

**B**USINESS **L**EARNING **C**ENTER  
ZONING AND LAND USE  
Seven (7.0) Hour Continuing Education Seminar

**DETAILED OUTLINE**

- 8:00-8:50      I. Municipal Land Use Regulation, An Overview
- Introduction.
  - Exercise of Municipal Land Use Authority, Generally.
  - Zoning Permits.
- II. Jurisdiction and Powers of Boards
- Zoning Boards of Adjustment
  - Planning Board
  - Which Board Has Jurisdiction
- 8:50-9:00      Break
- 9:00-9:50      III. The "C" Variances.
- Statutory provisions.
  - Core questions; burden of proof.
  - Interplay of "C" and "D" variances.
  - Uniqueness; lawful structures.
  - Specific piece of property.
  - Board's discretion; imposition of conditions.
  - Individual merits.
  - Negative criteria.
  - Undue hardship; self-created hardship.
  - Variances.
  - Statutory provisions.
  - Purpose.
  - General concept.
- 9:50-10:00      Break
- 10:00-10:50      The "C" Variances (continued)
- Case applications.
  - Statutory Provisions.
  - Does the Zoning Board of Adjustment Have Jurisdiction?
  - Primary and Secondary Relief; Imposition of Conditions.
  - Special Reasons.
  - Meaning, in general.
  - Promotion of zoning purposes; enhanced quality of proof.
  - Undue hardship.
- 10:50-11:00      Break
- 11:00-12:00      IV. The "D" Variances
- Specific Use Applications.
  - Uses inherently promoting the public good.
  - Uses not inherently promoting the public good.
  - Frequently Recurring Use Restriction Issues.
  - Zoning boundaries.
  - Effect of ordinance change.
  - Highway zoning.

12:00-1:00	LUNCH
1:00-1:50	<p>V. The Negative Criteria.</p> <ul style="list-style-type: none"> <li>• Statutory Provisions.</li> <li>• Cases Interpreting the Negative Criteria in the Variance Context.</li> <li>• Application to variances in general.</li> <li>• Substantial detriment to the public good; generally.</li> <li>• Impairment of the zone plan and ordinance.</li> <li>• Additional case applications.</li> <li>• Procedural; evidence issues.</li> <li>• Denial of application resulting in a taking.</li> <li>• Inherently beneficial uses.</li> <li>• Application of Negative Criteria to Site Plan Approvals.</li> </ul>
1:50-2:00	Break
2:00-2:50	<p>VI Accessory Structures and Uses.</p> <ul style="list-style-type: none"> <li>• Nature of Accessory Uses and Structures.</li> <li>• Examples of Accessory Uses and Structures.</li> <li>• Uses Held Not to be Accessory.</li> <li>• Accessory Uses and Structures Permitted, Regulated or Prohibited by Ordinance.</li> <li>• Determining Whether Use Is "Principal" or "Accessory."</li> <li>• Home Occupations.</li> <li>• Importance of Determining Whether Use or Structure is "Accessory."</li> </ul> <p>VII. Nonconforming Uses and Structures.</p> <ul style="list-style-type: none"> <li>• Generally.</li> <li>• Proof of Nonconformity.</li> <li>• Destruction.</li> <li>• Change or Intensification of Use Requiring a Variance; Change of Ownership.</li> <li>• Expansion of Use or Structure Requiring a Variance.</li> <li>• Nonconforming Lots</li> <li>• Isolated Lot Cases.</li> <li>• Isolated lot cases in general; grandfather clauses.</li> <li>• Variance required where no grandfather clause exists; criteria for variance.</li> <li>• Purchase of applicant's lot by adjoining owner.</li> <li>• Availability of adjacent land; "Checkerboarding"; self-created hardship.</li> <li>• Submission of building plans.</li> <li>• Cases approving variances.</li> </ul>
2:50-3:00	Break
3:00-4:00	<p>IX. Environmental implications of zoning.</p> <ul style="list-style-type: none"> <li>• Environmental considerations in development.</li> <li>• Federal, state, county and municipal jurisdiction.</li> <li>• Specific environmental regulations affecting municipal planning and control.</li> <li>• Stormwater drainage; flood hazard areas.</li> <li>• Wetlands.</li> <li>• Coastal and waterfront development.</li> <li>• Water quality planning and wastewater management.</li> <li>• Other regional regulation.</li> <li>• Related issues: takings; exclusionary zoning.</li> </ul> <p>X. The Master Plan and The Official Map.</p>