

Summary of Recommended Changes to the Town of Ballston Zoning Law and Key Items for Ongoing Discussion

Major Themes Incorporated to Bring Zoning into Consistency with Comprehensive Plan

1. Removed PUDD as allowable use except in the Mixed Use north and south, new Rural Highway Transition District, and BH1 districts having frontage on Route 50
2. Added more concrete objectives and approval criteria to PUDD approval to ensure they meet Town goals.
3. Enhanced the Senior Housing and Handicapped District (now just Senior Housing) (a PUDD oriented to those uses) with other criteria and general objectives to be met to ensure they are consistent with the district, the plan, and surrounding land uses.
4. Removed Traditional Neighborhood Design as a required subdivision design method. Left it in as a voluntary process to be used should a developer want that.
5. Removed all density bonuses except those tied to use of the Transfer of Development Rights program. Note that the subdivision law has density bonus language in it that needs to be changed too.
6. Added transfer of development rights program in. Updated map. As the only option for density bonuses, it makes the TDR more viable.
7. Amended sending and receiving areas and now allows commercial developments to participate and get a building footprint bonus if they participate.
8. Removed the system whereby large developments automatically were considered PUDDs and established a new use table that identifies each use as a permitted use, one that needs site plan review only, and those that need special use permits. PUDD's and Senior Housing Districts are their own processes should a developer seek to go that route.
9. Established density limits for multi-family dwellings not part of a senior housing project. Town may want to add in limits to density for PUDD and Senior Housing Districts.
10. Established new, lower building footprint maximums based on Plan and current building patterns.
11. Added in stream buffers, and buffers between ag and non-farm developments.
12. Removed BH2 district and replaced it with a rural highway transition district allowing for smaller business uses as per plan.
13. Added in allowance for single family homes in mixed use districts.
14. Updated use table with recommended changes to setbacks and road frontages in hamlet to promote hamlet style lots.
15. Established rule to calculate the available density of new lots on a parcel by using net acreage – where floodplains, streams and wetlands are excluded from the acreage count and density is calculated by the amount of net acreage that is actually buildable.
16. Allows for use of average lot sizes to give more flexibility to landowner and ability to preserve open space and farmlands even with small subdivisions.
17. Allow for 3 story buildings in Mixed Use North upon approval by fire department.
18. Added many new definitions to support the zoning text.
19. Created new zoning map.

20. Allows for a variety of new agricultural land uses and farm-related businesses, farm worker housing.
21. Added objectives, criteria or standards in all Rural, Rural Highway Transition (new district replacing BH2), PUDD and SH that ties goals for rural character, promotion of farming activities, protection of environment, etc.
22. Updated Conservation Subdivision regulations and made this required method for major subdivision in Rural and Ballston Lake Residential districts. Added in an ability for Planning Board to accept a conventionally designed major subdivision only under limited situations.
23. Changed minimum lot sizes to match those recommended in the Plan, including making density in Ballston Lake Residential 2 acres as per plan.
24. Changed lot coverage from 30% in the Ballston Lake Watershed to 20% to further protect water quality.

The table below offers more specific recommended changes by section:

Zoning Sections with Recommended Changes in Zoning Law	Summary of Changes Recommended (Only those Sections with Recommended Changes Noted Below)
Article I General Provisions	
§ 138-2 Purpose and scope.	Added purposes statements so zoning and comprehensive plan have consistent purposes
Article II Terminology	
§ 138-3 Definitions; word usage.	Added many new terms including those recommended from the Ag and Farmland Protection Plan
Article III Establishment of Districts	
§ 138-4 Establishment of districts.	Removed districts that no longer exist (Ballston Lake Overlay District, Rural Business Overlay District, Ballston Lake Neighborhood Commercial District), removed BH2 and replaced it with new Rural Highway Transition District (RHT). Updated zoning map to reflect recommendations for where RHT could be.
Article V Hamlet Residential District Regulations	
§ 138-8.3 Neighborhood Design Standards.	Removed requirement that subdivisions be designed as TND. Some of the TND design standards that work in hamlets are good and remain as development standards when major subdivisions take place. Added ability to use Transfer of Development Rights program on parcels in receiving area. Removed allowing establishment of PUDD in Hamlet. Added requirement for sidewalks when development occurs
Article VI Mixed Use Center District Regulations	
§ 138-9 Uses permitted.	Clarified that mixed use also includes mixes within buildings too.
§ 138-9.3 Review processes.	PUDD's can be established only on lots having Route 50 frontage when requested by applicant. But removed the process that forces all large developments to be

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	<p>reviewed as PUDD. All uses in Table now identified as permitted, needing site plan, or special use permits. Uses now are either permitted (no planning Board review), site plan only, or special use (which requires concurrent site plan review) all to be done by Planning Board. The PUDD is a separate process for Town Board consideration. Established maximum building footprints for commercial uses based on analysis of existing development patterns. Allowed for use of Transfer of Development Rights building footprint bonuses when TDR is used in the MU district north and south.</p>
<p>§ 138-9.4 Site restrictions.</p>	<p>Took out the language that allowed no limits on building size, square footage, or # dwellings. This will now be controlled by the use and dimension tables. All have upper limits now, knowing flexibility exists with PUDD, Senior Housing District, and area variances. This is major step to allow for a variety of uses, but with limits so as to be consistent with Plan’s vision for scale and intensity.</p>
<p>§ 138-9.5 Design standards for All Mixed Use Districts.</p>	<p>Added to PUDD section general parameters of what a PUDD must accomplish for the Town based on Comprehensive Plan. Minor changes made to design standards based on recommendations from Planning Board and Mike Hale. Planning Board wanted the remaining ‘may’ changed to ‘shall’. Set maximum building footprint in Mixed Use North at 20,000 square feet as that is the largest building that is currently there. Set maximum building footprint in Mixed Use South at 15,000 square feet (new CVS is 13,000 sf). Set maximum building footprint for Mixed Use Ballston Lake at 10,000 square foot. These may still be too large however – open for discussion by Town.</p>
<p>Article VII Rural District Regulations</p>	
<p>§ 138-10.2 Purpose and intent.</p>	<p>Took out paragraph that was inconsistent with direction for district offered by Plan. Added purpose of rural district to promote ag and low density residential development and limited commercial development as per plan.</p>
<p>§ 138-10.3 Design guidelines.</p>	<p>Conservation Subdivision now to be the expected subdivision design process. No PUDD’s allowed unless frontage on Route 50. Added in use of buffers between non-farm and farm uses. Added in Town Board decision to use Net Acreage and use of average lot size in Rural District that will allow for density to be consistent with capacity of lot, and flexibility in lot sizes.</p>

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Article VIIA Ballston Lake Waterfront District Regulations No Change	
Article VIIB Business Highway District 1 and Rural Highway Transition District (Formerly BH2)	
§ 138-12.2 Purpose and intent.	Removed BH2 District. Replaced it with new Rural Highway Transition (RHT). New map showing recommended location for RHT.
§ 138-12.3 Design standards.	Minor changes added in as recommended by Planning Board and Mike Hale. Changed maximum building footprint from 90,000 in BH1 to 60,000 square feet, and from 60,000 in BH2 to 10,000 in RHT consistent with Plan’s instructions for promotion of small businesses there. Allowed for PUDD for lots having frontage on Route 50. Note that in the BH1 the largest building currently there is <20,000 sf and in the RHT, it is less than 5,000 sf. Is the 60,000 and 10,000 still too big?
§ 138-12.4 Review processes.	Took out review process that was determined by size of project. Uses now are either permitted (no planning Board review), site plan only, or special use (which requires concurrent site plan review) all to be done by Planning Board. Use tables will show which use is permitted by which process. Allows for use of Transfer of Development Rights and building footprint density bonuses when TDR is used.
Article VIII Light Industrial District Regulations No Changes	
Article VIIIA Ballston Lake Residential District	
§ 138-21.2.2 Design standards.	Removed TND requirement. Changed to require all major subdivisions as conservation subdivision. Allowed for net acreage to determine density and use of average lot sizes. Allowed for Transfer of Development rights with bonuses as per that section on receiving areas.
Article VIIIB Ballston Lake Neighborhood Commercial District Regulations REMOVED AS THIS DISTRICT NO LONGER EXISTS ON MAP – Is the Mixed Use Center – Ballston Lake now	
§ 138-21.3 Uses permitted.	REMOVED
§ 138-21.4 Area requirements.	REMOVED
Article VIIIC Stream Buffers	Added section to create stream buffers. Text based on Clifton Park’s model as per Town Board instructions. Establishes some exemptions to the stream buffer rule (such as farm fields, utility work, parks, etc)
Article IX Senior Citizen and Handicapped Housing District	This was always in the zoning. Is now specifically allowed on parcels having frontage on Route 50 in the MU, RHT, BH1 districts. This was an existing provision in zoning that I believe could help Town meet the senior housing needs you have identified. Updated to include purpose statements, development standards including

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	lot size, setbacks, etc. and review process, and set of criteria for approval to ensure it meets the goals of the Town. This district is a PUDD for senior housing. You may want to consider keeping this and eliminating PUDD's or allowing PUDD's only for commercial uses and not residential projects. Currently keeps text that allows Town Board to set density, but that could be changed so the law has an upper limit or guideline of some sort. To be discussed by Town.
Article X Planned Unit Development District	
§ 138-23	Added objectives so that PUDD's that are approved meet the specific goals of the Town based on the Plan.
§ 138-24 Review Process	Minor edits to the PUDD approval process to ensure coordination with SEQR, outline what the Planning Board should review and recommend on, etc.
§ 138-26 District Standards	Changed to allow only on parcels having frontage on Route 50 in the Mixed Use, RHT, and BH1 districts. Added more specific features that a PUDD shall offer, added specific PUDD development standards such as open space, buildings meeting the commercial design standards of the Mixed Use districts, adding traffic study report, fiscal impact analysis or visual impact analysis where needed so the Board can be confident it is a development that fits into district.
Article XA Watershed Protection Overlay District	
§ 138-27.4 Applicability.	Added requirement that all major subdivisions in watershed to be designed as conservation subdivision. Added density bonuses only when they participate in the TDR and parcel is in a receiving area.
§ 138-27.7 Review and approval.	Prohibited disturbances on slopes >25%, no development on slopes >15% except for single family dwellings
Article XI Signs No Change	
Article XII Activity Standards for Annoying and Injurious Substances, Conditions and Operations	
§ 138-49 Noise.	Minor change to ensure sound is measured from nearest sensitive receptor – a change as per the Planning Board.
Article XIII Lighting	
§ 138-53 Regulation of use of lighting.	Requires use of full cut-off lights to direct light downward, no glare onto adjacent properties, commercial lighting fixtures not to exceed 18 feet.
Article XIV Traffic Hazards No Change	
Article XV Off-Street Parking and Loading	

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§ 138-56 Off-street parking.	Minor change to allow for shared parking and shared access between commercial lots.
Article XVI Space Regulations	
§ 138-61 When one lot spans two zoning districts	Set rule that when a parcel spans two different zoning districts that the rules for each hold on those portions of the parcel. However, the parcel can be developed as a whole.
Article XVII Automobile Salvage Yards, Junkyards and Abandoned Vehicles No Change	
Article XVIII Mobile Homes and Mobile Home Parks No Change except to allow for mobile home (single and double wides) use as farm worker housing with review and standards to meet.	
Article XIX Excavations for Soil Mining No Change	
Article XX Swimming Pools No Change	
Article XXI Multiple Dwellings	
§ 138-82 Special use permit required.	Removed statement that forced a PUDD and TND for multi-family dwellings
§ 138-86 Development Standards.	Removed statement that allowed unlimited sizes and densities for multi-family developments. Use and dimension table will regulate those unless in a PUDD or Senior Housing District. Added design standards to ensure quality multi-family structures are built to be consistent with the character of the Town. Facades, roof form, how accessory structures are treated are addressed.
Article XXII Administration and Enforcement No Change	
Article XXIII Zoning Board of Appeals	Replaced this entire section with new language consistent with NYS Town law for the procedures and actions a ZBA can take. The language mirrors that in NYS Town law. This provides much more detail whereas current law simply refers to State Law for its procedures. My advice is to have this IN the zoning law. This change does not change the requirements or procedures, but does a better job of letting everyone know what they are. Old language referred to the State Law, this new section has what the ZBA needs in this law. Clearly articulates the standards for issuing use and area variances.
Article XXIV Special Use Permits	Completely replaced this section with language consistent with NYS Town law for the procedures for reviewing and issuing a special use permit.
Article XXV Amendments	Completely replaced this section with language consistent with NYS Town law to amend a zoning law.
Article XXVI Alternate Members of Planning Board and Zoning Board of Appeals No Change	
Article XXVII Site Plan Review	

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§ 138-104 Conceptual site plan.	Minor changes to list of submittals to ensure application identifies if in an Ag District as well as environmental features of concern. Adds reference to stormwater requirements of Chapter 91 and NYS DEC requirements. Adds traffic impact report as required submission if the project will generate more than 100 vehicles per day. Adds visual impact report for PUDD's and Senior Housing proposals, and authority for Planning Board to ask for one with other commercial developments. Adds 4 new criteria to ensure natural resources are preserved to the maximum extent, that development is compatible with character of town, that there is adequate water and sewage disposal facilities, and that it will be compatible with any farm activities nearby. Minor changes to process to ensure that site plan and special use procedures are done concurrently so as not to delay a project, and requires the review to include all phases of a project, consistent with SEQR. Added public hearing language that requires public hearing for site plans. Added in procedural language consistent with NYS Town Law.
Article XXVIII Other Supplemental Requirements	
§ 138-114 Change of occupancy and Change of Use.	Updated to add Change of Use language so town knows what to do when a change in use occurs.
§ 138-117 Driveway, Shared Access and Private Road Specifications	Minor changes as per Planning Board, and updated shared driveway language to ensure common property has filings with NYS AG office as per CPS-7.
§ 138-118 Modified Site Plan Review for Certain Agricultural Activities	Added a modified site plan review process pursuant to NYS Ag and Markets guidelines to allow for a shorter site plan review for certain ag related uses that may impact the Town.
§ 138-119 Net Acreage, Density Calculation, and Average Lot Sizes	As per Town Board decision, added rule that density is calculated on a net acreage basis which subtracts out certain environmental features (floodplains, wetlands, streams, 25% or greater slopes) so that the allowable density is more suited to the capacity of the parcel. Also allows landowners to average lot sizes to meet the overall density. Allows flexibility so that parcels of different sizes can be created provided they average to what the density is for that district. All lots must meet county water and septic rules however.
§ 138-120 Transfer of Development Rights	Added in the Transfer of Development Rights law developed by the Town previously. This is the same document with an updated sending and receiving area

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	map and allowance for use of TDR for commercial properties in Mixed Use, Business and Rural Highway Transition districts.
§ 138-121 Home Occupations	Added standards for home occupations.
Attachments	Kept Attachment 1 (PUDD), combined all the other attachments into one use table and one dimensions table for efficiency, readability, and ease of use.
Use Table	New use table keeps all existing allowed and special permitted uses, but adds in a category for some uses that need JUST a site plan review, those that need a modified site plan review (agricultural projects), and added in uses that seemed to be missing (like service business). Clarified and coordinated these with definitions. Kept full attachment for Light Industry.

Items that are Missing from Zoning Law or that Need Discussion:

1. I added in solar as permitted use to use table. There are no development standards for these in text though, so you might want to add in solar regulations if you feel you want to have standards for them. Usually roof units are permitted with just a building permit and ground mounted ones get site plan review. I did not add in solar farm (utility scale solar uses) and you might want to add these in with development standards.
2. There is nothing in the zoning about wind turbines.
3. Your mobile home section is out of date and might want to tackle that too...I do not feel they adequately cover use of single wide and double wide manufactured homes. But if this is working for you then maybe it is OK.
4. You should evaluate whether the Senior Housing district accomplishes what you need and if so, to do away with the PUDD process entirely or change it to be used only for commercial developments.
5. Determine if you want maximum densities set in the zoning law for residential developments going through the PUDD and SH processes. Currently there is no maximum set, but to be consistent with scale and intensity desired by Town you might want to recommend such maximums.
6. Discuss building footprint maximums I added in – I think these may still be too large and intense, but wasn't sure. The new square footage is based on analysis of current buildings.
7. See new boundaries for the new rural highway transition district that replaced BH2. The boundary is smaller.
8. Currently and in the new use table, most of the commercial uses in the BH1 are permitted as a special use permit. However, given this is a dedicated business district, it may be sufficient for most of these commercial uses to require only site plan review, and not special use permits. Remember that site plan reviews how structures and features on the land work, and a special

use permit is oriented to the use itself. So site plan is a must, but a special use permit for a business in a business district may not be necessary or at least limit to those uses that would have characteristics that might make them harder to fit in that district. Just a consideration.

9. Note that your current use tables do NOT include junkyard or automobile salvage yard. I didn't know if that was because you do not want to allow those uses or not. BUT, the zoning text does allow for these uses with a permit. So there is inconsistency here that needs to be solved. Either remove them from the text or add them into the use table.