendation is followed. A Majority Plus One is required should the referring board take an action contrary to this action..

The Referral Submittal Form

The referral submittal form must be used for all submittals. A full size copy of the form is available in the appendices. A PDF version of this form that allows you to type in information directly is available online at <http://www.co.ulster.ny.us/planning>.

Ulster County Planning Board
Print Form

General Municipal Law 239 M-N Referral Submittal Form

Please Fill Out All Sections - Type or Print Only

Municipality:

Referring Board:

Referring Official:

Phone Number:

Local File #:

Applicant Name:

Project Name:

Type of Referral
(Check All Those That Apply)

239-M:

Site Plan Review

Special Permit

Area Variance

Use Variance

Amend Zoning Statute

Amend Zoning Map

Comprehensive Plan

Other Special Authorizations

239-N:

Subdivision

Parcel(s) Information

Section	Block	Lot
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Lots

Project Acreage

Zoning District(s) of Project

Parcel Utilities

Central Water

Private Water

Central Sewer

Individual Septic

GML/Ulster County Charter Referral Criteria:
(Choose One)

Within 500 feet of a: County Road or State Road, City, Village or Town Boundary, County or State Park or Other Recreation Area

Channel Owned or Established Channel Line by County

Land with public building or institution Located on it, or farm operation

Greater than 500 feet of: Any of the Above Listed Categories

One of these two options must be selected.

SEQRA Determination

Type I Action

Type II Action

Unlisted Action

Location of Project: (Address or Nearest Intersection)

Project Description: (Please Be As Specific as Possible)

Please be as specific as possible. For example, indicate the type of proposed or existing use. Also, indicate the gross floor area to be constructed or the amount of a variance requested.

Referring Official - Signature - Certification of Application's Completeness:

Received Stamp:

UCPB Staff Use Only

Referral #

Agenda Date:

Major Project?

Return Form to:
Referral Officer
Ulster County Planning Board
P.O. Box 1800
Kingston, NY 12402

Mail or Hand Delivery Only Please!

Questions? - Call
845-340-3340

Application will not be accepted without signature of the local referring official, typically the chairperson.

Meeting Policies and Procedures: The UCPB's Monthly Meeting

Time, Date, and Location

The UCPB meets the first Wednesday of every month at 7:30 PM in the Surrogate's Court, located on the third floor of the Ulster County Office Building located at 244 Fair Street in Kingston unless otherwise noted. Refer to our website www.ulstercountyny.gov/planning for agendas, minutes, and alternate meeting locations.

The Agenda

The agenda usually consists of 9 areas as follows:

1. Roll Call

2. Approval of Minutes

3. Public Comment

This is the opportunity for members of the public to comment on topics of County-wide planning concern and on specific projects before the Board. The amount of time is set at the discretion of the UCPB chairperson. Sign-in as a guest is requested.

4. Education and Training Opportunities Discussion of upcoming and recent training opportunities and training requirements for County Planning Board Members.

5. Community Reports

Opportunity for the members of the UCPB to offer reports from their individual municipalities.

6. Planning Board Reports

Reports from the Chairperson and any Committees of the UCPB.

7. Planning Department Reports

The Director and Staff discuss the department's financial report, important communications, and give updates on ongoing projects.

8. Special Topics

Mini-planning seminar or opportunity to earn planning education credit or a planning education opportunity.

ULSTER COUNTY PLANNING BOARD
Agenda – November 2, 2016
The Ulster County Planning Board Meeting
7:30 p.m. – Surrogate Courtroom, 3rd Floor
County Office Building

The Executive Committee Will Meet at 6:30PM

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**
- 3. PUBLIC COMMENT**
- 4. EDUCATION & TRAINING OPPORTUNITIES**
 - Review of Training Requirements – UC Resolution 2007-101 (f)
- 5. COMMUNITY REPORTS**
- 6. PLANNING BOARD REPORTS**
 - a. Chairperson Report
 - Membership Update
 - b. Committee Reports
 - Nominating Committee Report
- 7. PLANNING DEPARTMENT REPORTS**
 - a. Financial Report
 - b. Environmental Notice Bulletin & Grant Opportunities – *See Separate Agenda*
 - c. Communications – *See Reverse of Page*
 - d. Director/Staff Reports
 - Ag District #3 Public Notice
 - Referral Guide Update
- 8. SPECIAL TOPICS DISCUSSION**
 - a. Capital Program
 - b. Holiday Party
- 9. LAND USE REFERRALS – *See Separate Referral Agenda***
- 10. ADJOURNMENT**

KEY: (f) = handout will be in folder at meeting
(m) = handout included in the mailing

9. Land Use Referrals

This is the exercise of the UCPB's project review responsibilities under the GML and the Ulster County Code, Section A7-7. A final agenda of specific referrals is made available to the Board at the meeting. **Applicants may address the Board and respond to questions.** Time limits are at the Chair's discretion.

10. Adjournment

Frequently Asked Questions

Why must items be referred?

NYS General Municipal Law 239-1 "...authorizes the County Planning Board to review proposed actions for inter-community or county-wide considerations..."

The Ulster County Code, Section A7-7 gives the UCPB "...the authority to review, with the right to render advisory reports only, other land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B".

For more information on this topic, see pages two and three of this guide.

What types of actions are required to be referred?

Refer to Step 1 on page 4 or Table 1 on page 5 of this guide. If your municipality has signed the exception agreement, refer to Table 2 on page 6.

What is an "Other Special Authorization"?

Any land use related action taken by a referring body such as moratoriums and local laws related to land use created outside of the zoning statute.

Will the UCPB accept referral by fax or email?

While the UCPB will only accept supplementary material via fax, referrals may also be submitted entirely via email with the prior consent of the Referral Officer. Please contact the Referral Officer at 845-340-3337 or email at referral_officer@co.ulster.ny.us to arrange submission of your application.

What happens if a community fails to refer an action?

The failure of a local government to follow the procedural requirements of GML 239 is a jurisdictional defect which may invalidate any final municipal action. This leaves planning and zoning decisions open to reversal by the courts, simply because the proper procedure was not followed (see *Caruso vs. Town of Oyster Bay*, 172 Misc.2nd 93).

What happens if changes are made to a project after it has been referred?

If a project referral has been altered after it has been referred, it should be re-submitted with any new or additional information. Changes made in conformance with recommendations required by the UCPB do not have to be resubmitted.

Can site plans be submitted in 8x11 or 11x17 format?

All paper submissions should be submitted in large scale/original size for ease of review purposes.

Referral Exceptions

Why are certain items not required to be referred and others not?

The UCPB believes that the referral process should be a meaningful review that allows for inclusion of "county-wide" issues in local decisions. A review of our responses to referrals revealed that certain classes of actions nearly always resulted in a recommendation of "no county-impact". For those referring bodies that signed the exception agreement, these types of referrals have been exempted from UCPB review.

What happens if a community does not sign off on the exception agreement?

The community will be required to submit all land use related actions, within or outside, of the 500' rule for referral.

If a municipality already has an existing exemption agreement to not send certain applications to the UCPB does a new agreement need to be submitted to the UCPB?

No. Municipalities may utilize the existing agreements but the UCPB urges that communities utilize the new agreement as substantially more activities are exempted.

Full Statement Requirements

What constitutes a full statement?

A municipality's statute is one determining factor for completeness. The other factor is the information needed by the municipality to determine whether the project will have a significant impact on the environment as required by SEQRA. A referring body should determine that the application is complete per their statute, and that it has all the information needed to make its determination of significance under SEQRA. If critical material is being sought by the referring body that may impact their decision or inclusion of mitigation

measures in project approval, that material should be part of the referral to the UCPB.

May a referral be submitted with an analysis such as a SWPPP or traffic impact analysis still in process of being completed by the applicant?

No. All materials required for making a determination of significance under SEQRA should be completed prior to the referral.

UCPB Meetings

Does a member of the public have the opportunity to address the UCPB?

Yes. During the public comment period of the UCPB's monthly meeting with a time limit set at the discretion of the UCPB chair.

May an applicant make a presentation of their project to the UCPB?

Yes. Time limits are at the discretion of the chairperson.

May a member of the public make comment on an item on the referral agenda?

Yes, but only during the public comment period at the beginning of the meeting. Time limits are at the discretion of the chairperson.

What is the effect on a referral if the UCPB fails to have a quorum or a majority vote or if the meeting is cancelled?

The UCPB is unable to render a decision. Communities must wait 30 days from the submittal date prior to taking action. The UCPB staff may issue advisory comments on the referral.

UCPB Recommendations/ Local Final Action Reports

What recommendations can the UCPB make on a referral?

No County Impact, Approve, Required Modifications, Disapprove. The UCPB also issues advisory comments for technical purposes and as required for referrals located outside of the 500ft. requirements found in GML 239.

What are the effects of the recommendations of the UCPB?

Local boards may approve actions by a simple majority vote if they concur with UCPB's recommendations of "approve", "disapprove", or "required modifications". However, if the local board acts contrary to these recommendations a majority plus one vote is needed to approve the project.

All UCPB recommendations of "No County Impact" or "advisory comments" require only a simple majority vote of the referring body.

What if the UCPB fails to issue its report on a action within 30 days?

The referring body may take final action if: 1) the referral response is not received in 30 day time frame provided 2) the UCPB's referral response has also not been received two or more days prior to the final action taking place.

What is a Final Action Report and what are the filing requirements?

Final Action Reports provide the UCPB with a record of the actions taken by the referring board. The UCPB provides a Final Action form with every referral response. Final Action Reports are required under GML 239 and must be filed with the UCPB within 30 days of the local board's action. Local boards are required to file Final Action Reports on all actions that have been referred to the UCPB.

What are the requirements for a complete Final Action Report?

Where a referring body has acted contrary to a recommendation of the UCPB by securing a majority plus one vote, the Final Action Report must be accompanied by the resolution stating the reasons for such contrary action.

UCPB Staff Questions

What is the role of staff in the referral process?

The staff reviews each referral first for completeness and then for issues related to UCPB policies and adopted county plans. Staff interacts with the community, other approving agencies and the applicant in developing a report to the UCPB. Field visits are performed as needed. Staff reports are presented to the UCPB at the meeting and usually include specific recommendations for the UCPB's consideration. All referral recommendations require action by a majority of the full board membership. Once action is taken, staff then issues the referral response for the UCPB.

Who is the "Referral Officer"?

The Principal Planner is the primary contact for referrals to the UCPB though other members of staff may review referrals.

Who determines whether a referral is within the 500 foot criteria?

The referring body is responsible for the initial determination. Assistance may be sought from UCPB staff. Referring bodies should consider any construction activity or use of land necessary for the project that lies within 500 feet to require referral under this provision.

UCPB Administrative Questions

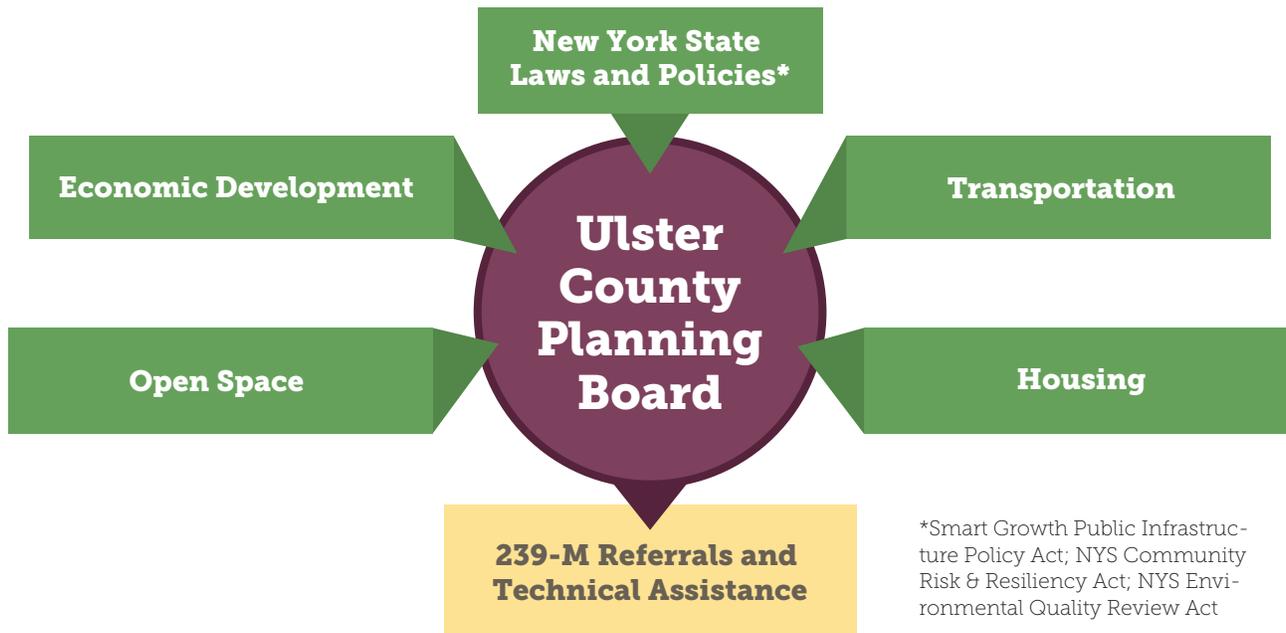
Where can I get a copy of the referral submittal form?

A paper copy of the form can be found in the appendix of this report. A copy of the form is also available in PDF format on our website located at www.co.ulster.ny.us/planning. This version of the PDF can be typed directly into it if you open it directly in your web browser program.

Table 4: Guideline for Full Statement Checklist for Referrals to the UCPB

Submittal Materials	Referral by Type (● = Required)								Notes
	Site Plan Review	Special Permit	Subdivision	Area Variance	Use Variance	Amend Zoning Statute	Amend Zoning Map	Other Special Authorization	
UCPB Referral Form	●	●	●	●	●	●	●	●	Filled out for all referrals
Proposal Location Map	●	●	●	●	●	●*	●	●*	*If specifically geographically located
Action/Project Narrative	●	●	●	●	●	●	●	●	Applicant and boards
SEQR Documentation	●	●	●	●	●	●	●	●	
Meeting Minutes	●	●	●	●	●	●	●	●	
Existing Conditions Plan	●	●	●	●	●				Includes surrounding area context
Proposed Site Layout	●	●		●	●				Includes surrounding area context
Lighting Plan	●	●							Photometrics and cut sheets
Grading/Clearing Plan	●	●	●						With disturbance over 1 acre
Stormwater Plan	●	●	●						
Landscaping Plan	●	●	●						Location of, schedule of types, sizes
Utility Plan	●	●	●						
Circulation Plan (Vehicles and Pedestrians)	●	●	●						
Erosion and Sediment Control Plan	●	●	●						Unless no new impervious surfaces proposed
Architectural Elevations, Simulations, or Renderings	●	●							Also image file if available
Road Cross-Sections	●	●	●						
Master Signage Plan	●	●							Locations and architectural elevations
Traffic Generation	●	●	●						Where peak hour trips are over 50
Traffic Impact Study	●	●	●						Can be combined with Traffic Generation as Traffic Generation/Traffic Study
SWPPP	●	●	●						"In accordance with the NYS Stormwater Manual
Soils	●	●	●						
Photography	●	●							Existing conditions, JPEG and/or print
Correspondence	●	●	●	●	●	●	●	●	Local and/or involved agencies
Consultant Notes	●	●	●	●	●	●	●	●	All planning, engineering or other consultants's notes and correspondence (municipality and applicants)
Summary of Law additions, amendments, and deletions						●		●	

Ulster County Comprehensive Planning: How UCPB Policies Relate to Referrals



*Smart Growth Public Infrastructure Policy Act; NYS Community Risk & Resiliency Act; NYS Environmental Quality Review Act

The UCPB comprehensive planning efforts have resulted in the creation and adoption of plans that address housing, economic development, open space, transportation, etc. The plans contain policies, goals and objectives that the UCPB utilizes in the referral process.

Recent plans include:

- Ulster County Long Range Transportation Plan (adopted by UC Transportation Council in September 2005),
- Ulster County Housing Strategies Report (adopted by UC Legislature in July 2008),
- Ulster County Open Space Plan (adopted by UC Legislature in December 2007),
- Ulster Tomorrow Sustainable Economic Development Plan
- Ulster County Non-Motorized Transportation Plan

Consistency with these planning documents and the policies they contain often form the basis of UCPB recommendations. The general principles of these plans as they relate to municipal referrals are in the "Guides" in the pages that follow.

Guidelines: Guidance for UCPB Referral Recommendations

About the Guidelines

The Guidelines that follow are derived from well-established planning principles and reflect the best developments in our diverse landscape. They are organized into three overarching themes:

Nature: This is the underlying framework of natural resources and open spaces around which development patterns must be organized in order to protect the environment and preserve the integrity of natural systems.

Links: This is the linking of all elements of the built environment by creating as fine a grained street-and-block network as possible and by enabling all forms of mobility to reduce dependence on the automobile

Communities: These are places where, to the greatest extent possible, people can live, work, shop and recreate within walking distances. Building complete communities is essential for reducing dependence on automobiles, for advancing equity, and for fostering social interaction.

These themes are also used to organize the Ulster County Design Manual, a resource for citizen-planners and advocates, many of whom sit on local boards and commissions, as well as developers and agencies. The Guide describes best practices for development and planning for different kinds of places in Ulster County and includes design details and implementation tools. At the end of this section, there is an introduction to the Design Manual document.

The use of these Guidelines will vary from one community to the next, as will the administration of municipal comprehensive plans and zoning.

To insure that the long term interests of the community are protected, variances should be granted in accordance with the criteria established through state enabling legislation and through judicial decisions. Area variances should be limited to the minimum variance necessary and use variances must meet the significant economic hardship test.

Nature

Create the urban forest

- Landscape parks and plazas
- Create green streets

Create linked open spaces

- Link protected resource areas on individual parcels
- Create and link parks and greenways

Protect natural and scenic resources

- Create resource-specific plans and regulations
- Mandate conservation subdivisions
- Protect watersheds and freshwater wetlands
- Protect farmlands

Links

Maximize connectivity

- Create a connected street network
- Create new roads and connections into and between developments
- Create a trail network

Design streets for people

- Design for pedestrians and bicycles
- Design beautiful streets

Manage the automobile

- Deal with parking creatively
- Accommodate transit
- Traffic-calm roads

Communities

Create diversity of land use

- Integrate neighborhood civic uses
- Create diversity of housing types
- Provide for flexible use/mixed use

Create beautiful neighborhoods

- Orient buildings to streets
- Promote context-sensitive design

Create pedestrian-oriented commercial areas

- Promote mixed-use buildings
- Promote infill development
- Create "main street" environments



Create the Urban Forest

Developed areas play an important role in maintaining the integrity of natural systems. Properly landscaped parks, plazas, and streets that incorporate passive storm water management techniques, can help maintain water quality, mitigate urban heat island effects, and save expenditures on conventional hard infrastructure. Landscaping should use native species where appropriate and be designed to accomplish multiple objectives of screening, shade, edge definition, and aesthetics.

Landscape Parks and Plazas

Properly landscaped parks and plazas are both a community amenity as well as an opportunity to employ passive storm water management strategies. Plazas in developed areas, which may have many hard surfaces, can be designed to include features that reduce runoff such as permeable paving and planted areas.

Create Green Streets

Green streets are streets that employ green infrastructure techniques, such as bio-swales and street tree trenches, to absorb run-off and provide shade. Green streets add to the beauty of neighborhoods and can play an essential role in stormwater management and maintaining water quality. Drainage structures and designs should not only conform with water quality mandates but also add value and aesthetics to the site.



Create Linked Open Spaces

Maintain the integrity of natural systems, including watersheds and habitat corridors, open spaces of different kinds must be connected to each other as much as possible. While it is important to protect individual open spaces, much more ecological value can be created by linking open spaces. This can often be accomplished during site plan review. Linked open spaces also create an amenity for residents in the form of greenways.

Link Protected Resource Areas on Individual Large Parcels

Maintain the continuity of natural systems and coordinate the location of the protected areas on adjacent parcels. Through the alignment of the former two items, larger contiguous open spaces are created which can better serve the environment.

Create and Link Parks and Greenways

Connections can be made between different kinds of open spaces using a variety of techniques. For example, a green street can link a well-landscaped urban plaza to a park or waterbody. A regional trail network, can be leveraged to preserve and enhance open space, park systems and neighborhood recreation by providing public access along all of the county's waterways.



Protect Natural Scenic Resources

Protecting and preserving the County's environmental resources is at the core of preventing sprawl. By identifying and protecting these resources, development can be directed to places that are already urbanized and have the infrastructure to support new development. Development should be designed to fit the character of the surrounding area with the natural topography and other features of the landscape. Important vistas should be protected by minimizing the visual impacts associated with development including such uses as cellular telecommunication facilities, and consideration of lighting and landscaping, Protecting natural and scenic resources. It is not just a matter of aesthetic, cultural and ecological value. These resources have economic value: as tourist destinations, as farmland and as "green infrastructure", saving on the costs of infrastructure needed to convey and treat water.

Create Resource-Specific Plans and Regulations

Resource-specific plans can target sensitive environmental areas such as habitats, aquifers, and stream corridors. But they are not only for natural resources. They can be directed towards cultural resources as well, such as scenic views or historic places and buildings. They can also be broadly constructed to address a wide range of associated issues including design and overall aesthetics. Historic and environmental review commissions can help insure that these considerations are part of land use planning and administration.

Mandate Conservation Subdivision

Conservation subdivision strategies organize development around the underlying environmental resources of the site and by doing so, minimizes clearing and grading, respects the natural topography and ridge lines and minimizes the removal of existing landscaping

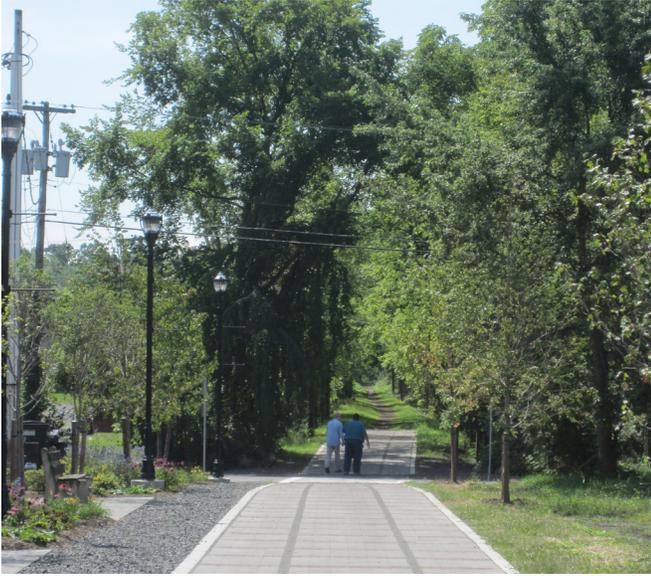
and vegetation. This strategy enables the preservation and the continuity of natural systems with minimal impact to the development potential of private properties. While conservation subdivision strategies may be applied on a parcel-by-parcel basis, even more ecological value can be created if conservation subdivision site plans on adjacent properties are coordinated. This supports the Strategy to Link protected areas on individual large parcels.

Protect Wetlands and Watersheds

Water resources are essential to environmental protection. They provide habitat and other natural systems services. They provide protection against flooding and storm surges. Development should not disrupt the county's drainage systems, both natural and man made, nor disturb wetlands. Development in floodplains should be limited to appropriate uses and ensure that all development meets or exceeds the National Floodplain Protection Act requirements. By creating generous zones of protection around wetlands, development patterns can be shaped in more sustainable patterns. Because watersheds often transgress municipal boundaries, watershed protection initiatives can be leveraged to build inter-municipal cooperation around a larger set of smart land use policies.

Protect Farmlands

Farmlands have economic, environmental, and aesthetic value for large expanses of the landscape at the urban fringe, but they are also highly vulnerable to development pressure. Existing farms should be preserved and new farming activities encouraged through cluster development and the purchase or transfer of development rights. The formation and continuation of state certified Agricultural Districts, and local land use controls that provide value added non-farm uses with agricultural operations consistent with community goals is to be encouraged.



Maximize Connectivity

Sprawl is characterized by the lack of connection between places where people live, work and play. Longer trips and indirect routes create more dependence on the automobile for longer trips, limits the ability to walk or bike between destinations, and makes transit impractical because of the inability to map efficient routes between destinations. On the other hand, connectivity not only enables other forms of non-auto travel, but builds community by promoting interaction. Connections both within new developments and between existing places may be roads, pedestrian and bicycle paths, or greenways and linked open spaces.

Create A Connected Street Network

A robust street network in development-appropriate areas distributes traffic, enables transit, and supports other forms of non-auto mobility. Street networks should minimize excessively long blocks and cul de sacs and maximize the number of 3-way and 4-way intersections. Where signalized intersections are needed to serve a private development, require a site layout that allows for interconnections to regional or local systems or between adjacent parcels as a condition for signalized access.

Create New Roads and Connections Into and Between Developments

Reduce excessively long and indirect trips between neighborhoods, transit stops, schools and shopping areas. Where possible in commercial areas along major roadways, create cross access agreements and reverse a frontage roads to reduce turning movements. Whenever possible, new developments should create streets and greenways that stitch together stand-alone developments or complete segments of larger pedestrian and bike routes. By mapping these potential connections in the comprehensive plan, communities can make these

new connections a condition of site plan approval. In some cases, new paths for bicycles and pedestrians enable residents to get to a transit stop, a school or a place to shop.

Create A Trail Network

Trail networks provide an additional complementary layer of pedestrian and bicycle mobility. Maintaining a regional trail network can be leveraged to preserve and enhance open space and park systems, promote water-front access. By enabling more biking and walking, trail networks contribute to healthy, active lifestyles. Development decisions should consider connections to the trail network. A trail network does not have to be only a greenway. To make the trail network as robust as possible, it can be made up of segments of different character including “urban trails” along walkable and bikable streets.



Design Streets for People

Roads are transportation infrastructure. But roads are also the most abundant form of public space. Residents greet each other along neighborhood streets. Shoppers stroll from store to store along streets, or sit out on sidewalks to eat. Once streets are understood as public spaces, then the importance of designing streets not just for cars, but for people and their activities is apparent. Well-designed streets enable walking and biking as well as transit. Well-designed streets are appointed with pleasing materials and landscaping. While coordination with local and regional highway agencies is important, local governments have wide latitude over their design. It is important to remember that streets are more than just the carriageway. The public space of the street is defined by the buildings and landscapes that abut the

road, and so the design of streets includes the placement and design of the buildings and landscape elements.

Design for Pedestrian Bicycles

Providing alternatives to the automobile is essential for the community and quality of life. Reducing auto-dependence means that streets must not only accommodate automobiles, but also be designed to promote biking and walking. Strategies include allocating enough space in the right-of-way for bicycles, reducing crossing distances for pedestrians, identifying and marking desirable routes between destinations, limiting driveway access to reduce conflicts and unsafe backing movements. Destinations should include bike racks and bike storage. New developments should require sidewalks. Commercial and residential developments should conform with a master sidewalk plan and sidewalk standards.

Design Beautiful Streets

Streets should be designed with the same level of interest as other important public spaces. This means paying close attention to materials and landscaping. There should be a variety of materials and textures to create interest and scale. The space of the street is defined by the buildings and landscapes along it and so the placement and character of these elements is an essential part of designing a beautiful street.



Manage the Automobile

While streets need to accommodate the automobile, this can be done in ways that do not compromise the quality of the street as a public space. Traffic-calming techniques that reduce speeds make streets hospitable for biking and walking and can balance car movement with transit access. If designed properly, parking can help

define the sidewalk and calm traffic. Flexible requirements for the amount and location of parking can prevent unattractive parking lots from compromising the quality of the street experience.

Deal with Parking Creatively

Parking consumes space that could otherwise be used for open space or community-supportive development. Excessive off-street parking requirements for individual properties results in excess supply. When parking is located between the front of the building and the sidewalk, it makes access by pedestrians, bicycles and transit more difficult and undermines the definition of the space of the street. Flexible requirements, by reducing the burden of off-street parking, can help promote pedestrian-oriented environments and the more efficient use of land.

Accommodate Transit

Communities should provide for a safe, efficient, and diverse transportation system consistent with the Ulster County Transportation Council's Long Range Transportation Plan. Providing transit can help promote pedestrian-oriented environments and create equity by reducing the number of people who require an automobile to commute. Transit vehicles require adequate room in the right-of-way and comfortable and convenient stations. These facilities require space both in the carriageway and on the sidewalk. Wherever possible buses should have a place to pull to the side of the road so as not to obstruct traffic. If possible, enough space should be set aside for bus shelters that are well designed and well appointed with benches, lighting and signage.

Traffic Calm Roads

Traffic calming encompasses a wide variety of strategies for reducing speeds and reducing conflicts between automobiles and pedestrians and bicycles. Especially in neighborhoods and near sensitive uses such as schools, traffic calming techniques can slow traffic to speeds that accommodate pedestrians and improve safety. Traffic safety can be improved by coordinating curb locations and avoiding driveways near intersections. Common traffic calming techniques include, speed bumps, chicanes, and curb extensions. Many other street design elements, not considered traffic calming tools in the narrowest sense, can have the same effect while providing other collateral benefits. For example, corner bump-outs not only reduce crossing distances for pedestrians but can be opportunities for plantings that contribute to passive storm water management.



Create Diversity of Land Uses

Over the last fifty years, zoning has helped bring about inefficient settlement patterns where activities that used to be side by side are separated into large single-use precincts. This has increased auto-dependency and contributed to the segregation of communities. Mixing uses can create more complete and sustainable communities, reduce travel distances, create flexibility in the face of future development trends and promote interaction.

Integrate Neighborhood Civic Uses

Schools, government buildings, recreation centers, and other places that bring people together - are an essential part of the life of a community. These uses are sometimes located far from the communities they serve because more remote greenfield sites may be less expensive, easier to develop or large enough to meet standard design models. Instead, these activities should be located near the neighborhoods they serve to promote walking and interaction.

Create Diversity of Housing Types

A complete community enables people of different means and at different stages of life to have choices about where to live. Communities should provide their fair share of affordable housing opportunities, including "workforce" housing. One of the best ways to achieve this is to encourage a wide variety of housing types. Multiple zoning districts enable a variety of housing types and densities - from apartments above stores in downtowns, to accessory units in single family neighborhoods. Multifamily housing in particular can integrate affordable housing through set-aside provisions. This can be promoted by providing for appropriate densities, a predictable approval process, and well articulated design guidelines.

Provide Flexible Use/Mixed-Use

Many conventional zoning codes include restrictive lists of allowed and permitted uses that are exclusive to separate districts. This limits the mixing of activities and restricts flexible uses as live-work units. In addition, uses change over time making the use lists require constant amendment. Where infrastructure and context support mixed-use, regulations should be relaxed to enable it. Although it requires additional capacity for review and enforcement, performance-based regulations that manage the impacts of adjacent uses without prescribing specific uses, should be considered.



Create Beautiful Neighborhoods

Traditional and successful downtowns and village centers are completely mixed-use, with people living above stores, service and retail establishments all in compact configurations. Yet most zoning regulations do not enable or allow that kind of mixing of activities. In terms of form, inflexible and excessive off-street parking requirements for each use as well as setback regulations make compact infill development difficult. In terms of uses, many codes prohibit putting more than one use in a building. By relaxing some of these restrictions and expanding the lists of permitted uses, compact mixed-use development can happen.

Orient Buildings to Streets

Streets are public spaces that are defined by a combination of the landscape and building elements along them. Except in the most rural conditions, buildings should face the street and in general they should be set back from the street by distances that are comparable to the setbacks of the other buildings in that neighborhood. In commercial areas, parking should be to the side or

behind buildings so that the building can better define the space of the street and enliven the street with activity

Promote Context-Sensitive Design

New buildings should look like they belong in the neighborhoods where they are planned. Amenities such as sidewalks, street trees, trails, and parklands should be integrated into new development as appropriate to the setting and the needs of the community. Lighting should conform to IES (Illumination Engineering Society) standards. Signage and landscaping should be appropriate for their context. Design areas of transition between Contextual design is important for building support in existing communities for new development. This does not mean that in terms of architecture style, new buildings should try to imitate existing buildings. But in terms of overall scale, character and position on the site, new buildings should respect their context. Massing and design guidelines can insure that this happens, especially in historic districts where SHPO (NYS Historic Preservation Office) should be engaged.



Create Pedestrian-Oriented Commercial Areas

Promote Mixed-Use Buildings

Many zoning regulations do not allow mixing of activities in single buildings or the codes may require excessive amounts of parking for each individual use making mixed-use development uneconomical or inefficient. Zoning regulations, design guidelines and site plan review processes can enable mixed use buildings.

Promote Infill Development

New contextual mixed-use development can help concentrate development in and around existing centers, taking advantage of existing infrastructure and

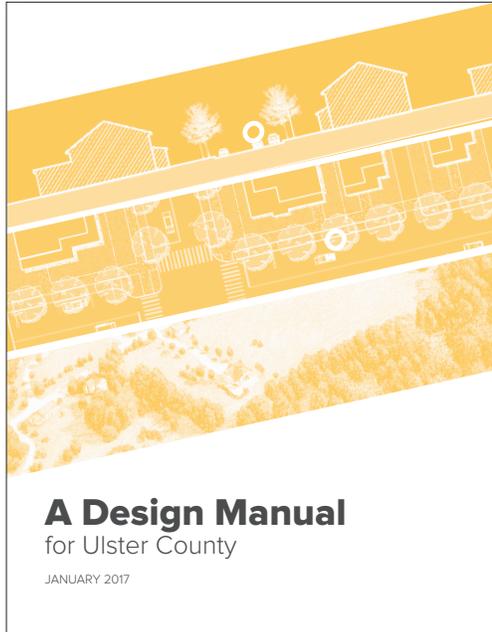
reducing costs and environmental impacts. To do this, zoning regulations and design guidelines should reflect the character of each neighborhood.

Create "Main Street" Environments

"Main street" environments are places that are: pedestrian-oriented; promote interaction among residents and visitors; provide a mix of places to eat, shop and find services; have a distinct identity that reflects the community. By promoting contextual, infill development, zoning and design guidelines can reinforce existing main streets and help transform commercial "strips." Commercial corridors should be redesigned to create "gateways" and a sense of transition from forest, farm, field, hamlet, village, and city.

Yet most zoning regulations do not enable or allow that kind of mixing of activities. In terms of form, inflexible and excessive off-street parking requirements for each use as well as setback regulations make compact infill development difficult. In terms of uses, many codes prohibit putting more than one use in a building. By relaxing some of these restrictions and expanding the lists of permitted uses, compact mixed-use development can happen.

Using the Community Design Manual



The Land Use Referral Guide incorporates, by reference, the community Design Manual. The Community Design Manual is a unique resource to help you plan and design your community.

Places

The Places section describes preferred development patterns for Downtowns, the Edges of downtowns, Corridors, Crossroads, New Neighborhoods and Rural landscapes.

Details

The Details section provides best-practice design and development details for green infrastructure, connectivity and complete communities.

Tools and Actions

The Tools and Actions section explains implementation in terms of planning, regulations and administration and shows how the best-practice design and development standards can be used.

PLACES to grow and to protect

The first part of the manual describes best-practices for accommodating growth in each of five types of places. Each place-type has been assigned an icon to assist navigation by the user.



Downtowns:
infill in existing centers



Edges:
extend existing centers



Corridors:
re-make the commercial strips



Crossroads:
complete emerging centers



New Neighborhoods:
insure sustainable development in the landscape



Rural:
save the land

In each case, the best-practice design study is explained in terms of the three themes explained in the Details section—Nature, Links and Communities.

PLACES
PLACES

See plan

Nature

- Create the urban forest
- Create green streets
- Create linked open spaces
- Link preserved resource areas on individual parcels
- Create and link parks and greenways
- Protect natural and scenic resources
- Create sensitive-specific plans and...

PLACES

Downtowns
PLACES

Preferred Development

Downtowns

Downtowns are places that already contain a mix of activities associated with a complete community:

- People refer to this place as their "downtown" and it has the local "Main Street."
- Many of the buildings are older, dating from the mid/20th century and before.
- There is a pattern of connected streets and blocks.
- There are mixed-use buildings such as apartments over stores.
- It is a walkable place.

Downtowns Diagnostic

Downtowns are places that already contain a mix of activities associated with a complete community: place to shop, to work, civic and public space and a wide variety of housing types. Municipal services (water, sewer) are in place and it is capable of accommodating some forms of transportation. A downtown is also the center for many of the important civic and commercial activities for the surrounding community. Downtowns can be of any size from rural village centers to large cities, but regardless they are all distinct and clearly identifiable as "places". New development within downtowns—so-called "infill" development—is an opportunity to make efficient use of existing infrastructure. New infill development in downtowns should reinforce the unique character of the place.

Downtowns

DETAILS

The second part of the manual is a collection of design details which can be used to implement the best-practice objectives.

The numbers of the details, as well as the edges of the pages on which they appear, are color-coded according to the three themes described above—**Nature**, **Links** and **Communities**.

Nature: This is the underlying framework of natural resources and open spaces around which development patterns must be organized in order to protect the environment and preserve the integrity of natural systems.

Links: This is the linking of all elements of the built environment by creating as fine a grained street-and-block network as possible and by enabling all forms of mobility to reduce dependence on the automobile

Communities: These are places where, to the greatest extent possible people can live, work, shop and recreate within walking distances. Building complete communities is essential for reducing dependence on automobiles, for advancing equity, and for fostering special interaction.

See chart opposite

N42

L94

C21

DETAILS

DETAILS

DETAILS

Communities

Runoff

Wetlands

Trail

Basic neighborhood form

Neighborhood form accommodates natural features

Neighborhood form is organized around natural features

Buffer

Use high points carefully

Place more density on gradual slopes

Runoff

Wetlands

Trail

Basic neighborhood form

Neighborhood form accommodates natural features

Neighborhood form is organized around natural features

Buffer

Use high points carefully

Place more density on gradual slopes

TOOLS & ACTIONS

The third part of the manual explains the tools and strategies that can be used to implement the best practices.

Planning Tools & Actions

These are the documents that set out the goals and objectives of the community and that will be implemented through regulations and administration. The Comprehensive Plan is the most fundamental of these, but planning documents can include area-specific or resource-specific plans, economic development plans, and transportation plans.

Regulatory Tools & Actions

These are the laws and regulations that are used to control development. Zoning in its various forms is the most fundamental of these, but this can also include other kinds of regulations, such as laws affecting natural resources.

Administrative Tools & Actions

These are actions that governments can take that shape development, such as capital expenditures on different kinds of infrastructure (roads, water, sewer), purchase of development rights, public-private partnerships, or the administration of various review procedures, such as design and site-plan review.

The image displays three overlapping 'TOOLS & ACTIONS' tables, each with a distinct header color: green, orange, and red. Each table is structured with three main columns: 'GOALS', 'TOOLS & ACTIONS', and 'DETAIL'. The tables contain various text entries, including lists of goals and descriptions of tools and actions. The tables are partially overlapping, with the red table being the most prominent in the foreground.

GOALS	TOOLS & ACTIONS	DETAIL
GOAL 1: ...	1.
GOAL 2: ...	1.
GOAL 3: ...	1.
GOAL 4: ...	1.
GOAL 5: ...	1.



6.2 Incorporate Smart Growth Principles into Land-use Policies and Regulations

1 – 8 Points

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

A. Why is this action important?

Many municipalities have use-based zoning codes that segregate otherwise complementary residential, office, and retail (mixed) uses thereby encouraging a car-centric system of development. By updating local zoning and policies, local governments can encourage smart growth by promoting transit oriented development, compact walkable communities, infill development, and other resource-efficient land-use practices. Smart growth principles applied to zoning can also help protect important open space and natural areas, preserving ecological functions such as stormwater management and flood mitigation in addition to enhancing recreation opportunities.

B. How to implement this action

The Climate Smart Communities (CSC) program encourages local governments to incorporate smart growth principles into their land-use policies. This can be done by comprehensively updating the local zoning or through amendments or policies that promote smart growth. Following a specific approach such as form-based codes, which place a primary emphasis on building type, dimensions, parking location and facade features, and less emphasis on uses, is one method of incorporating smart growth into local zoning. Often, a comprehensive update to local zoning takes place concurrently or subsequent to an update to the community's comprehensive plan, but it is not necessary to update the comprehensive plan to incorporate smart growth principles into zoning. It is possible to incorporate smart growth principles into local land-use policies through a complementary planning process, such as a local waterfront revitalization plan, or to incorporate the principles into the project review process, such as at the site plan review stage. Local governments can follow the key steps below to implement this action:

- Review existing zoning codes and policies and identify elements that support smart growth, and elements which inhibit smart growth.
- Determine the most suitable approach for updating local land-use policies, either through amendments, a comprehensive zoning update, new policies, or changes to the project review process.
- Draft new elements or policies to promote smart growth.
- Gather public input on the new elements or policies.
- Adopt the new zoning, policies, or processes.

Local governments should include provisions in the updated zoning or policies which address the following smart growth principles, as defined by the [Smart Growth Network](#):

- Mix land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve open space, farmland, natural beauty and critical environmental areas.
- Strengthen and direct development towards existing communities.
- Provide a variety of transportation choices.
- Make development decisions predictable, fair and cost-effective.
- Encourage community and stakeholder collaboration in development decisions.

The [New York State Smart Growth Public Infrastructure Policy Act](#) provides similar smart growth criteria that can also be incorporated into local land-use regulations. CSCs are encouraged to contact the [New York State Department of State Division of Local Services](#) for training, technical assistance and legal guidance on smart growth and the [New York State Department of Transportation \(DOT\)](#) for guidance regarding transportation projects.

C. Timeframe, project costs, and resource needs

The timing, costs, and resource needs depend on the extent to which the zoning must be updated to incorporate smart growth principles. For a comprehensive update to local zoning, communities might consider hiring a consultant and combining the zoning update with an update to the community’s comprehensive plan, if applicable. For communities which only need to update portions of the zoning code, this could be addressed with local government staff and planning committee or other external advisers.

D. Which local governments implement this action? Which departments within the local government are most likely to have responsibility for this?

The planning department typically is responsible for local planning and zoning. Local governments that do not have their own planning departments may have to rely on a planning board or the county planning department to provide local planning and zoning guidance. Local government committees, such as CSC task force, conservation advisory councils or environmental conservation committees may also be involved.

E. How to obtain points for this action

Local governments can earn points for this action by demonstrating that the following smart growth principles have been incorporated into local zoning, land-use policies, or processes.

	POSSIBLE POINTS
Mix land uses	1
Promote compact building design and cluster development	1
Diversity of housing opportunities and choices	1
Walkable neighborhoods	1
Foster distinctive, attractive communities with a strong sense of place	1
Preserve open space, farmland, natural beauty, and important natural areas	1
Strengthen and direct development toward existing community centers, hamlets or urban areas	1
Promote density that facilitates non-car transportation options	1

F. What to submit

Local governments should submit a link or copy of the updated zoning or associated policies and an explanation of how the zoning meets the defined smart growth principles. The zoning may have been updated at any time prior to the application date to be eligible for points.

***PLEASE NOTE: This action will only be available for points on an application submitted before [July 2, 2021](#). After this date, the action may be removed from the program or replaced with an updated version.

All CSC action documentation is available for public viewing after an action is approved. Action submittals should not include any information or documents that are not intended to be viewed by the public.

G. Links to additional resources or best practices

- [Smart Growth Online](#)
- [EPA Smart Growth Guidance and Best Practices](#)
- [New York State Smart Growth Public Infrastructure Policy Act](#)
- [Form-Based Code Institute Sample Codes](#)
- [Smart Code Central](#)
- [Tompkins County pedestrian neighborhood zone model ordinance](#)
- [Floating zone model ordinance](#)
- [LEED ND Planners Guide and Model Ordinance](#)

H. Recertification requirements

The recertification requirements are the same as the initial certification requirements.