

CONSIDERATIONS FOR LAND USE REGULATION IN LIGHT OF CLIMATE ADAPTATION



Source: Insurance Journal

Attorney Mark K. Branse
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Subdivision Regulations: The Requirement to Approve an “Island” Without the “Bridge”



Source: www.amusingplanet.com

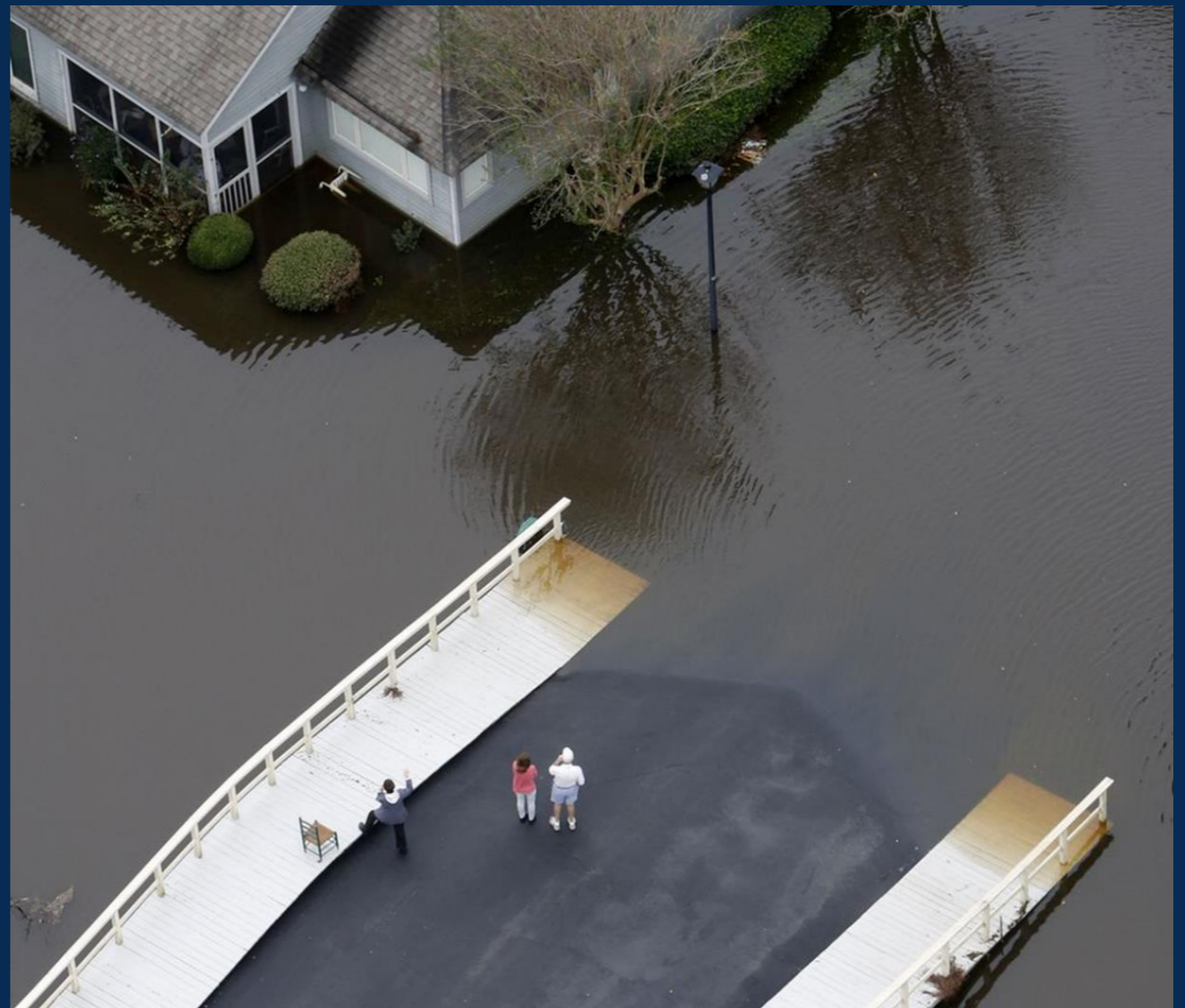
Subdivisions

- **Presumption of safety for residents when land is subdivided
Including egress during major storm events**
- **Court rulings have restricted communities ability to require
certain improvements.**



Subdivisions

- **Can “discontinue” a public road but not block public access**
- **Review under Flood Zone Regulations and Coastal Area Management Act**



Subdivisions

- **Expand allowable contributions from developers to include improved emergency access similar to fees in lieu of open space or parking**



Zoning Regulations: The Issues of Building Height, Expansion, Location



Zoning

- **Balancing local zoning height restrictions with the need to elevate**
- **FEMA, Base Flood Elevation and building height**

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Zoning

Regulatory options and questions



Source: US Coast Guard



Source: freebeacon.com

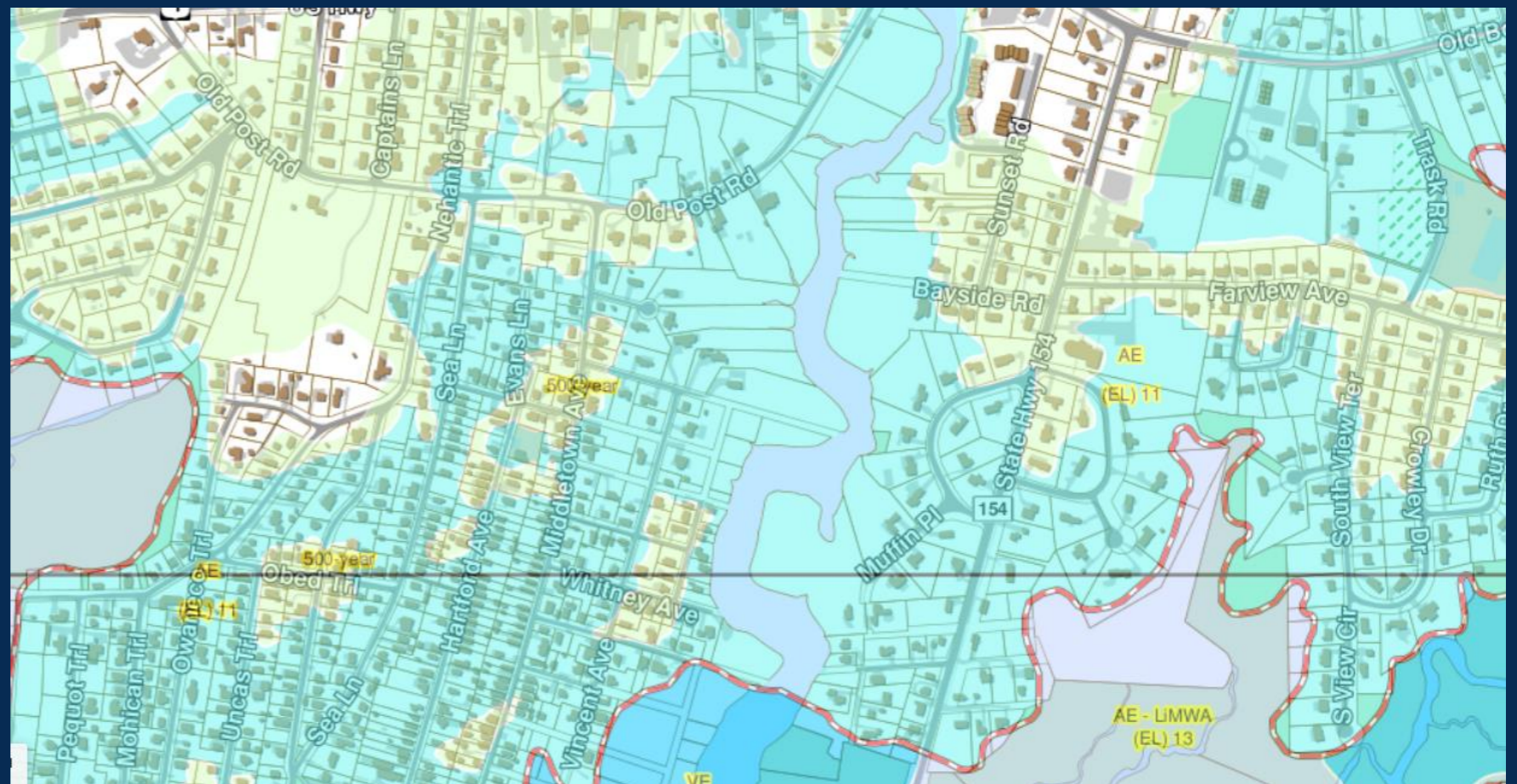
Zoning Boards of Appeals and “Variances” Under the Flood Zone Model Regulations



Source: tjelser.wordpress.com

Zoning Boards of Appeals

- **The State’s model Flood Zone Regulations provide for “variances” in both coastal and inland locations.**
- **Specific situation variances**



Zoning Boards of Appeals

- **Considerations for granting of variances**
- **Conditions for variances**



Zoning Boards of Appeals

- **What does it mean? Sorting it all out- dominant criteria, definition of variance, and more**



Source: www.dailymail.co.uk

Zoning Boards of Appeals

MacKenzie v. Planning & Zoning Commission



Zoning Boards of Appeals

Verillo v. Zoning Board of Appeals of Town of Branford



Source: Bing maps

Zoning Boards of Appeals

347 Humphrey St. LLC v. Board of Zoning Appeals of New Haven



Zoning Boards of Appeals

What's the bottom line?



Source: nydailynews.com

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QUESTIONS ?

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