

What the Comprehensive Plan is and isn't!

By Joel S. Russell, Esq.

A comprehensive plan is a statement of a community's goals and a conceptual road map for how to achieve these goals. Its purpose is to present, in an easily accessible and readable format, a guide to decision making on important land use issues.

The main principles guiding the plan should be that it clearly articulates the community's goals and strategies for achieving them; that the goals and strategies reflect common agreement among the local population; and that clear and concise recommendations for implementation show how to fulfill the plan's goals and assign responsibility for their fulfillment.

A comprehensive plan is not a detailed instruction manual that tells exactly what to do or what will happen. It does not predict the future, though it does look ahead and express the community's goals. It does not prescribe exact courses of action, because these must be developed with care in response to a wide variety of situations that may arise. It would be short-sighted to mandate only one way to accomplish a community's goals in its comprehensive plan, when creativity and responsiveness to public input and evolving community needs may result in better solutions.

A comprehensive plan is not the law. It is an understandable and common mistake for citizens to confuse a plan with the zoning code that implements it, but these are two different things. The comprehensive plan sets the directions and goals for a community and recommends in a general way how these can be accomplished. In contrast, the zoning code is a detailed document that translates the goals into law. All too often, communities think they have gained control over their future by adopting a comprehensive plan; although they have taken

a major step in the right direction, the adoption of a plan doesn't change anything.



Putting the plan into action

To have effect, the recommendations of a comprehensive plan must be translated into zoning laws, budget allocations, public investments and other actions that have the force of law. This is why it is so important that a plan accurately reflect community consensus – without strong local support a municipal board will be reluctant to pass implementing legislation.

While changes to the law must be consistent with the guidance provided by the plan, ***the plan is not, by itself, a legally enforceable document.*** Citizens and public officials also need to be aware that whatever they adopt in their implementing laws must not only be consistent with the comprehensive plan, but also with the requirements of state and federal law.

The "implementation" section of a comprehensive plan is different from the actual implementation documents and process that make things happen. ***The plan provides guideposts to observe as the community conducts the complex process of implementation, but it does not provide details of the implementation process.*** The plan is similar to a sketch of what a house will look like when built, not the house itself or the blueprints that tell the builder what to build. ***The zoning code is the document that actually says what is and is not allowed*** – it is the day-to-day decisions of local boards, officials and citizens that determine what is actually built and what land is preserved. Zoning should reflect the guidance in the plan but should not be confused with the plan itself.

Continued on page 6

 <p>WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS</p>	<p>PLANNING TRANSPORTATION GRANTS WRITING PARKS & RECREATION SERVICES ARCHITECTURE ENGINEERING ENERGY SERVICES GIS</p>	<p>www.wd-ae.com 716.688.0766</p>
<p>Wendy E. Weber Salvati, AICP</p>		

Comprehensive Plan, continued from page 5

A comprehensive plan must leave flexibility for those who will be doing the implementation, rather than locking them into only one way of accomplishing the plan's goals. If a plan recommends certain types of zoning changes, then the details of those changes must be worked out in the process of writing and reviewing the zoning amendments. Such amendments require significant give-and-take among various stakeholders, as well as public input and public hearings at several stages throughout the process.

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 that they will occur. The success of any comprehensive plan depends on the citizens of a municipality to work together and see that it happens. ❖

The above article was adapted from the introduction to the Town of Philipstown Comprehensive Plan written by Mr. Russell. The author is a land use attorney and planner with a national practice specializing in New Urbanism, traditional neighborhood design and the protection of open space and community character. His session at the upcoming NYPF conference is titled, "The Comprehensive Plan is Done...or is it?" It will be presented at 10:30 am on Monday October 9th.

Praiseworthy

There's still time to nominate someone in your community for one of five NYPF annual awards. These awards are given to outstanding planning and zoning board chairs, as well as to a volunteer member of a municipal board, and for outstanding contributions to both the zoning field and planning fields.

The awards will be presented at our conference in Saratoga Springs at a luncheon on Tuesday, October 10th. The process of applying is an easy one – contact Lael Locke at 518 270 9855 to request a nomination form, or email llocke@nypf.org. Nomination forms are due back in our office by August 31st. ❖



The Simplicity of Muncicity™

Integrated Parcel Management Solution

- One-stop comprehensive access to parcel data and history
- Built-in integration with Microsoft® Outlook and Office
- Easy tracking and reporting features
- Simple generation of permits, certifications, applications and fees
- GIS integration
- Integration with your municipality's Code of ordinances

General Code's Muncicity software provides faster and easier access to important building, planning and zoning information.

Improve the service you provide to constituents. Simply visit us at www.generalcode.com/muncicitysoftware to learn more, or sign up for one of our ongoing Muncicity Webinars or workshops.

www.generalcode.com | 800-836-8834

**GENERAL
CODE**