

STRICKEN END OF YEAR

Intro. Res. No. 1651-2009
Introduced by Presiding Officer Lindsay

Laid on Table 8/4/2009

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW
NO. -2009, A CHARTER LAW TO AUTHORIZE THE USE
OF DEVELOPMENT RIGHTS FOR SMART GROWTH,
COMMUNITY DEVELOPMENT AND JOB CREATION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2009 a proposed local law entitled, "**A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT RIGHTS FOR SMART GROWTH, COMMUNITY DEVELOPMENT AND JOB CREATION**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO AUTHORIZE THE USE OF DEVELOPMENT
RIGHTS FOR SMART GROWTH, COMMUNITY DEVELOPMENT
AND JOB CREATION**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County's Save Open Space (SOS) and New Drinking Water Protection Programs authorized the transfer of development rights from lands acquired under these programs for the purpose of providing workforce housing.

This Legislature further finds that few, if any, of the nearly 180 development right credits that have been banked under these programs have so far been utilized to create housing.

This Legislature also finds that in addition to workforce housing, these development rights could be used to further other worthy policy goals including smart growth in downtown areas, community development and job creation.

This Legislature determines that the targeted sale of development rights, in accordance with a program developed by the Department of Planning, would also generate much needed revenues that would allow the County of Suffolk to maintain services and provide tax relief.

Therefore, the purpose of this law is to amend Article XII of the SUFFOLK COUNTY CHARTER to authorize the sale of development rights to spur smart growth, community development and job creation.

Section 2. Amendment.

Section 12-2(A)(2)(c) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

- (c) The County of Suffolk hereby reserves the right to dedicate and transfer development rights from land acquired under this law (exclusive of transactions involving farmland development rights, active parkland, hamlet parks, and historic parks), and hold for use or subsequent sale for the [sole] purposes of providing workforce housing, as defined in Article XXXVI of the Suffolk County Administrative Code, fostering smart growth in downtown areas, furthering community development or spurring job creation, [pursuant to a program established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County]. In each individual use or sale of such development rights for the purpose of providing workforce housing, such use or sale shall be subject to approval by duly enacted resolution of the County of Suffolk and shall be consistent with Resolution 412-2005, as amended. A program to govern the use or sale of development rights for the purposes of fostering smart growth in downtown areas, furthering community development and spurring job creation shall be established by the Department of Planning and via subsequent duly enacted resolution of the County of Suffolk and each individual use or sale of development rights for these purposes shall be subject to approval by duly enacted resolution of the County of Suffolk.

Section 3. Applicability.

This law shall apply to development rights that are derived from land acquisitions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK

ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Form of Proposition.

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

Shall Resolution No. -2009, Adopting A Charter Law Amending the Suffolk County ¼% Sales Tax Drinking Water Protection Program to Authorize the County of Suffolk to Use or Sell Development Rights Acquired Under This Program for Smart Growth in Downtown Areas, Community Development and Job Creation, Be Approved?

Section 7. Effective Date.

This law shall not take effect until the first day of the first calendar year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: