

Town of Ballston Recommended Zoning Changes

Submitted to Town Board 11/29/16 by Nan Stolzenburg/Don Meltz

Summary of Vision of Comprehensive Plan: a) preserve working agricultural landscapes and natural resources while Town continues to accommodate residential and commercial growth; b) retain small town and rural character, and c) to manage growth.

Summary of Goals Established in Comprehensive Plan:

- Conservation of farmland and significant open spaces
- Create network of open spaces for habitat and trail corridors
- Expand active and passive recreational resources
- Protect and promote significant historic and cultural resources
- Protect important natural resources, especially water and scenic quality of Ballston Lake
- Address design, form and location of new development
- Promote commercial and industrial growth in specific centers
- Improve mobility
- Provide business friendly environment
- Encourage agri-business opportunities and support existing agri-businesses
- Balance residential development, commercial development and open space
- Variety of housing opportunities
- Maintain existing public water and sewer infrastructure; provide for services where public safety is concern; limit unnecessary expansion in areas where increased growth is not encouraged by the plan

Town of Ballston Recommended Zoning Changes

1. Hamlet Residential Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Buffer between mixed use and rural districts	Yes, establishes this goal	No change needed
sidewalks	Does not require them unless part of TND	Add standard to require sidewalks for all residential and commercial development
grid style streets with no dead ends	Does not prohibit cul-de-sac or dead ends here	Add requirement that all new streets be grid/connected
2-4 units per acre with higher density where water and sewer exists	1 unit per acre w/o W/S (40,000sf) 2 units per acre w/ W/S (20,000 sf) 1 unit per acre in watershed overlay (40,000)	Raise density to what plan recommends. Remove watershed overlay density restrictions where sewer exists. Go back to recommended levels from plan – 10,000 sf min lot size with water and sewer, ½ acre without water or sewer. Set new density to control multi-family density.
allow for senior housing	Could be part of a TND, but otherwise, not allowed	Add senior citizen as an allowable use via Special Use Permit with its own density and standards. Update section XXI to add in design/development standards for multifamily dwellings to ensure design consistency.
allow 2 family with Special Use Permit	Yes	Keep as is
allow ‘appropriate scale’ (small scale) commercial uses via Special Use	Commercial uses not allowed	There may be an opportunity to put in place very limited, small scale neighborhood business within the Hamlet Residential with strict size, scale and use controls. This can be discussed.
concentrate expansion of water and sewer here (page 26)	TND currently requires provision of water and sewer; otherwise placement of this infrastructure is not a zoning policy but is a Town policy to be determined.	Concentrate new sewer expansion in the Hamlet and mixed use south districts. Such infrastructure should not extend beyond hamlet boundary’s or up Route 50. With sewer present, the watershed overlay density requirements becomes less important – having sewer will alleviate the need for density restrictions of being in the overlay. But, effort must be made to enhance stormwater and water quality standards in the overlay to control other water quality impairments.

Town of Ballston Recommended Zoning Changes

1. Hamlet Residential Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Does not mention TND in Hamlet	TND is required in district through the PUDD process	Remove PUDD process. Make TND an optional technique as per the Plan. Parcels in the TDR receiving area can receive density bonuses as per TDR and a traditional neighborhood design could be used. New residential development and subdivisions in hamlet should be required to be designed in hamlet scale and design regardless and this should be added to ensure new residential is consistent with hamlet character.
Direct higher density growth to hamlet and mixed use areas	Does not establish the called for hamlet style density	Establish hamlet-scale lot sizes, setbacks, and road frontage requirements. Current ones are too big. Allow for increased building coverage to reflect hamlet style development.
Other Observations/Issues		
There are a few locations currently in the Rural district that could/should be in the Hamlet Residential district. This would allow for growth in the hamlet as consistent with the Plan.		Recommend that the hamlet boundaries be expanded as shown on the concept map to allow for more infill at a hamlet scale.
The watershed overlay restricts growth and limits density in the hamlet residential district. This density restriction will prevent other hamlet goals from being reached.		The key tool here will be provision of sewers. If sewers are provided for in the hamlet (including the Mixed Use District), then concerns about runoff from septic systems into the watershed is alleviated. Provide sewer in this district, and then remove density but at the same time, improve stormwater standards to enhance water quality in the watershed. There are many models for watershed protection standards that can be used, including one developed by your land conservation committee several years ago.

Town of Ballston Recommended Zoning Changes

2. Mixed Use Zoning Districts		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Use grid style streets with no dead ends	Included in design standards	Review Mixed Use design standards. Ensure all design standards are 'shall' to the maximum extent and not treated as 'guidelines'. Ensure the same design standards are applied to large subdivisions or multi-family units too and not just commercial uses.
Allow mixed uses per lot and per building	Yes, although it doesn't say so explicitly	Add statement in text clarifying that mixed uses per lot and mixed uses within a building are allowed. For instance, commercial below and residential above.
Provide for pocket parks	Yes, included in design standards as green space (35%)	Ensure same standard is used for multi-family developments or larger subdivisions too. Review all design standard language to make these 'shall' instead of guidelines.
Have a diversity of housing types	Yes, but this district doesn't allow for single family dwellings. Text is confusing however in that it mentions single family units. Text and table not consistent with each other.	Add that single-family dwellings are allowed in this district. And add in what density of dwellings are allowed.
Have hamlet scale and higher density	<p>The design standards already outline hamlet scale lot sizes, setbacks, build to line. But the use/dimension tables may not be consistent.</p> <p>Very high density is allowed. While higher density is desired here, there is in fact, no limits currently placed on multi-family density.</p> <p>The PUDD allows for very high levels of density.</p>	<p>Update the use/dimensions table to ensure hamlet scale lots, setbacks, and build to lines are met. Ensure that design standards are also applied to multi-family dwellings and large subdivisions too.</p> <p>Remove the unlimited density allowance, and establish density requirements for single, two-family, and especially multi-family dwellings. For multi-family, control overall density (total units allowed), as well as # of units per building, and # buildings allowed.</p> <p>Remove PUDD as an allowable option (see discussion below).</p>

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2. Mixed Use Zoning Districts		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Should be an area with walkability	Has sidewalk connection requirements, but does not clearly require sidewalks	Clarify standards to require sidewalks for all types of development in the district.
Focus commercial and retail in these districts	No, I do not believe this is so because the business highway districts permit the same commercial and retail uses. The BH2 especially conflicts with the goal of concentrating commercial and retail in the mixed use districts.	The business highway 2 district will serve to draw commercial development away from the mixed use district. The BH2 is not consistent with the Comprehensive plan vision for that transportation corridor. The Plan called for small scale and ag-related businesses along that part of the corridor. We recommend removing BH2 entirely. Do not extend sewer past hamlet boundary. The open/rural nature along Route 50 from Burnt Hills to the Outlet Road area is critical to maintaining the rural aesthetics of the Town.
Require design and performance standards to address scale and appearance	Yes, in the design standards for this district.	Review and tweak only to ensure that these design standards are incorporated into development plans.
Limit square footage of retail for consistency of character	No, there are no limits on size of building included in the Zoning. The Tables allow unlimited sizes of commercial businesses. This is not consistent with the Plan.	Place limits, as per the plan, on the total square footage of a commercial building in the Mixed Use District. Size limits are especially important in the Mixed Use Center Ballston Lake District as those should be neighborhood scale buildings. However, amend the draft TDR law to add in a commercial option. Add in that a building size bonus can be obtained for commercial uses by participating in the TDR program.
Add build-to line to promote hamlet style commercial development	Discussed in design standards	No change needed, unless there is an issue in application of these design standards.
Use PUDD to help develop creative, higher density and mixed uses	PUDD is available as a tool to use.	This is one area where I very much disagree with the Plan approach. The 'zone as you go' nature of PUDD has created many issues and undesirable outcomes in Ballston. See further discussion of PUDD, below. It is strongly recommended that the zoning removes PUDD as a tool to use in Ballston.

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2. Mixed Use Zoning Districts		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Allow two family and multi-family dwellings with water and sewer	Both are allowed, but are not tied to specifically having water and sewer.	Water is available in most places in the mixed use district now. It is recommended that sewer be provided for. Until that happens, the zoning could allow multi-family units only when sewer is available, or it could allow for a lower density of units without sewer. Preferably, this area would have sewer.
Encourage residences above stores (noted that the height of buildings must be planned according to emergency service access as well)	Not included.	Two story buildings should be the maximum height – due to both consistency with the existing character of the area as well as to reflect the capacity of emergency services in the Town. For smaller 2-story buildings however, zoning could explicitly allow for residential uses above commercial uses.
Invest in water and sewer in these locations	This a town policy to be determined	It is highly recommended that sewer extensions be concentrated in the mixed use and hamlet residential districts, but not beyond these areas.
Use traffic calming and access management techniques	Minimally addressed in some design standards. Not included in detail.	These should be added in to help control traffic issues along Route 50.

3. Rural Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Allow for a variety of small scale business uses, agriculture, small scale ag processing, and ag-related businesses, low density residential, home occupations, b&B	Currently allows limited business types, and those may not be as expansive as plan envisioned. There are no ag-processing allowed.	Poor definitions in zoning related to agriculture lead to restrictions on ag uses here. Improve and expand ag-related definitions to cover farm, ag-business, ag-tourism, ag-processing, riding stable, etc. These should all be allowed in the Rural district. If there is a ag-related use where site plan review is felt to be needed (such as a food processing facility), use the NY State model for a modified site plan review for ag uses instead of the full site plan process. Allow for B&B uses. Allow for multiple businesses on farms where businesses are related to that farm, such as a farm stand, a restaurant that uses food

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3. Rural Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
		grown on premises, or a brewery/retail for hops grown there.
Ensure 'appropriate scale' (small businesses) commercial and light industrial to be permitted with special use permit and performance standards, and limited to route 50 and 67 and mixed use centers.	Requires a 2-acre minimum lot size for non-residential uses, but does not limit scale of buildings. Does not direct commercial uses to Route 50, 67 and mixed use centers.	Add size limit to non-agricultural business structures to ensure businesses in rural district are of a small scale. Add language to meet the Plans goals for commercial businesses in the rural district ("Design guidelines should be developed to ensure that these small establishments fit appropriately into the Town's rural landscape.") Develop design standards that are oriented towards rural businesses and add them to be required for commercial uses in Rural.
Design guidelines and performance standards to	Yes, includes rural design guidelines	Review and make sure there are no other design/performance standards that should be added
Establishes minor subdivision as those 4 or less lot splits in 5 year period; major are 5 or more splits over 5 year period	Yes, this is incorporated into subdivision	No changes needed.
Minor and subdivisions with 2 acre minimum lot size.	Requires 2 acres without water or sewer; and 1 acre with water and sewer. In the Watershed Overlay, water and sewer must both be present in order to get the 40,000 sf density.	There is nothing in plan that indicates sewer should be extended into Rural area. Suggest removing the 1 acre allowance as that does not promote low density development, and keep everything at the 2 acre level. To offer more flexibility to landowners, consider allowing use of AVERAGE lot sizes – so that it gives landowners more freedom to design different lot sizes that fit with the landscape (average lot means you can get some bigger and some smaller provided they average 1 dwelling per 2 acres).
Encourage conservation subdivision as option, but still allow conventional subdivisions	Yes. Subdivision currently requires conservation subdivision for major subdivisions but only when water and sewer exist. The PB may require	Enhance the conservation section in both zoning and subdivision laws. See discussion below for several issues with the Conservation Subdivision as currently written. Recommend that zoning requires use of Conservation

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3. Rural Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
	Conservation Subdivision if soil conditions are suitable.	<p>Subdivision for all major subdivisions and not tied to having sewer.</p> <p>I do not understand why a community wastewater and well water system could not be developed for a conservation subdivision. If that works, why not? Requiring public water and sewer in the Rural district will only serve to be a growth inducer...opposite of the low density desired by the Plan. If a site does not have capacity for a well or community wastewater to handle the potential density allowed by the zoning then a yield plan should be done to identify how much density can actually be supported without provision of sewer and water. The law could also require developers to provide BOTH a conventional and conservation subdivision design for concept review so the Board can choose the one that fits the best.</p> <p>Update and clarify (see bottom of this handout). Add in required 50% open space requirement and do not leave this critical component to be determined at time of application.</p> <p>Further, use of conservation subdivisions could allow future linking of open space with trails. The open spaces that are preserved via this technique over time should form the 'green infrastructure' of the town and should be based on the open space map as called for in the Plan.</p>
Stream buffers to be used on all classified streams	Not included in zoning	Add a stream buffer requirement for <u>all zoning</u> districts, including in TDR to protect those riparian areas. Consider

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3. Rural Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
		100' minimum buffer where natural vegetation can stay/grow. This should be established for wetlands too.
Other Observations/Issues		
The density for residential uses and home occupations as written is very confusing.		Re-write to clarify this. OR as above, do not allow any 1 acre lots in the Rural district as per plan.
Density can be controlled better by using a NET ACREAGE calculation instead of GROSS ACREAGE. This means that the density is actually calculated on a parcel to take into consideration any environmentally sensitive features that may be present such as steep slopes, wetlands, streams. Use of a NET ACREAGE allows the Town to be much more sensitive to the actual capacity of a parcel. Currently, the conservation subdivision technique uses NET ACREAGE as its density calculation. This should be for all areas except the Hamlet and Mixed Use areas.		Make all calculations of density in any district except Hamlet and Mixed Use based on a NET ACREAGE that is adjusted due to specified environmental features.

4. Ballston Lake Waterfront Zoning District		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
District to be designed to protect water quality	Yes, establishes that	No change needed
Protect stream corridors in BL Watershed	No	Establish stream corridor buffers in all locations in town, not just in the watershed.
Consider public sewer in vicinity of lake	Is being considered	No zoning related change needed
Place higher standards for development along BL via design guidelines and buffers, and shoreline development standards	Yes, includes this	No change needed, unless there are issues showing the standards in existence are not working.
Identify public access points to lake	Yes, includes this	No change needed
Address stormwater management concerns	Yes, includes this in the watershed overlay	Make updates to this using recommendations from the Ballston Lake Improvement Association and the Watershed Management Plan Group

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4. Ballston Lake Waterfront Zoning District		
		(already received, but additional conversations can fine tune them)
Limit impervious surfaces	Sets maximum building coverage at 30%	Lower lot coverage to 15 or 20%.
Set density at 1 dwelling per 2 acres	Is set at 1 dwelling per 2 acres for development without water and sewer, but sets 1 dwelling per 1 acre with water and sewer.	If sewer is present, the size of the lot becomes less of a concern related to sewage issues. However, that also means that as per current zoning, a 1 dwelling per acre density would exist in the BL Waterfront district....that would mean that all development potential would double – to 1 dwelling per acre. Is that consistent with the character, roads, and landscape? TBD

5. Business Highway 1 and 2 Zoning Districts		
	Note: The Plan does not specifically call for establishment of a BH1 or BH2. It addresses a ‘transportation corridor from Burnt Hills to Ballston Spa.’	
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Use access management techniques to control traffic	Yes, included in the BH design standards	Review and update the design standards as needed to include other helpful access management tools for traffic flow and control.
Set rural road standards	Subdivision law includes these, but road width is not listed as a dimension (just ROW width)	The Town may want to update subdivision rules to allow for more rural road development (narrower with smaller ROW, and perhaps not paved) for subdivisions in the Rural District.
Set up bike routes and facilities	Not included	This needs to be addressed in a bike/trail recreational plan.
Focus future development on Route 50 in Mixed Use areas	No, the BH1 and BH2 allow for a very large variety of commercial use the entire length of Route 50 as well as setting no scale or intensity limits. Basically, the Route 50 corridor is set up to allow most any commercial use of any size.	BH 2 in particular is inconsistent with plan. Recommend to remove BH1 entirely and make that part of the rural district. Keep BH1 however and expand this down past Outlet Road as shown on concept map.

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<p>5. Business Highway 1 and 2 Zoning Districts</p>	<p>Note: The Plan does not specifically call for establishment of a BH1 or BH2. It addresses a ‘transportation corridor from Burnt Hills to Ballston Spa.’</p>	
<p>Direction from Comprehensive Plan</p>	<p>Existing Zoning</p>	<p>Zoning Update Recommendation</p>
<p>Rural character of Route 50 should be preserved</p>	<p>The BH1 district is not consistent with preserving rural character.</p>	<p>Remove BH2 as a district.</p>
<p>Residential and commercial development here should conform to layout and design guidelines</p>	<p>There are commercial design standards for BH1 and 2. There are no residential design standards within this district.</p>	<p>Keep commercial design guidelines. Add in design guidelines for residential developments along Route 50 to address rural character issues related to residential uses.</p>
<p>Allow for appropriately scaled commercial development within Hamlet Residential, Rural along Route 50 and maybe Route 67</p>	<p>There are no scale or intensity limits placed on BH1, BH2 or the mixed use districts at this point.</p>	<p>Place building square footage limitations for commercial buildings (including multi-family dwellings). Offer a size bonus (or a unit bonus for multi-family) only through the TDR program.</p>
<p>Focus commercial development into nodes</p>	<p>No, there are no nodes – the development pattern is as a long corridor.</p>	<p>Without BH2, BH1 can serve as a node of sorts. Determine if there are other non-route 50 locations that could serve as a small commercial node.</p>
<p>Use grid street pattern and sidewalks; narrow residential streets</p>	<p>Not fully, use of cul-de-sacs is part of street standards for BH district. No encouragement of a gridded pattern.</p>	<p>Update road standards so they result in gridded road systems.</p>
<p>Other Observations/Issues</p>		
<p>Plan calls for having an official map (which you don’t have yet), a Route 50 corridor study, make improvements to Route 146a and Lake Hill Road (page3 35), realign Route 50 and CR 59 (Middleline) and modify vertical alignments</p>		<p>Work to develop these plans over the next few years.</p>

Town of Ballston Recommended Zoning Changes

6. Ballston Lake Residential		
Direction from Comprehensive Plan	Existing Zoning	Zoning Update Recommendation
Designed to allow housing development while preserving rural character	This is basically what the purpose statement for this district says.	No change required.
1 dwelling unit per 2 acres without water and sewer	Sets density at 1 dwelling per 1 acre without water and sewer	The density of zoning doubles what was envisioned in the plan. <u>Recommend that it goes back to the 1 dwelling per 2 acres</u> regardless of whether water or sewer is present. Then offer a reasonable density bonus only through use of TDR. And, require NET ACREAGE and allow for use of an AVERAGE lot size (see discussion above for Rural District as well)
1 dwelling unit per acre with water and sewer	Sets density at ½ acre with water and sewer	Remove this allowance
1 dwelling unit per ½ acre IF open space or other public benefits provided for.	Originally offered density bonuses through the TND; Amendment in 2016 removed TND bonuses.	Only offer reasonable density bonuses if TDR is used
Offer higher density if affordable housing is included in plan.		
Allow TND as an optional technique through the PUDD process	All residential development required as a TND	Remove TND as requirement, make it an optional technique. Instead, require use of conservation subdivision technique for all major subdivisions with a requirement of 50% preserved open space.
Other Observations/Issues		
Agriculture with animals in this district requires a ZBA Special use permit. This is not consistent with NYS Ag and Markets Law. If the ag operation is within a NYS Ag District, this is problematic. There should be no special use permit required for ag uses within a NYS Ag District.		Remove Special use requirement for animal agriculture on farms located in both this district AND in the NYS Ag District. You can establish setbacks, and other conditions for siting buildings and activities via a modified ag-site plan review process (discussed above).
		Where the BLR district overlaps with the BL Watershed, change the building coverage of 30% to 15or 25%.

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Other zoning issues (from the November 2015 submittal to the Town Board):

Zoning Technique	Issue	Discussion	Recommendation
Issues related to Conservation Subdivision (CS) Language in Subdivision Law			
	Language is unclear and contradictory as to when and where it is required. It is vague as to whether this is required or optional.	104-30 is confusing. It says CS “shall be required”, the PB has “authority to require”, allows the applicant to demonstrate that compliance is inappropriate, says that it is not allowed without municipal water and sewer and at same time says that CS is encouraged to conform to a CS if there is no sewer and water, etc. This makes it hard for all parties to understand exactly what is being required or encouraged.	104-30 needs to be re-written to clarify the applicability of the conservation subdivision technique. We recommend that all major subdivisions in the Rural District be required to be designed with CS. Further, we recommend that all major subdivisions in the Ballston Lake Residential District be required to be designed with either CS or TND.
	Does not allow CS to be used with privately owned or operated community water or sanitary sewer systems.	CS is only going to work when there is infrastructure to support it. However, we fail to see why a developer could not provide a private water and sewer for that community. That restricts use of this technique. The consequence could be either it does not ever get used and thus a conventional layout occurs (which doesn’t meet town goals), or it encourages further extension of water and sewer	Remove the prohibition against use of privately owned or operated community water or sanitary systems in 104-30 (A).
	Allows Planning Board to offer up to 20% density bonus as an incentive.	Offering a density bonus without use of the TDR will weaken the ability to use the TDR to preserve farmland. This density bonus competes with the	Remove 104-29 (C) density bonus, and replace it with a bonus tied only to use of Transfer of Development Rights and the bonus is only eligible in the Receiving areas of Town. In other words, if someone wants a bonus, they have to

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Zoning Technique	Issue	Discussion	Recommendation
		density bonus for TDR. It is our opinion that all density bonuses in Ballston must be done through use of the Transfer of Development Rights.	purchase development rights that preserves farmland in sending areas. The bonus via TDR is larger than the 20% currently here so that is a real incentive.
	Restricts use to Rural District only.	Use of a conservation subdivision in the Ballston Lake Residential District, and perhaps even in the Ballston Lake Waterfront District is appropriate because the Town wants open space preserved in these areas too.	Expand allowance of CS to Rural and, Ballston Lake Residential
	Allows for applicant to show there is no reasonable basis to use a CS.	This is a loophole. The criteria offered here are erroneous and vague. It is written so that pretty much anyone could make a case that CS is not appropriate. We believe that there is conservation value in all land (see (g) (1) (a)).	Remove this entire section. We either require it or we make it entirely voluntary. Our recommendation is that all major subdivisions shall require use of CS and that a density bonus is available only in the receiving areas with TDR.
	Uses a net acreage approach so density is calculated based only on unconstrained acreage of the parcel.	This is a common technique, and is used to ensure the density available is set to the capacity of the parcel. Net density reduces the available density. That is acceptable to account for environmental issues, but no other techniques in Town require use of net acreage. That makes use of the CS a disadvantage and disincentive.	We recommend that the Town make net acreage the rule for all subdivisions in all districts
	Restricts a CS to include only single family units.	We understand that more multi-family dwellings may not be appropriate but feel this could be expanded, at least in some districts.	Allow for two family dwellings in at least the Ballston Lake Residential District using CS.

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Zoning Technique	Issue	Discussion	Recommendation
	Leaves the amount of open space to be preserved to be determined by Planning Board on case by case basis	Lack of specificity of how much open space is required inserts uncertainty into the process and design. It is fair that applicants know what the rules are. Preserved open space is the hallmark of a CS. Lack of identification of how much open space to be preserved makes this technique unattractive.	There should be a set 50% open space requirement with specific standards to identify the open spaces. Linking preserved open spaces with trails for biking and walking will help meet other goals of the Comp Plan.
Planned Unit Development			
	PUD is an option for residential, commercial and industrial uses.	PUD's are a 'zone as you go' approach and with the development pressure in Ballston, not appropriate in our opinion. It is a technique that benefits the applicant, but not usually the town because the zoning requirements that are based on the community goals are often not met.	Our first recommendation is to remove the entire 138-Article X (PUD) section entirely from the zoning and instead focus on use of CS coupled with TDR as the bonus. If there is a strong reason to keep PUD, our second recommendation is to remove residential as a use in PUD and limit PUD to only commercial and industrial uses. Further, if the Town keeps PUD only for commercial and industrial uses, it should be limited to Mixed Use, Industrial and perhaps BH1 Highway zoning districts only. In all other places, PUD's should not be allowed.
	The law encourages a PUD to voluntarily offer public benefits (138-26 (C)) that promotes parks, recreation, or outer Route 67 Corridor goals.	Legally, we can't require provision of these items, but this could be re-written to be stronger or find a way to incentivize provision of these amenities in a PUD. There is an opportunity to add TDR funding or purchase of development rights as an encouraged amenity to be provided to the town in exchange for a PUD.	IF the PUD section remains as above, this section could be strengthened or incentivized some way to ensure that parks, recreation, and Route 67 Corridor amenities are provided in exchange for a PUD approval. This is a section to go over carefully with a land use attorney. At the very least, funding the TDR Bank or purchase of development rights from a sending area parcel and transferring them to the TDR Bank could be another amenity strongly encouraged when a PUD does occur.