

ARTICLE IVE  
**Linkage District (L)**  
**[Added 2-19-2013 by L.L. No. 3-2013]**

**§ 223-41.19. Purpose.**

The purpose of this Article IVE is to increase the vitality, attractiveness and marketability of the part of the City of Beacon lying between Main Street and the Metro North Train Station (the "Linkage District") by providing more residential development along with flexibility of land use, while enhancing urban form as recommended in the City of Beacon Comprehensive Plan adopted on December 17, 2007. This article is intended to encourage residential development to help support Main Street businesses and to create a vibrant, economically successful, walkable, and environmentally sustainable connection between Beacon's Central Business District and the train station and riverfront. It is intended to implement the general intent of the plan entitled "Connecting Beacon's Main Street with the Hudson River and Railroad Station," dated March 6, 2007 (hereinafter the "Linkage Plan"), prepared by the Dutchess County Department of Planning and Development and contained in the Appendix of the Comprehensive Plan (see Figure 21-21).<sup>1</sup> This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan.

**§ 223-41.20. Applicability and boundaries. [Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017]**

The provisions of this article apply to the area shown as the Linkage District (L) on the City of Beacon Zoning Map. All new uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Conforming residential uses existing on the effective date of this article shall be bound by the zoning of the subject property immediately prior to the enactment of the Linkage District. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in

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1. Editor's Note: See § 223-41.21L.

conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

### **§ 223-41.21. Regulations.**

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review:  
**[Amended 8-19-2013 by L.L. No. 14-2013]**

- (1) Two-family dwelling.
- (2) Attached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio.
- (7) Hotel. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (8) Park, plaza, green, community garden, greenhouse, and commercial plant cultivation.
- (9) (Reserved)<sup>2</sup>
- (10) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and are consistent with § 223-24.5.
- (11) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

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2. Editor's Note: Former Subsection A(9), Home occupation, was repealed 7-21-2014 by L.L. No. 11-2014.

B. Uses by special permit. **[Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017; 1-16-2018 by L.L. No. 1-2018; 10-15-2018 by L.L. No. 17-2018]**

(1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:

(a) Retail, personal services business or restaurant, coffee house, retail sales from trucks or trailers in accordance with § 223-26.3 or other establishment that serves food, with or without alcoholic beverages, provided that:

[1] The floor area of each such establishment is not greater than 5,000 square feet;

[2] The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

(b) Office and manufacturing uses, including but not limited to microbreweries, micro distilleries, wineries and other food preparation businesses, with or without tasting rooms, that may also sell goods made on the site for consumption off the premises, provided that:

[1] The total office or manufacturing floor area of the building is no greater than 25,000 square feet;

[2] The use is on West Main Street or the use is within 400 feet of the Route 9D-Beekman Street intersection as identified on the Zoning Map; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or

on the character of surrounding neighborhoods or the community.

- (2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. When making a decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21H(2) of this chapter.

B.1. Accessory uses. The following are permitted accessory uses in the L District: **[Added 7-21-2014 by L.L. No. 11-2014]**

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.21F.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12).
- (5) Home occupation, site plan review not required.
- (6) Roof garden, site plan review not required.
- (7) Greenhouse.

C. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the L District:

- (1) Gasoline filling station.
- (2) Drive-through facilities, stand-alone or used in connection with any other use.

D. Dimensional regulations. All new construction or enlargement of existing structures in the L District shall be subject to the following minimum and maximum dimensional regulations:

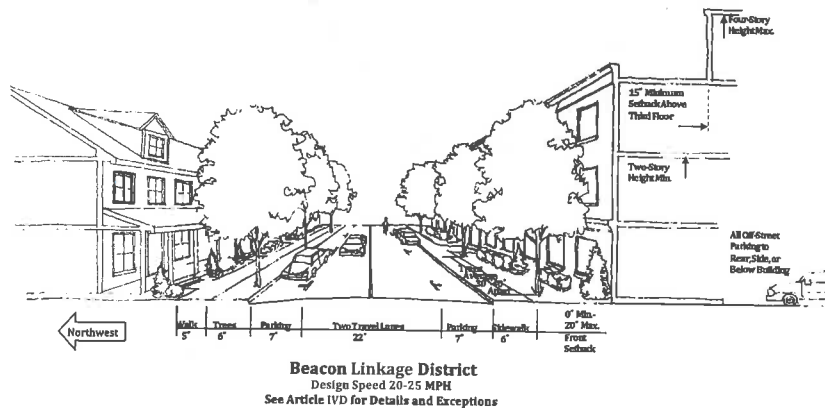
- (1) Front setback: minimum zero, maximum 20 feet, except that a larger maximum may be allowed if a) surrounding buildings have a larger setback, in which case the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage; and b) the area in front of a building has no parking spaces and is

landscaped and used in a manner that enhances the street life by such means as pocket parks, gardens, fountains, outdoor tables, public art, and outdoor display of items for sale on the premises. At least 30% of any such outdoor space shall be landscaped with plant materials in a configuration approved by the Planning Board.

- (2) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front setbacks shall apply to both, as appropriate to the street.
- (3) Side setbacks: minimum of zero, maximum of 30 feet. The minimum side setback may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows.
- (4) Rear setbacks: minimum 25 feet, except that if the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (5) Building height: minimum two stories, average maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street front shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. For any building over three stories, a stepback of at least 15 feet behind the facade shall be required above the third story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.  
**[Amended 4-3-2017 by L.L. No. 5-2017]**
- (6) Lot area and lot width: There are no minimum lot area or lot width requirements.
- (7) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City as public parking, there shall be no minimum depth requirement.

- (8) Floor area ratio: There is no maximum floor area ratio.
- (9) Landscaped area: A minimum of 15% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped interior courtyard and are found to be consistent with the intent of the L District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. These requirements may be waived for preexisting lots of 5,000 square feet or less.

**Figure  
21-0:  
Illustrative  
View  
of  
Proposed  
Linkage  
Zoning  
Requirements**

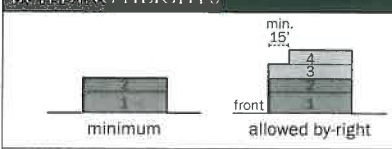


- (10) Linkage Zone standards.

**Figure  
21-1:  
Linkage  
Zone  
Standards**

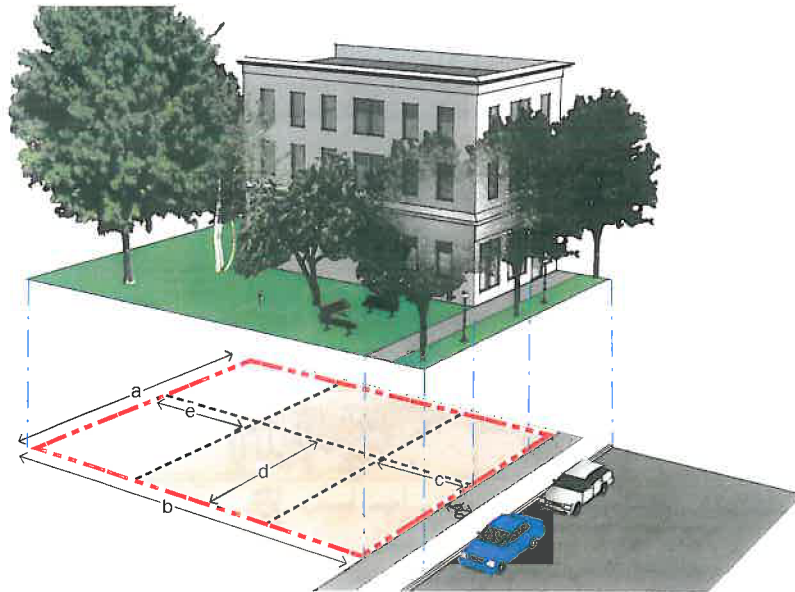
LOT STANDARDS			
		Min.	Max.
	Lot Area	—	—
(a)	Lot Width	—	—
(b)	Lot Depth	75'	—
	F.A.R.	—	—
(c)	Front Setback	0'	20'
(d)	Side Setback	0'	30'
(e)	Rear Setback	25'	—
(f)	Landscaped Area	15%	—
	Frontage Occupancy	—	—
(g)	Pedestrian Clearway	5'	—

BUILDING HEIGHTS	
	

FRONTAGE TYPES	
	Allowed
Storefront	within 400' of Rt. 9-D/Beekman St. intersection
Forecourt	yes
Stoop	yes
Porch	yes
Lightwell	yes



See text for exceptions and clarifications to Figure 21-1

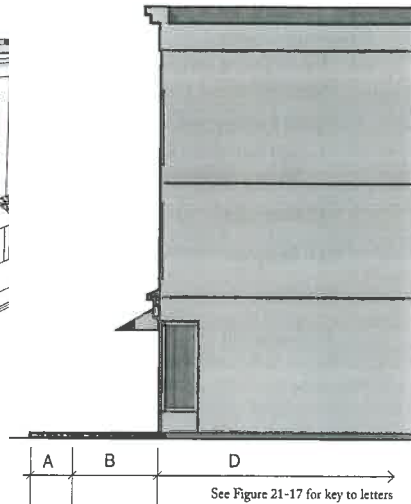
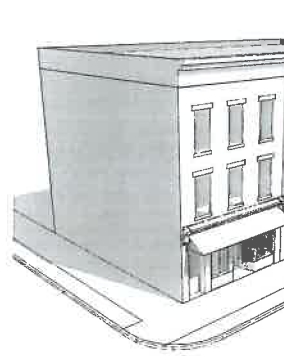
#### E. Frontage types.

(1) The following building frontage types are permitted:

- (a) Storefront, only at locations within 400 feet of the Route 9D-Beekman Street intersection.
- (b) Forecourt.
- (c) Stoop.

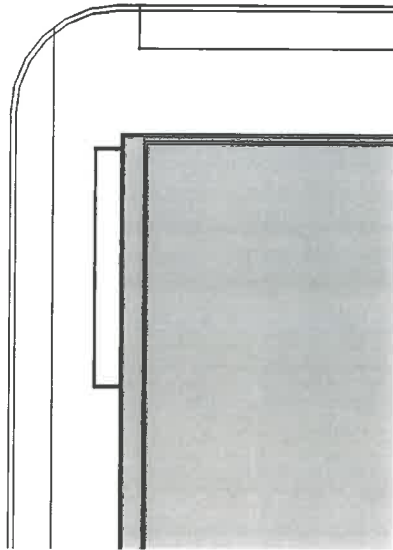
- (d) Porch.
- (e) Lightwell.
- (2) Storefront: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent entrance, and often an awning. Recessed doors on storefronts are acceptable.

**Figure  
21-2:  
Illustrative  
View  
of  
Storefront  
Frontage**





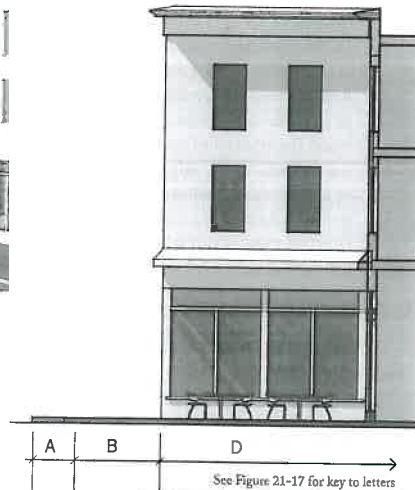
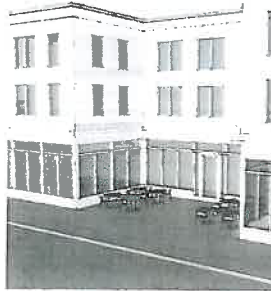
**Figure  
21-4:  
Plan  
View  
of  
Storefront  
Frontage  
Type**



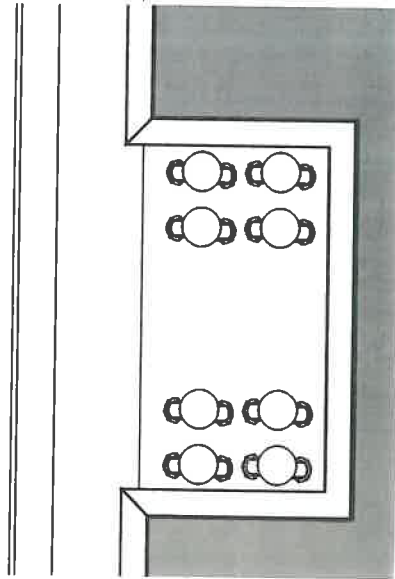
- (3) Forecourt. A forecourt is a semi-public exterior space whose back and sides are surrounded by a building and whose front opens to a thoroughfare—forming a court. The court is suitable for gardens, gathering space, and outdoor dining.

**Figure  
21-5:  
Illustrative  
View  
of  
Forecourt  
Frontage**

**Figure 21-6: Section View of Forecourt Frontage Type**

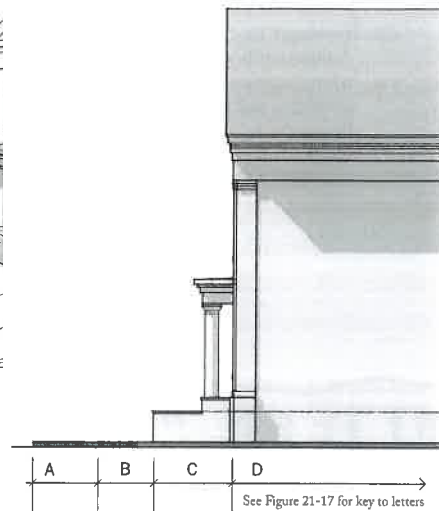
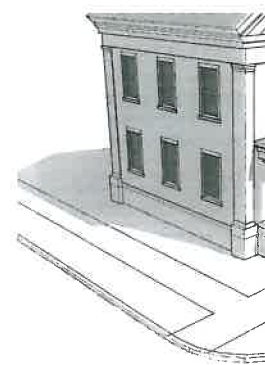


**Figure  
21-7:  
Plan  
View  
of  
Forecourt  
Frontage  
Type**

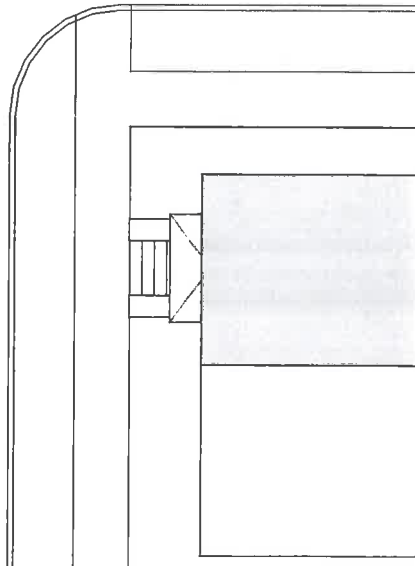


- (4) Stoop. In this frontage type, the building facade is aligned close to the frontage line. The first story is usually elevated sufficiently to provide some privacy for occupants. A stoop (composed of an elevated pad and stairs) lands at the edge of the sidewalk or a short front walkway. A small porch or roof may cover the stoop. This frontage type is suitable for ground-floor residential uses with short setbacks.

**Figure  
21-8:  
Illustrative  
View  
of  
Stoop  
Frontage  
Type**



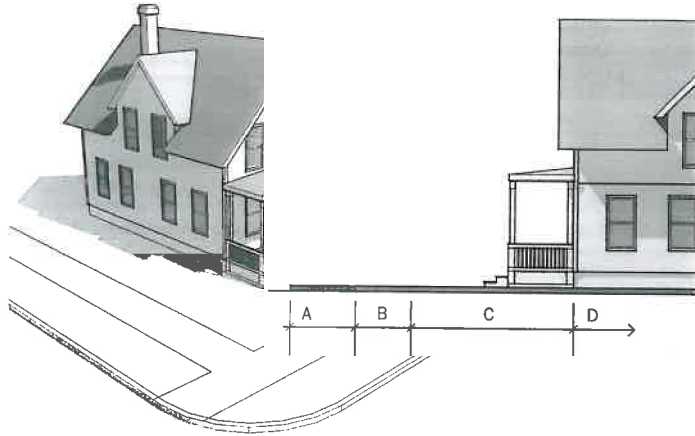
**Figure  
21-10:  
Plan  
View  
of  
Stoop  
Frontage  
Type**



- (5) Porch. A frontage type where the building facade is set back from the frontage line. The porch (a covered, but not enclosed, space) sits between the facade and the frontage line. The porch provides a transition from the public realm to the private realm. Porches are typically elevated above the surrounding grade. A porch should have a clear space that is a minimum of six feet deep and 10 feet wide.

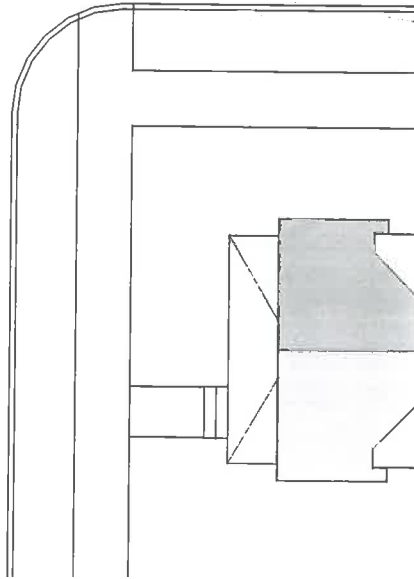
**Figure  
21-11:  
Illustrative  
View  
of  
Porch  
Frontage  
Type**

**Figure 21-12: Section View of Porch Frontage Type**



See Figure 21-17 for key to letters

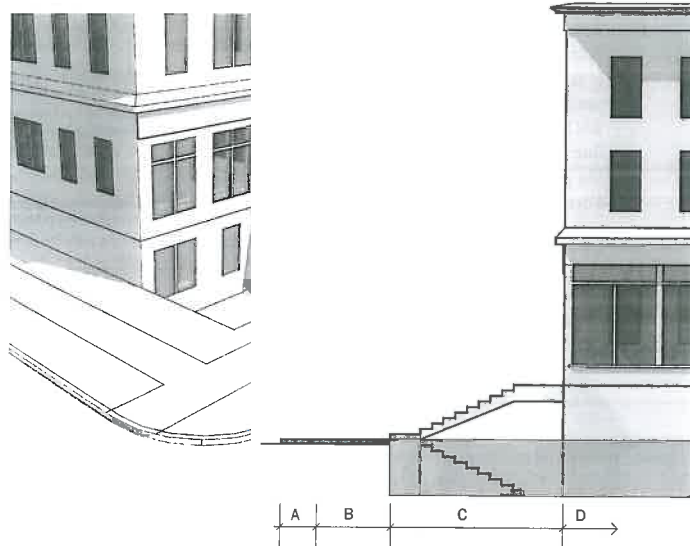
**Figure  
21-13:  
Plan  
View  
of  
Porch  
Frontage  
Type**



- (6) Lightwell: a frontage type where the facade is set back from the frontage line. The ground floor of the building is elevated to allow light to enter the basement, which is typically occupied. Stairs lead up to the ground floor and down to a below-grade entrance and/or sunken court. The stairs typically land at the frontage line.

**Figure  
21-14:  
Illustrative  
View  
of  
Lightwell  
Frontage**

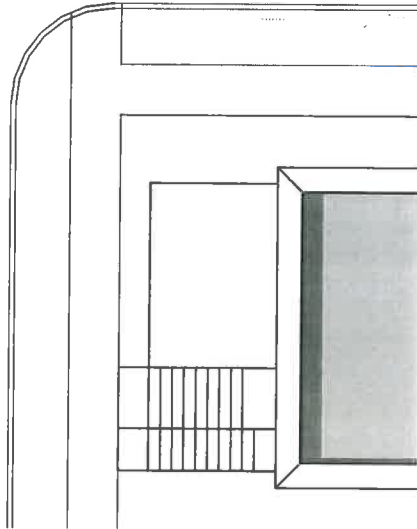
**Figure 21-15: Section View of Lightwell Frontage Type**



See Figure 21-17 for key to letters



**Figure  
21-16:  
Plan  
View  
of  
Lightwell  
Frontage  
Type**



**F. Parking location and quantity.**

- (1) All off-street parking shall be located behind, underneath, or to the side of a building. If on the side, it shall be located at least 40 feet from any property line that fronts on a street and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street and that screens parked cars from view from the street.
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
  - (a) Residential: one space per unit.
  - (b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.
  - (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
  - (d) Other uses: as listed in § 223-26 of this chapter.  
**[Amended 4-3-2017 by L.L. No. 5-2017]**

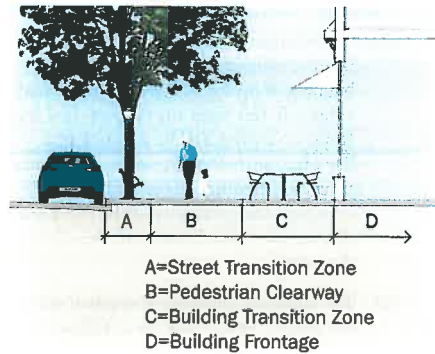
- (3) The quantity of required on-site parking in Subsection F(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:
- (a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
  - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
  - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study. **[Amended 4-3-2017 by L.L. No. 5-2017]**
  - (d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
  - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and in the L District and voluntarily dedicate such land to the City for public parking.
  - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space. **[Amended 4-3-2017 by L.L. No. 5-2017]**

- (5) Section 223-26B of this chapter shall not apply in the L District.

G. Streetscape improvements.

- (1) On West Main Street, Beekman Street, and Wolcott Avenue, within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least five feet wide, with unobstructed space for pedestrian activity, shall be provided along the sidewalk, unless site conditions require a narrower clearway. A pedestrian clearway of eight feet shall be provided along storefront frontages.
- (3) Within the street transition zone, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval. To the extent practical, an applicant shall, in cooperation with the City of Beacon Department of Public Works, implement the recommendations in the Linkage Plan street sections for Beekman Street and Wolcott Avenue.
- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.

**Figure  
21-17:  
Parts  
of  
the  
Streetscape**



H. Site plan review/special permit procedures and criteria.

- (1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building or group buildings with 10,000 square feet or less in footprint area, as follows:
  - (a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.
  - (b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article and is consistent with the general intent of the Linkage Plan.
  - (c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.
  - (d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval,

approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.

- (2) For projects with over 20,000 square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control. **[Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017]**
  - (3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.
  - (4) After completion of construction for a new building, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.
- I. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change of use and/or a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.
  - J. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this chapter (Affordable-Workforce Housing).
  - K. Design standards.

- (1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the L District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:
  - (a) Preserve and enhance the unique character of the City of Beacon;
  - (b) Promote pedestrian access and activity, as well as a general sense of area security;
  - (c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;
  - (d) Encourage economic development and a convenient mix of uses and services; and
  - (e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
- (2) Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.
- (3) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.
- (4) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
- (5) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and cornices, may encroach up to four feet beyond the front lot

line if the bottom of the encroaching building elements is at least 12 feet above grade.

- (6) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (7) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (8) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.
- (9) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the first-floor facades.
- (10) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (11) Materials and colors should complement historic buildings on the block.
- (12) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full

spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.

- (13) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front facade.
- (14) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

**Figure  
21-18:  
Design  
Standards  
Examples  
A**

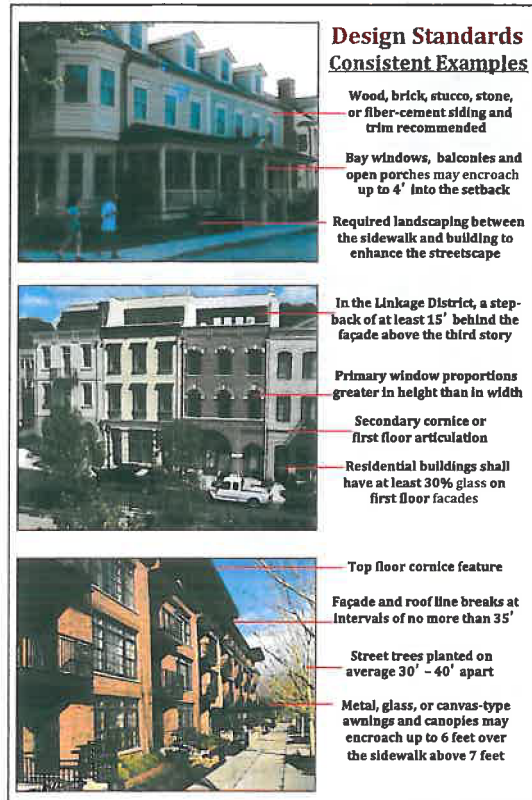




**Figure  
21-19:  
Design  
Standards  
Examples  
B**



**Figure  
21-20:  
Design  
Standards  
Examples  
C**



- L. Linkage plan. This sketch plan provides one possible set of design solutions, which was included in the 2007 Comprehensive Plan Appendix as an illustration of planning principles for the Linkage District.

**Figure  
21-21:  
Connecting  
Beacon's  
Main  
Street  
with  
the  
Hudson  
River  
and  
Railroad  
Station**

