

LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTERS 223 AND 210
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapters 223 and 210 of the Code of the City of Beacon concerning the City's Schedule of Regulations and associated amendments regarding permitted uses in the City of Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223 of the Code of the City of Beacon, Article II, Section 2, entitled "Establishment of Districts" is hereby amended as follows:

§ 223-2 Establishment of districts.

The City of Beacon is hereby divided into the following classes of districts:

A. Residential:

- (1) R1-120 One-Family Residence District, 120,000 square feet per dwelling unit.
- (2) R1-80 One-Family Residence District, 80,000 square feet per dwelling unit.
- (3) R1-40 One-Family Residence District, 40,000 square feet per dwelling unit.
- (4) R1-20 One-Family Residence District, 20,000 square feet per dwelling unit.
- (5) R1-10 One-Family Residence District, 10,000 square feet per dwelling unit.
- (6) R1-7.5 One -Family Residence District, 7,500 square feet per dwelling unit.
- (7) R1-5 One-Family Residence District, 5,000 square feet per dwelling unit.
- (8) RD-7.5 Designed Residence District, 7,500 square feet per dwelling unit (minimum lot size of two acres).

~~{1} Editor's Note: This local law also provided for the renumbering of former Subsections A(8) through (16) as Subsections A(9) through (17).~~

- (9) RD-6 Designed Residence District, 6,000 square feet per dwelling unit (minimum lot size of ~~five~~ two acres).
- (10) RD-5 Designed Residence District, 5,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (11) RD-4 Designed Residence District, 4,000 square feet per dwelling unit (minimum lot size of ~~two acres~~ 5,000 square feet).
- (12) RD-3 Designed Residence District, 3,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (13) RD-1.8 Designed Residence District, 1,800 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (14) RD-1.7 Designed Residence District, 1,700 square feet per dwelling unit (minimum lot size of 5,000 square feet).

~~{2} Editor's Note: This local law also provided for the redesignation of former subsection A(13) and (14) as A(14) and (15), respectively.~~

~~(15) RMF-1.5 Multifamily Residence District, 1,500 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(16) RMF-8 Multifamily Residence District, 800 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(15)-(17) Senior Affordable Housing Overlay (SAHO) District.~~

B. Commercial:

(1) ~~PB Business Off-Street Parking~~ T Transitional District.

~~(2){3} OB Office Business District.~~

~~{3} Editor's Note: Former Subsection B(2), HB Hotel Business District, was repealed 6-17-2013 by L.L. No. 11-2013. This local law also provided for the renumbering of former Subsection B(3) through (8) as Subsection B(2) through (7), respectively.~~

~~(3) LB Local Business District.~~

~~(4) CB Central Business District.~~

(2) GB General Business District.

(3) CMS Central Main Street District.

(4) L Linkage District.

C. Industrial:

(1) LI Light Industrial District.

(2) HI Heavy Industrial District.

D. POD Parking Overlay District.

E. WP Waterfront Park Zone.

F. WD Waterfront Development Zone.

G. FCD Fishkill Creek Development District.

Section 2. Chapter 223 of the Code of the City of Beacon, Article III, Section 10, entitled “Non-conforming uses and structures,” Subsections H-L are hereby amended as follows:

§ 223-10 Non-conforming uses and structures

...

~~H. Residential uses on Main Street. [Added 12-29-1997 by L.L. No. 14-1997]~~

- (1) ~~Legislative intent. The Central Business (CB) and General Business (GB) Districts along Main Street have traditionally been and will continue in the future to essentially be retail/service in nature. In order for the Main Street business district to be healthy and vital, it must compete successfully with other business districts. One of the essential characteristics of a healthy downtown business district is a high degree of continuity between adjacent retail and service uses, so that consumers can conveniently walk from one storefront to the next without frequently being interrupted by gaps between the retail and service uses. These gaps are the result of uses which are not open to the general public such as, in this case, residential uses. Residences which are located at the front of the ground floor of the buildings on Main Street are believed to be more injurious to the health and vitality of this business district than residences located at the rear of the ground floor of said buildings because the shopping portion of the business district is primarily, but not exclusively, at the front of said buildings. It is recognized, however, that there are currently several vacant storefronts on Main Street. The City Council has determined that the residential units affected by this subsection should not be converted to retail space unless the vacancy rate for such retail space has declined to an acceptable level in the discretion of the City Council. As a result, the special permit procedure outlined herein will specifically take into consideration the vacancy rate on Main Street at the time this subsection is implemented.~~

~~(2) Discontinuance. The following provisions pertain to buildings located on Main Street in the Central Business and General Business Zoning Districts: residential uses which are neither located on the upper floors nor in the rear of the first floor of said buildings shall be discontinued effective October 1, 2002. The City of Beacon shall notify all affected property owners no later than October 1, 2001, that all residential units so situated in the Central Business (CB) and General Business (GB) Zoning Districts must be converted no later than October 1, 2002, pursuant to the terms of this subsection.~~

~~(3) Special use permit. Any property owner affected by this section shall be eligible to apply to the City Council for a special use permit to continue said residential occupancy for a period of two years. There shall be no further permits issued after the aforementioned permit has expired. Such application must be made no later than April 1, 2002, in order to maintain eligibility for the special use permit. The general provisions regarding the issuance of special use permits set forth in this chapter shall also apply to this application. In addition, the City Council shall take the vacancy rate for storefronts on Main Street into consideration when determining whether to issue such a permit.~~

~~I. I. Variance procedure. Any person or persons jointly or severally aggrieved by the terms of this chapter shall have the right to review a special permit determination by the City Council by a public hearing before the Zoning Board of Appeals and by a proceeding under Article 78 of the Civil Practice Law and Rules, which proceedings must be commenced within 30 days of the filing of such determination with the City Clerk.~~

~~J. Exemption. This local law shall not apply to the residence located at 317 Main Street. This use as a single-family dwelling shall be continued as a nonconforming use notwithstanding the remaining provisions of this local law. However, the existing commercial portion of these premises which front on Main Street, may not be converted to a residential use.~~

~~H. H. General nuisances. Upon a complaint registered by the Building Inspector or 50% of the property owners within 250 feet of a nonconforming use which is considered to be a general nuisance or hazard to the health, safety, welfare and morals of uses or structures within 250 feet of such nonconforming use or uses, the Zoning Board of Appeals shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Zoning Board of Appeals as related to the reasonable amortization of the capital investment in such uses.~~

Section 3. Chapter 223 of the Code of the City of Beacon, Article III, Section 13, entitled “Yards; building projections,” Subsections I-O are hereby amended and added as follows:

§223-13 Yards, building projections, heights, and accessory structures

...

I. Visibility at intersections. On a corner lot in any residence district, no fence wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within

the triangular area formed by ~~the intersecting street center lines and~~ a straight line joining ~~said street center lines at~~ points which are 100 25 feet distant from ~~the point of intersection, measured along said street center lines~~ intersecting lines of the curb or edge of pavement. The height of three feet shall be measured above the road surface at the center line edge of the road having the lesser elevation. This subsection shall not apply to existing and city-approved street trees, provided that no branches are closer than six feet to the ground.

- J. Corner lots. On a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width.
- K. Exception for existing alignment of buildings. If on one side of a street within 250 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedules of Regulations,[1] a front yard shall be required in connection with any new building which shall conform as nearly as practicable to those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 40 feet.
- L. Awnings. No awning, or similar weather shielding feature, projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight feet above the sidewalk area.
- M. Swimming pools and tennis courts. All swimming pools and tennis courts shall be considered structures and shall set back from lot lines at least the minimum distance required for other principal buildings and structures in that district.
 - (1) If a swimming pool, as located, is within 100 feet from a dwelling other than the owner's or within 50 feet from any street or property line, the same must be completely surrounded by a fence or wall enclosure not less than four feet in height with openings, holes or gaps (exclusive of gates or doors) therein not more than four inches in one dimension, a part of which enclosure may consist of a dwelling house or accessory building. A wall or fence or other enclosure wholly enclosing a dwelling house shall constitute compliance with this requirement.
 - (2) Each and every swimming pool gate or door opening through such enclosure shall be equipped and maintained with effective self-closing and self-latching devices, except that the floor of any occupied dwelling house forming a part of such enclosure need not be so equipped. The use of a natural barrier, hedge or pool cover will be deemed to satisfy the requirement of a fence or wall as specified above when approved by the Building Inspector.
- N. The minimum height of any principal building on a lot shall be one-story and 12 feet.
- O. Medical service accessory structure. A single temporary structure is permitted not exceeding 250 square feet, in compliance with § 223-17E, conforming to the minimum accessory building setback requirements and located in the rear or side yard, behind the front building line, not displacing or blocking access to required off street parking, and connected to the principal dwelling unit in a manner that is satisfactory to the Building Inspector for a period not exceeding one year. A medical

service accessory structure shall be solely used, without charge, by the owner or occupant of the dwelling unit or an individual related to the owner or occupant, for medical services to be provided until permanent accessible housing can be arranged, as demonstrated by a medical note and other proof to the satisfaction of the Building Inspector. The Building Inspector, upon good cause shown, may extend the one-year limitation for a period not to exceed one year.

Section 4. Chapter 223 of the Code of the City of Beacon, Article III, Section 17, entitled “Schedule of Regulations” is hereby amended as follows:

§ 223-17 Schedules of Regulations.

- A. The accompanying Schedules of Regulations constituting § 223-17C and D herein list and define the use of land and buildings, the height of buildings, the yards and other open space to be provided in connection with buildings, the area of lots, off-street parking space and other matters. The regulations listed for each district as designated are hereby adopted and prescribed for each such district, subject to the provisions of this section, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.
- B. It is the intention that the uses set forth for each district shall not be permitted uses in any other district in the schedules, unless allowed specifically or by reference as permitted uses in said district.
- C. Schedule of Use Regulations ~~for Residential Districts~~.^[1]
 - [1] Editor's Note: The Schedule of Use Regulations ~~for Residential Districts~~ is included as an attachment to this chapter.
- D. Schedule of Dimensional Regulations ~~for Nonresidential Districts~~.^[2]
 - [2] Editor's Note: The Schedule of Dimensional Regulations ~~for Nonresidential Districts~~ is included as an attachment to this chapter.
- E. Schedule of Regulations for Accessory Buildings on Residential Lots.^[3]
 - [3] Editor's Note: The Schedule of Regulations for Accessory Buildings on Residential Lots is included as an attachment to this chapter.

Section 5. Chapter 223 of the Code of the City of Beacon, Article III, Section 18, entitled “Special permit uses,” Subsection B is hereby amended as follows:

§ 223-18 Special permit uses.

- B. Application for a special permit.
 - (1) Application for required special permits shall be made to the City Council or Planning Board as indicated in §223-17, Schedule of Use Regulations. If the approval authority is the City Council, the application shall be first submitted to the Planning Board as agent for the City Council, and

the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving ~~such an~~ application for the City Council, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each such application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council or Planning Board shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council or Planning Board shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council or Planning Board must render its decision may be extended by mutual consent of the applicant and the ~~Board~~ approving authority. The City Council or Planning Board may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

- (a) The location and size of the use, the nature, hours, and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will ~~be in harmony~~ not conflict with the existing permitted uses on adjacent blocks or the appropriate and orderly development of the ~~district in which~~ area where it is located.
- (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not conflict with the existing permitted uses on adjacent blocks and will not hinder or discourage the appropriate development use of adjacent land and buildings.
- (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic in Article IV than would be the operations of any permitted use, not requiring a special permit.
- (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, ~~and~~ the entrance and exit drives shall be laid out so as to achieve maximum safety, and uses will not cause unreasonable traffic congestion or create a traffic hazard.
- (e) Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
- (f) The use will comply with other regulations in the Code and will be compatible with the recommendations in the City's Comprehensive Plan and Local Waterfront Revitalization Program.

- (2) The decision of the City Council or Planning Board on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

Section 6. Chapter 223 of the Code of the City of Beacon, Article III, Section 20, entitled “Hotels” in its entirety is hereby renumbered as follows:

§ 223-14.1 Hotels.

Section 7. Chapter 223 of the Code of the City of Beacon, Article III, Section 20.1, entitled “Adult uses,” Subsection C is hereby amended as follows:

§ 223-20.1 Adult uses.

...

C. Location. Adult uses are to be restricted as to location in the following manner in addition to any other requirements of this code:

- (1) Adult uses shall not be located within a five-hundred-foot radius of the following zoning districts which permit residential development: R1-120, R1-80, R1-40, R1-20, R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8, RD-1.7, ~~RMF-1.5 and RMF-.8.~~ and Senior Affordable Housing Overlay District.
- (2) Adult uses shall not be located within a one-half-mile radius of another such use.
- (3) Adult uses shall not be located within a five-hundred-foot radius of the property lines of any school, church or other religious institution or place of religious worship, park, playground or playing field.
- (4) Adult uses shall not be located in or within 500 feet of any Historic District and Landmark Overlay Zone.

Section 8. Chapter 223 of the Code of the City of Beacon, Article III, Section 22, entitled “Nursing homes,” Subsection B is hereby amended as follows:

§ 223-22 Nursing homes.

...

B. Site.

- (1) In any R1-40 or R1-20 District, the minimum lot area shall be 40,000 square feet, plus 2,500 square feet for each additional resident person over 10 in number.
- (2) In any R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8 or RD-1.7 District, the minimum lot area shall be 20,000 square feet, plus 1,500 square feet for each additional resident person over 10 in number.

~~(3) In any other district, where permitted, the minimum lot area shall be 10,000 square feet, plus 1,000 square feet for each additional resident person over 10 in number.~~

Section 9. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.1, entitled “Accessory apartments,” Subsections D and F are hereby amended as follows:

§ 223-24.1 Accessory apartments.

...

D. Apartment size. The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall ~~also~~ be 300 square feet, and the maximum shall be 600 square feet, except that the City Council Planning Board may permit a smaller or larger accessory apartment where appropriate in an existing accessory building constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot area required in the district in which the lot is located for each accessory apartment in excess of the first one.

...

F. Off-street parking. A minimum of ~~two~~ one off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.

...

Section 10. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.3, entitled “Artist live/work spaces” is hereby renumbered in its entirety as follows:

§ 223-14.2 Artist live/work spaces.

Section 11. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.5, entitled “Wireless telecommunications services facilities,” Subsection H(3) is hereby amended as follows:

§ 223-24.5 Wireless telecommunications services facilities.

...

H. Location and access

- (3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection H(3)(a) being the highest priority and Subsection H(3)(g) being the lowest priority:
 - (a) Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City.
 - (b) Collocation on a site with existing wireless telecommunication services facilities in the City.
 - (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
 - (d) On sites, buildings and structures in the ~~PB, OB, LB~~ and GB Zoning Districts.
 - (e) On sites, buildings and structures in the L, T, and CMS Zoning Districts.
 - (f) On sites, buildings and structures in Residential Zoning Districts.
 - (g) On sites, buildings and structures in the FCD, WD, WP, or Historic District and Landmark Overlay Zone.

Section 12. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.6, entitled “Artist studio as an accessory special permit use” is deleted in its entirety.

Section 13. Chapter 223 of the Code of the City of Beacon, Article III, Section 26, entitled “Off-street parking, loading, and vehicular access,” Subsections C, E and F are hereby amended as follows:

§ 223-26 Off-street parking, loading, and vehicular access.

...

C. Location, use, design, construction and maintenance.

- (1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any

required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2) Parking specifications.

- (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under § 223-25, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the ~~CB~~ CMS District.
- (b) Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 18 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
- (c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 24 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(3) Landscaping. Except for parking spaces accessory to a one-family dwelling, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 10 parking spaces.

- (a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.
- (b) The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
- (c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.

(4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use

so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD ~~and RMF~~ Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

- (5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
- (6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.
- (7) Designed residence and multifamily residence districts.
 - (a) In RD ~~and RMF~~ Districts, in order that some of the required parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the required car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.
 - (b) In RD ~~or RMF~~ Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

...

- E. Waiver of improvement. Except within ~~the Central Business District and~~ the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further

provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

F. Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows, except that the Board of Appeals may modify these provisions as a condition of the issuance of a special permit according to the provisions of § 223-19.

1- and 2-family dwelling	2 spaces for each dwelling unit
Multifamily dwelling and/or apartment or artist live/work space	1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area
Professional office or home occupation permitted in a residential district	2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
Bed-and-breakfast establishment, rooming house or boardinghouse	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel	Subject to § 223- <u>14.1 C</u>
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships
Bowling alley or other place of commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater
Retail or service business, including auction gallery	1 space for each 200 square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for

Office for business or professional use (other than accessory to residential use)	each 150 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Banking office	1 space for each 200 square feet of gross floor area, excluding utility areas
Funeral parlor or under-taking establishment	1 space for each 200 square feet of gross floor area, excluding utility areas
Motor vehicle sales and service	10 spaces per establishment, plus 1 space per employee
Veterinary office	1 space per employee, plus 1 space per 150 square feet of gross floor space
Car washing establishment	1 space per employee, plus 1 space per 300 square feet of gross floor space
Research or development laboratory	Subject to § 223-21F
Manufacturing or industrial use	1 space per employee, but not less than 1 space per 600 square feet of gross floor space
Wholesale, storage, utility or other similar commercial use	1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space
Senior citizen use	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
Museums in LI and/or LB Zone located within walking distance (3,000 feet) of entrance to train station	2 spaces for each 3 dwelling units
Artist studio	1 parking space per 3,000 feet of gross floor space
Art gallery/exhibit space	1 space for each 500 square feet of gross floor space
Bar or brew pub	1 space for each 250 square feet of gross floor area
Microbrewery or microdistillery	1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Museum	1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public
Other uses not listed	1 space for each 300 square feet of gross floor area
	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of relevant factors entering into the parking needs of each such use

- (1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.

...

Section 15. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.2, entitled “Tattoo parlors” is deleted in its entirety.

Section 16. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.3, entitled “Retail sales from a truck or trailer” is deleted in its entirety.

Section 17. Chapter 223 of the Code of the City of Beacon, Article IVA, Section 41.4, entitled “Waterfront Development (WD) Zone,” Subsections B, C, G(2), G(6), H, J(7) and J(11)(b) are hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

B. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily ~~and/or attached~~ dwelling units.
- (3) Convenience retail and personal service shops designed to serve the needs of area residents and commuters.
- (4) Restaurants, bars or brew pubs.
- (5) Inns, hotels, fitness centers, spas and day care centers.
- (6) Art, craft or fine arts galleries.
- (7) Professional or small business offices in mixed-use buildings, and not to exceed 40% of the total floor area in mixed-use buildings. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.

- (8) Professional, small business and service facilities in the lower floors of multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade or pocket park.
- (11) Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities.
- (12) Conference centers.
- (13) Other uses similar to the above uses as determined by resolution of the City Council.

C. Special permit uses. The following uses may require a special permit ~~from the Planning Board, pursuant to the provisions set forth in Subsection F:~~

- (1) ~~Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities~~ Wireless telecommunication services facilities, subject to §223-24.5.
- ~~(2) Conference centers. Small cell wireless telecommunications facilities, subject to §223-26.4.~~
- ~~(3) Other uses similar to the above uses as determined by resolution of the City Council.~~

...

G. Procedure for special permit and waterfront development concept plan review.

- (2) Planning Board review of special permit and waterfront development concept plan application.
 - (a) Environmental compliance.
 - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
 - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.
 - [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development concept plan approval shall be sufficiently specific so as to eliminate the need for

additional and/or supplemental DEIS's during the site plan stage of the approval process.

- [4] To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and waterfront development concept plan review. When a SEQR hearing is to be held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.

~~[5]~~ (b) Notwithstanding Subsection ~~F.G~~(2)(a)[1] through [4] immediately above, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, and where a lead agency has been established and has scoped a DEIS for the overall waterfront development project, said phase (or phases) may be segmented for the purposes of environmental review in accordance with the provisions of SEQR. In such case, the lead agency shall require the preparation of a full environmental assessment form (EAF) for its use in rendering a determination of significance regarding said phase(s). Further, the lead agency shall notify all involved and interested agencies that the phase(s) will be segmented and shall send a copy of the EAF with said notification.

~~(b) Special permit approval. The Planning Board may authorize the issuance of a special permit for a waterfront development project, provided that it shall find that the following conditions and standards have been met:~~

~~[1] The proposed waterfront development project will fulfill the purposes of the waterfront development zone.~~

~~[2] The proposed waterfront development project meets the Waterfront Development Design Standards set forth in § 223-41.4], to the extent applicable at the special permit stage.~~

~~[3] The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.~~

~~[4] The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.~~

~~[5] The proposed land uses will be in accordance with the approved waterfront development concept plan.~~

~~[6] The proposed waterfront development uses meet the standards of § 223-41.4B.~~

~~[7] The proposed project is otherwise in the public interest.~~

~~(c) Conditions. In approving any waterfront development concept plan and special permit, the Planning Board may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this law.~~

...

(6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4 ~~F(2)(a)~~^[5] herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the Planning Board; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to site development plan review and approval for said phase(s) in accordance with Subsection H immediately below.

H. Site development plan review. After approval of the waterfront development special permit the Planning Board may grant site plan approval to a waterfront development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:

- (a) Information to establish that the proposed site plan meets the waterfront development standards set forth in Subsection ~~F~~^I.
- (b) Information to establish that the proposed site plan is in substantial conformance with the approved waterfront development concept plan.
- (c) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
- (d) Information to establish the relationship of the proposed project to later elements of the development of the site, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
- (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
- (f) Application fees as may be required pursuant to Subsection ~~F~~^F.

(2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic

water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire ~~peninsula~~ waterfront area, as it is finally developed.

- (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed location, height and buffer of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the waterfront development standards set forth in Subsection ~~H~~ J.
 - (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
 - (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If

treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve the site plan amendment by resolution.

J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards:

...

- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.

- (a) 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.~~

- (b) All exterior lighting shall comply with the standards in §223-14 B.

...

(11) Off-street parking and loading.

- (b) Parking requirements.

[3]

- [1] Multifamily dwelling: one space per unit.

- [2] Retail or service business: one space for each 333 square feet of gross floor, excluding basement storage utility areas.

- [3] Restaurant: one space for each ~~two~~ three patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater.

- [4] Office for business or professional use: one space for each ~~350~~ 400 square feet of gross floor area.

- [5] Hotel: 0.75 space for each hotel guest room.

Section 18. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.6, entitled “Bulk regulations applicable to Waterfront Park Zone” is hereby amended as follows:

§ 223-41.6 Bulk regulations applicable to Waterfront Park Zone.

A. Minimum lot size: one acre. (NOTE: The minimum lot size shall be two acres for those uses requiring a special permit from the City Council.)

B. Maximum building coverage: 20%.

~~C. Maximum floor area ratio: 0.5.~~

~~D C.~~ Minimum building setback from mean high water line: 10 feet.

~~E D.~~ Maximum building height: 2 1/2 stories/35 feet. (NOTE: All habitable stories must be elevated above the one-hundred- year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for business purposes shall not be counted as a story.)

Section 19. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.7, entitled “Bulk regulations applicable to Waterfront Development Zone” is hereby amended as follows:

§ 223-41.7 Bulk regulations applicable to Waterfront Development Zone.

A. Minimum site size: five acres.

B. Maximum height.

(1) Area north of West Main Street (see illustration[1]): Average of four stories of residential/mixed use over parking. Height may not exceed average of 75 feet from average ground level of the existing Metro-North parking.

[1] Editor's Note: Said illustration is included as an attachment to this chapter.

(2) Area south of Light Industry (LI) zone (see illustration[2]): Average of three stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

[2] Editor's Note: Said illustration is included as an attachment to this chapter.

(3) The illustrations of height attached in this subsection shall not be exceeded so that the public views to the east are adequately protected.

~~C. Maximum floor area ratio (excluding parking).~~

~~(1) Area north of West Main Street: 3.0.~~

~~(2) Area south of Light Industry (LI) zone: 2.0.~~

~~D C.~~ Minimum open space: 15% of the site area, 10% of which must be publicly accessible.

Section 20. Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.13, entitled “Uses; plan review; design standards,” Subsections B, C, and I(7) are hereby amended as follows:

§ 223-41.13 Uses; plan review; design standards.

...

B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:

- (1) Apartment, attached and multifamily dwellings.
- (2) Artist live/work spaces, artist studios and workshops of artisans.
- (3) Bed-and-breakfast establishments and inns.
- (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face streets.
- (5) Restaurants, bars, brew pubs, and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face streets. No such individual ~~restaurant~~ use shall contain more than 5,000 square feet of gross floor area.
- (6) Professional and business offices in buildings that face streets.
- (7) Galleries, exhibit spaces and museums.
- (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
- (9) Assembly, manufacturing, workshops, and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.
- (10) Day care centers.
- (11) Trade schools or training programs, colleges, private schools, and nursery schools.

- (12) ~~(40)~~ Other nonresidential uses similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities, including parking structures.
- (3) Solar collectors, roof gardens and greenhouses.

...

I. Fishkill Creek Development design standards.

- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use.
 - (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high.
 - (b) ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky. All exterior lighting shall comply with the standards in §223-14 B.~~

Section 21. Chapter 223 of Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 41.18, entitled “Regulations,” Subsections A, B, C, G(1), J(13), J(16) are hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review and approval. 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 § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground

floor. ~~The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.~~

(2) ~~One family, two family, attached, and~~ Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

(3) Hotel, subject to § 223- ~~20 14.1; or~~ inn, ~~or bed and breakfast establishment, subject to § 223-24.4.~~

(4) Offices of any kind, including professional, medical, business, and banks or other financial institutions.

(5) Artist studio.

(6) Art gallery or exhibit space.

(7) Restaurant, coffee house, ~~brew pub~~, and other establishments that serve food with or without alcoholic beverages, and are not a bar or brew pub.

~~(8) Food preparation business.~~

~~(8) (9)~~ Retail and personal services.

~~(10) Funeral home.~~

~~(11) Off-street parking facilities, provided that they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the street by buildings and/or landscaping.~~

~~(9) (12) Public garage~~ Parking structure, as defined in this chapter, without motor vehicle repair, vehicle sales, or fuel sales; ~~provided that it is set back at least 40 feet and screened from the street by buildings and/or landscaping.~~

~~(10) (13)~~ School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.

~~(11) (14)~~ Indoor commercial recreation.

~~(15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.~~

~~(12) (16)~~ Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.

~~(13) (17)~~ Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.

~~(18) Auction gallery.~~

~~(14) (19) Wireless telecommunications services facilities, provided that they are consistent with § 223-24.5 and, if mounted on a building, they do not increase its height by more than 15 feet above applicable height limits.~~

~~(15) (20) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.~~

~~(16) (21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.~~

~~(22) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.~~

~~(23) Retail sales from a truck or trailer, subject to § 223-26.3.~~

~~(17) (24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar artisan workshops, having a retail component of at least 200 square feet.~~

~~(25) Tattoo parlor, subject to § 223-26.2.~~

~~(18) (26) Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.~~

B. Uses by special permit.

(1) The following uses are allowed by special permit from the City Council or Planning Board as indicated in §223-17, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met:

~~(a) A Food preparation business public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sales of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.~~

(b) A Bar or brew pub in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.

~~(c) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.~~

~~(d) Park, plaza, green, or community garden.~~

~~(e) Wireless telecommunications facilities, subject to §223-24.5 and §223-26.4.~~

~~(f) Historic District or Landmark Overlay use, subject to §223-24.7.~~

(2) In considering the appropriateness of the proposed use, the City Council or Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the City Council or Planning Board shall follow the regulations in § 223-18 of this chapter.

C. Accessory uses. The following are permitted accessory uses in the CMS District:

- (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 or parking structure, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13).
- (5) Home occupation, subject to § 223-17.1.
- (6) Roof garden or solar collectors.
- (7) Greenhouse.

...

G. Parking location and quantity.

(1) All off-street parking shall be located behind, under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A public garage parking structure shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

...

J. Design standards

...

(13) 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, except for short-term event lighting, shall prevent any lighting above 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.~~ All exterior lighting shall comply with the standards in §223-14 B.

...

(16) The following Figure 18-7 provides annotated photographs to illustrate design standards in this section:

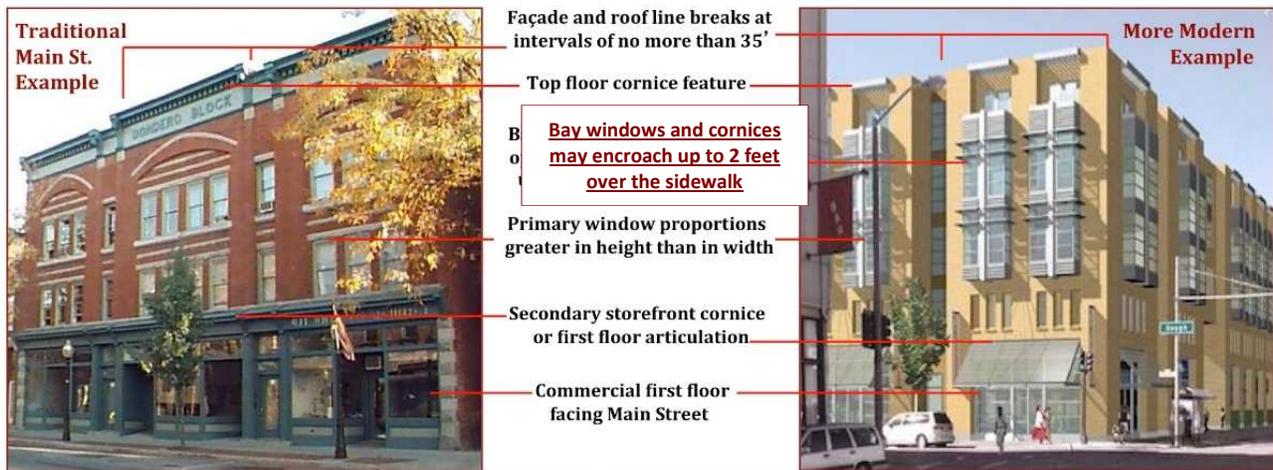


Figure 18-7: Design Illustrations

...

~~Bay windows, balconies, and open porches cornices~~ may encroach up to 4' 2 feet over the sidewalk

Section 22. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.19, entitled “Purpose” is hereby amended as follows:

§ 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 and the Comprehensive Plan Update adopted on April 3, 2017. 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).[1] 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. [1] Editor's Note: See § 223-41.21L.

Section 23. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.21, entitled “Regulations,” Subsections A, B, B.1, H and K(12) are hereby amended as follows:

§ 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 in this §223-41.21.~~ 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:

- (1) Multifamily dwellings ~~Two-family dwelling.~~
- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery, or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, or community garden, ~~greenhouse, and commercial plant cultivation.~~
- (9) Artist live/work space. ~~(Reserved)[1][1] Editor's Note: Former Subsection A(9), Home occupation, was repealed 7-21-2014 by L.L. No. 11-2014.~~
- (10) Spa, fitness center, or exercise studio. ~~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) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (12) Day care center.
- (13) Museum, theater, concert or conference space.
- (14) College, university, private school, or nursery school.
- (15) Workshop.

B. Uses by special permit.

(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, bank, or restaurant, coffee house, bar, brew pub, 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, trade school or training program, and manufacturing uses, including but not limited to microbreweries, microdistilleries, 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) 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.

(3) Historic District and Landmark Overlay use, subject to §23-24.7.

~~(4)~~ (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:

- (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) Parking structure ~~Home occupation, site plan review not required.~~
- (6) Roof garden or solar collectors, site plan review not required.
- (7) Greenhouse.

H. ~~(Reserved) 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.~~

~~(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.~~

K. Design standards.

(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. All exterior lighting shall comply with the standards in §223-14 B.~~

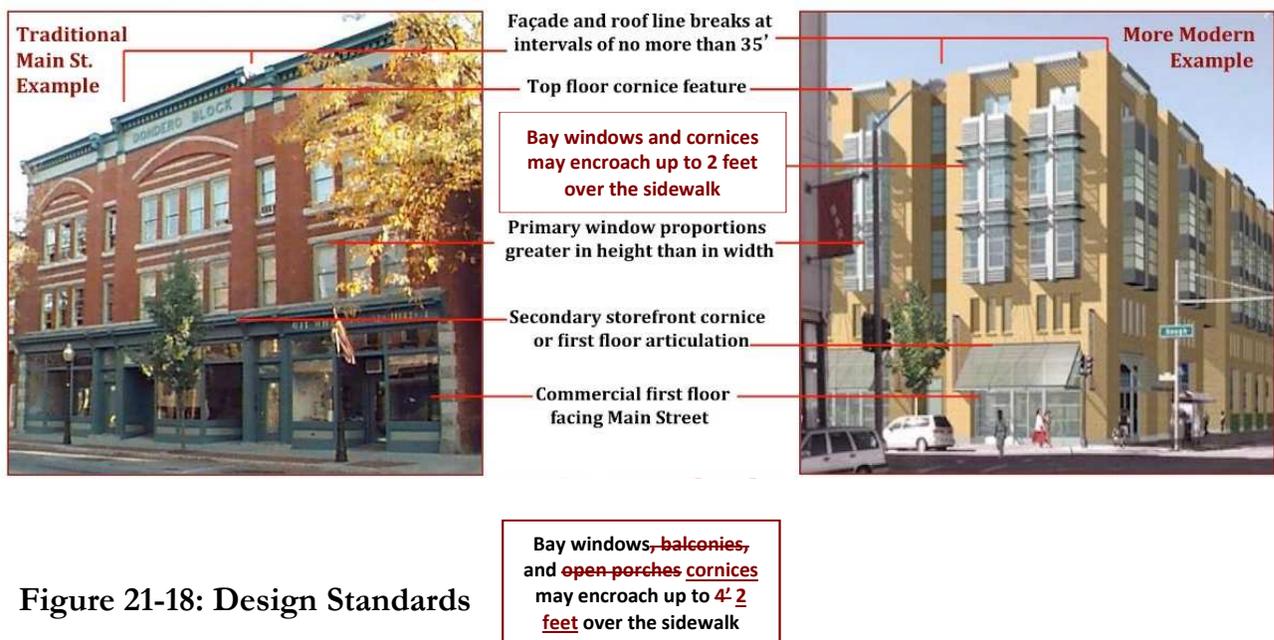


Figure 21-18: Design Standards

Examples A

Section 24. Chapter 223 of the Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 63, entitled “Definitions” is hereby amended to add or amend the following definitions

§223-63 Definitions

ACCESSORY APARTMENT

A small rental housing unit, subject to the conditions in §223-24.1, allowed on single-family properties in residence districts and designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income, or property owner relatives.

AMUSEMENT CENTER

Any place in which there are maintained or operated for the patronage or recreation of the public three or more coin-, token- or otherwise controlled amusement devices of any description, including but not necessarily limited to the types commonly known as video, gaming, pinball, baseball and football amusement games, where the use of such devices is a primary use of the premises.

ANIMAL CARE FACILITY

A facility used to temporarily house or give health care to domesticated household animals, such as cats and dogs, which is devoted to the welfare, protection, and humane treatment of animals. An animal care facility may or may not contain outdoor exercise areas or boarding kennels, as determined in the special permit review process under §223-18.

ARTIST STUDIO

The working and/or teaching space for one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo appliers, body piercers and similar businesses shall not be considered artists for the purposes of this definition. An artist studio as an accessory use is considered a home occupation, subject to §223-17.1. See also “Home Occupation”

AUCTION GALLERY

An establishment for the sale of goods or property to the highest bidder.

BANK

An establishment in which financial transactions are conducted and may include professionals administering advice related to financial matters.

CONCERT HALL

A building or part thereof devoted to the showing of live theatrical, musical, dance, or other performances.

CONFERENCE CENTER

A facility used for business meetings, cultural, educational, or professional programs, conferences, retreats, and seminars, which may have accommodations for eating and recreation.

DAY CARE CENTER

A program or facility, which is not a residence, in which child day care is provided to more than six children for more than three hours but less than 24 hours per day per child for compensation or otherwise, as certified under the laws of the State of New York.

DWELLING UNIT, ONE-FAMILY

A dwelling containing one dwelling unit only, not to include house trailer or mobile home.

DWELLING UNIT, ATTACHED

A dwelling unit having common walls with two or more other dwelling units. See also “Townhouse.”

FAÇADE OR FRONT WALL

The front wall of a building ~~is the wall~~ nearest to and facing the street on which the lot fronts.

FARM

Land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. For the purposes of this chapter, a “farm” specifically excludes the display of farm products for sale, on-site advertising, and the raising of fur-bearing animals.

HOME OFFICE, PROFESSIONAL

Home office of a properly certified physician; psychologist; physical, occupational or speech therapist; licensed social worker; dentist; lawyer; engineer; architect; accountant; teacher or other similar professional person, when conducted entirely within a dwelling by the residents thereof, at least one of whom is said professional person, provided that no more than two nonresident persons are employed therein, and where there is no external evidence of such office, except for a sign and off-street parking facilities as respectively permitted and required in this chapter. A home professional office shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall be regulated in accordance with the requirements of §223-17.1 of this chapter. See also “Home Occupation”

HORTICULTURAL NURSERY

Any place used as a garden for the open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.

LOT WIDTH

The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

OFFICE

A structure used primarily for the conduct of business relating to administrative, clerical, financial, or social services and consulting, medical, dental, veterinarian, and other professional or client services not related to retail sales.

PARKING STRUCTURE

A multi-level structure for the parking of vehicles, conducted as a business or to serve a business or district.

SOLAR COLLECTOR

See Article X, §223-81.

STORAGE BUSINESS

A fully enclosed structure for the containment of materials, including warehouses and residential storage facilities with individual bays that are leased for the storage of personal property.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include accessory buildings, decks, swimming pools, and tennis courts, but sidewalks, ground-level parking lots and terraces, driveways, and patios are not considered structures.

THEATER

A building or part thereof devoted to the showing of films, live theatrical, musical, dance, or other performances.

TOWNHOUSE

A one-family dwelling attached in a row of at least three such units with each home having its own front and rear access to the outside. See also “Dwelling Unit, Attached.”

WHOLESALE BUSINESS

An enclosed place of business primarily engaged in sales, storage, display, and distribution of merchandise to retailers, industrial users, institutional uses, or other commercial businesses, including a warehouse, but not to include auto wrecking yards, junkyards, or outdoor storage of materials, unless outdoor storage of materials is specifically permitted as an accessory use in the district.

WORKSHOP

Work places, including retail sales, for carpenters, plumbers, cabinetmakers, upholsters, electricians, printers, tailors, dressmakers, shoemakers, jewelers, sculptors, watch and clockmakers, opticians and musical or scientific instrument repairers, or shops which employ similarly skilled persons.

Section 25. Chapter 223 of the Code of the City of Beacon, Article VII, Miscellaneous Provisions, Section 67, entitled “Referral of Proposals to Dutchess County Planning Department” is hereby amended as follows:

§ 223-67 Referral of proposals to Dutchess County Planning Department.

At least 30 days prior to the public hearing at which ~~such amendment~~ a proposal is to be considered, the ~~Town Board approving authority~~, in accordance with the provisions of Article 12-B, §§ 239-l and 239-m of the General Municipal Laws, as amended, shall refer to the Dutchess County Planning Department all proposals a zoning amendment to the code or map, site plan, special permit, area or use variance, comprehensive plan, or other authorization under the zoning provisions applying to affecting real property ~~abutting~~ within 500 feet of the following:

- A. The boundary of any existing or proposed state or county park or recreation area.
- B. The right-of-way of any existing or proposed county or state road, highway, parkway or expressway.
- C. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
- D. The existing or proposed boundary of any county- or state-owned land on which a public building or institution is located.
- E. The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.
- F. The boundary of any city, village or town.

Section 26. Chapter 223 of the Code of the City of Beacon, Article IX, Scenic Roads, Section 71, entitled “Authority” is hereby amended as follows:

§ 223-71 Authority.

Pursuant to the authority granted by Municipal Home Rule Law, Article 2, § 10 of the Consolidated Laws of New York and consistent with the goals of the ~~1974 Development Plan~~ 2017 Comprehensive Plan Update, as amended, the City of Beacon hereby provides for the balancing of traditional matters of common convenience and public safety with designation of City roads as scenic roads. Further, in order to maintain the irreplaceable character and aesthetic and historic features and the scenic nature of roads so designated, the City of Beacon is authorized to regulate, in accordance with this article, the future alterations for improvements of roads so designated, including but not limited to widening of the right-of-way or of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

Section 27 Chapter 223 of the Code of the City of Beacon, Article X, Solar Collectors and Installations, §223-82, entitled “Permitting and placement requirements,” Subsection A(2) is hereby amended as follows

§ 223-82 Permitting and placement requirements.

A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the City, subject to the following requirements.

...

(2) Any height limitations provided in the City Code shall not be applicable to solar collectors except for the restrictions provided for in the Central Main Street District § 223-41.18 ~~E(6) and (7) D(7) and (8)~~ and the Linkage District § 223-41.21D(5). Solar collectors shall be erected only to such height as reasonably necessary to accomplish the purpose for which they are intended to serve, but in no case shall the maximum height of a panel in a tilted position exceed two feet above the surface of the roof, unless in a nonresidential district, and such structures shall not obstruct solar access to neighboring properties.

...

Section 28. Chapter 223 Attachments 1 and 2 of the Code of the City of Beacon, entitled “Schedule of Regulations for Residential Districts” and “Schedule of Regulations for Nonresidential Districts” as set forth at the end of Chapter 223 are hereby deleted in their entirety.

Section 29. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 30. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, Schedule of Dimensional Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 31. Chapter 210 of the Code of the City of Beacon, Vehicle Repair and Sales, §210-2, entitled “Motor vehicle repair shops, body shops and detail shops; gasoline filling stations,” Subsection B is hereby amended as follows

§ 210-2 Motor vehicle repair shops, body shops and detail shops; gasoline filling stations.

...

B. Within ~~an LB Local Business or CB Central Business~~ the GB General Business District, gasoline filling stations shall comply with the following additional standards and requirements:

(1) The site for each gasoline filling station shall have a street frontage of at least 100 feet and an area of at least 10,000 square feet.

(2) No new gasoline filling station shall be permitted to locate within 750 feet of any portion of an existing gasoline filling station.

(3) Along all property boundaries adjoining streets, a continuous landscaped area shall be maintained, except where interrupted by permitted access drives. The City Council may, in approving the issuance of a special use permit, require such other additional landscaping and screening as set forth above as, in its opinion, may be necessary or appropriate for the proper development of the particular site.

Section 32. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 33. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 34. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 35. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.