

## XV. DEVELOPMENT MANAGEMENT

### CODE ENFORCEMENT OFFICE/STAFFING

The City of Cortland manages the review, approval, and permitting of development project through its Code Enforcement Office and various appointed boards (detailed below). The Code Office is charged with administering and enforcing all the provisions of the Uniform Fire Prevention and Building Code and the Zoning Laws of the City. This includes, but is not limited to, reviewing plans and specifications, conducting inspections, issuing permits, receiving and processing applications, investigating violations and working toward compliance, and making recommendations to the City's Corporation Counsel for issues of non-compliance. The City Zoning Officer is the staff member in the Code Enforcement Office charged with most



planning functions, while other Code Enforcement staff reviews building plans, code compliance, and inspections. The Zoning Officer is the single point of contact for applicants requiring City zoning approvals, manages the review and approval process for projects, and serves as staff to the Planning Board. The City's also contracts with an outside engineer to assist the Planning Board with Site Plan Review. The City's Corporation Council additionally provides legal advice to the Planning Board and Zoning Board of Appeals.

Given the growing complexity of project reviews, greater demands on the Code Enforcement Office (see Section XIII. *Code Enforcement*), and the need for improved and streamlined management and review of development projects, the City needs to place greater emphasis and importance on its management of development projects. The City should consider separating Planning and Zoning functions from the Code Enforcement Office and establish a separate Planning and Zoning Office. This does not necessarily have to result in additional City staff, although a support person dedicated to the Planning and Zoning Offices would be beneficial. The Zoning Officer/City Planner position needs to be elevated to that of a Department Head, and be provided with a high level of authority and responsibility in order to properly manage the Planning Board, Zoning Board of Appeals, and Historic District Commission.

Whether or not the Planning and Code Enforcement functions are split, both need to be provided with the technology needed to effectively manage projects, and improve efficiency and accuracy. This includes development of a Geographic Information System (GIS) and use of other property management software in order to better track and manage City planning and zoning. More detail regarding this issue can be found in Part XIII. *Code Enforcement*.



## PLANNING BOARD AND ZONING BOARD OF APPEALS

The City's appointed Planning Board is responsible for reviewing and approving/disapproving subdivisions and projects required under Site Plan Review. The Planning Board also makes recommendations to the Zoning Board of Appeals regarding Special Use Permits. As detailed above, the City Zoning Officer, and a contracted engineer provide professional assistance to the Planning Board, as does the City Corporation Counsel and the Director of Code Enforcement, as needed. The Corporation Counsel may or may not have the needed expertise or background in land use issues, which could pose a problem.

The appointed Zoning Board of Appeals is responsible for granting/rejecting variance requests as detailed in Section XIV. *Land Use and Zoning* and for Special Use Permits. This Board has significant influence on the character of the City, as they are typically dealing with projects that do not adhere to established City zoning. The ZBA must be very careful in granting variances. Between November of 2008 and October 2009, the ZBA received 36 variance requests and only three were denied, a 92% approval rate. This approval percentage appears to be high. Stringent procedures and documentation should be required of all applicants requesting variances. While variances are occasionally necessary to ensure fairness, their granting should be rare and be contingent upon the applicant clearly documenting that all statutory requirements have been met, particularly with Use Variances.

New York State law requires that members of the Planning Board and ZBA receive four hours of training annually. The nature and content of this training is not specified and, therefore, members may never receive training on basic issues such as site plan review, variances and hardship, SEQRA, special use permits, etc. Thus, the potential exists for untrained and unqualified members to be voting on important planning issues they do not fully understand. The City should establish training requirements for all Planning Board and ZBA members that exceed NYS requirements. The content of the training, and a timeline for completing it, should be clearly defined. The City may want to consider developing their own training materials, using Department of State CD's, as well as utilizing alternate training opportunities, such as online courses and those provided locally and throughout the region. This could be coordinated with the Cortland County Planning Department.

The City needs to ensure that its project reviews are sufficiently thorough and detailed enough to ensure that City ordinances are complied with and that its goals are met. It also must make sure that the development review process is clear, efficient, streamlined, and timely in order to accommodate developers. The City has established the Zoning Officer as the single contact and point of entry for project reviews, and has coordinated meeting schedules to expedite approvals. These are excellent steps in streamlining review processes. The City needs to continue efforts to create an effective and efficient development management process. Initial steps include transferring the approval of Special Use Permits from the Zoning Board of Appeals to the Planning Board; granting the Code Enforcement Office/Planning Office administrative powers to approve smaller projects; simplifying and clarifying application forms; and creating written guides to assist applicants in understanding the review processes and timelines.



## HISTORIC DISTRICT COMMISSION

The appointed Historic District Commission is responsible for reviewing and approving/disapproving architectural designs for structures within locally designated historic districts. Currently the City has one district, the Main Street/Tompkins Street Historic District. The Commission is not provided with professional staff, such as a professional preservation architect, to assist with reviews. The City should consider contracting with a qualified professional to assist the Commission with reviews in a manner similar to the Planning Board.

The Commission has assembled a set of guidelines to assist applicants in developing appropriate projects, but these guidelines are not specific to Cortland's architecture and are not incorporated into City zoning ordinances. This means that design decisions can be arbitrary, and the quality of decisions can vary depending on the qualifications of Commission members at any one time. In order to ensure consistency in decisions, and to provide property owners with firm guidance in planning and undertaking projects, detailed design guidelines should be developed and adopted by the City (see also Section I. *Historic Resources*).



## GOALS AND IMPLEMENTATION MEASURES

**GOAL 71:** Establish clear development management policies and procedures for efficient, thorough, and timely review and approval of development proposals.

### IMPLEMENTATION MEASURES:

- A) Establish a Planning and Zoning Office separate from the Code Enforcement Office to manage planning, development and zoning in the City and to staff the Planning Board, Zoning Board of Appeals, and Historic District Commission.
- B) Maintain a single point of contact, the City Zoning Officer, for all development projects and ensure that this position is provided the necessary authority, responsibility, and resources for review of projects.
- C) Create clear graphical and written flow charts outlining the City's review and approval process. Provide such charts to applicants consistent with the approval requirements of their project along with application packages and forms needed for all parts of the review process.



- D) The Zoning Officer, or other designated point of contact, should assess each development application and create a detailed written review report summarizing the development's review needs, requirements, and issues. Reports should be maintained in the project file and provided to the applicant, code enforcement official, and other involved entities such as the Planning or Historic District Commission.
- E) Formalize a coordinated review process among all affected agencies and departments for large scale or complicated development projects. Determination for the need for coordinated review should rest with the Zoning Office.
- F) Require pre-application meeting with sketch plans prior to review of large-scale development or redevelopment applications.
- G) Review all development management policies and revise as necessary to create a clear, defined, and streamlined permitting process.
- H) Provide the Zoning/Code Enforcement Office with adequate staffing and technological resources to ensure the proper and timely review and management of projects.
- I) Provide professional staffing to assist the Historic District Commission, Planning Board and Zoning Board of Appeals with professional review of projects as needed. Such staffing can be provided via a qualified City employee or outside consultant(s).
- J) Upon completion and approval of the Historic District Commission, the board should issue a "Certificate of Appropriateness". All conditions mandated by the Architectural Review Board should be clearly delineated in the project file and final Certificate of Occupancy should be contingent upon meeting all such conditions and requirements.

**GOAL 72:** Strengthen enforcement and administration of land use regulations.

**IMPLEMENTATION MEASURES:**

- A) Ensure that local staff and officials who administer local planning initiatives are appropriately trained to execute their duties.
- B) Require and fund educational opportunities for Planning and Zoning Board of Appeals members that exceed New York State's training standards. The Zoning code should be amended to require that specific training take place within a specified time- frame from initial appointment of the Board member.
- C) Require that planning officials receive the following local training:
  - Within 60 days of appointment, board members shall train on zoning basics, SEQ, site plan review, and reading plans and blueprints.



- Three hours in each of the following subjects: variances; special use permits; signage; parking; site plan review; SEQR; and zoning basics.
  - One hour of training in reading plans (with a licensed engineer) and in quasi judicial and administrative proceedings.
  - Other required training shall take place within one year.
  - Certificate of completion for each course to be filed with City Zoning Officer.
  - Failure to complete training results in termination of appointment after notice and opportunity to cure.
- D) The City should explore development of its own training materials and programming for training locally hired, appointed, and elected officials charged with enforcement and administration of land use regulations.
- E) Provide Planning Board and Zoning Board of Appeals with attorney to attend meetings who is not the Corporation Counsel and who is a specialist in land use and will be present at meetings to advise boards.
- F) Ensure consistency in determinations on area variance requests. Amend zoning code provisions relating to variances to:
- Require that each statutory factor be specifically and thoroughly analyzed in any official recommendation and/or staff report.
  - Require that the ZBA Chair be familiar with previous policy decisions.
  - Maintain records in user-friendly format to ensure consistency.
  - Staff reports and recommendations should be prepared by qualified, professional City staff.
- G) Ensure that approval of variance requests is an exception rather than commonplace. Amend zoning code to require that requests for any variance be granted only upon competent evidence that each of the statutory tests has been satisfied. Require detailed analysis of each statutory test. Amend zoning code so that factors considered in reviewing applications mirror the statutory tests.

**GOAL 73:** Upgrade the City's technological resources for managing development and code enforcement.

**IMPLEMENTATION MEASURES:**

- A) Conduct GIS needs assessment for the City and implement a GIS program as determined by the assessment.
- B) Provide the City's Code Enforcement Office with the technology (hardware and software) to track and manage Code Enforcement and Planning efforts, including the newly enacted Rental Permit Law.



- C) Investigate e-government, internet, and other technological options to better disseminate information to the public and streamline the permitting process for development projects.
- D) Digitize and index all Planning and Zoning Board of Appeals decisions to ensure future decisions are consistent with past policies.

