

## ARTICLE IVD

**Central Main Street (CMS) District**

**[Added 2-19-2013 by L.L. No. 3-2013; amended 8-9-2013 by L.L. No. 14-2013; 5-19-2014 by L.L. No. 8-2014; 7-21-2014 by L.L. No. 10-2014; 7-21-2014 by L.L. No. 11-2014; 6-4-2018 by L.L. No. 10-2018]**

**§ 223-41.16. Purpose.**

The purpose of this Article IVD is to preserve the traditional character of Main Street, particularly for buildings in the Historic District and Landmark Overlay (HDLO) Zone, while also increasing the vitality, attractiveness, and marketability of Main Street, as recommended in the City of Beacon Comprehensive Plan Update adopted on April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses.

**§ 223-41.17. Applicability and boundaries.**

The provisions of this article apply to the area shown as the Central Main Street District (CMS) on the City of Beacon Zoning Map.<sup>1</sup> All new uses of land and structures and changed 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. 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, but any future expansion must conform to this chapter. 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.

**§ 223-41.18. 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

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1. Editor's Note: The Zoning Map is on file in the City offices.

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; 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.
- (7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages, and are not a bar.
- (8) Food preparation business.
- (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.
- (12) Public garage, 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.
- (13) School, public or not-for-profit educational institution, 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.

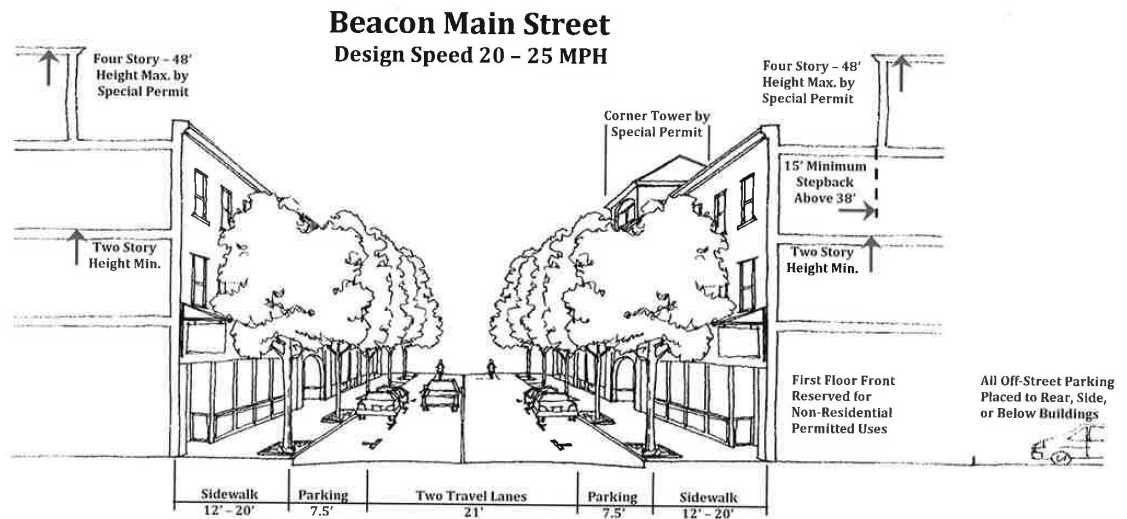
- (14) Indoor commercial recreation.
- (15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.
- (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a 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.
- (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.
- (18) Auction gallery.
- (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.
- (20) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (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.
- (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.
- (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, 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 public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.
    - (b) A bar 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.
  - (2) In considering the appropriateness of the proposed use, the City Council 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 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, 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.
  - (7) Greenhouse.
- D. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the CMS District:

- (1) Gasoline filling stations.
  - (2) Drive-through facilities, standalone or used in connection with any other use.
- E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection J(15).

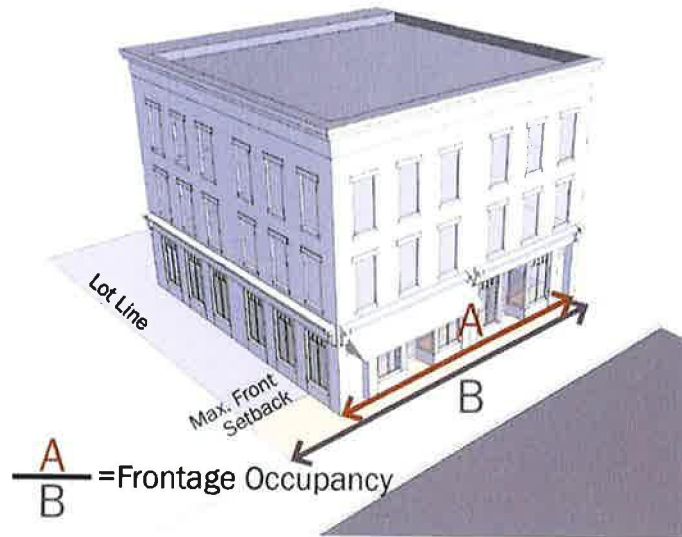
**Figure  
18-1:  
Central  
Main  
Street  
Zoning  
Requirements  
Illustrative  
View**



- (1) Front setback: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the area in front of a building has no parking spaces and is landscaped and used in a manner that enhances street life by such means as pocket parks or plazas, fountains, outdoor dining, public art, and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board.

- (2) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front yard setbacks shall apply to both, as appropriate to the street.
- (3) Side setbacks: minimum of zero. 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 or to allow future development of an abutting parcel to the permitted building height.
- (4) Rear setbacks: minimum 25 feet for parcels 100 feet deep or more and minimum 10 feet for parcels under 100 feet deep, 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) Minimum frontage occupancy on Main Street or East Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board: a) to the extent necessary to allow light and air into an adjacent building that has side windows; b) allow future development of an abutting parcel to the permitted building height; or c) if the applicant provides a suitably surfaced and lighted pedestrian passageway between the street and parking areas, public open spaces, or other streets, located behind the building.

**Figure  
18-2:  
Frontage  
Occupancy**



- (6) Building height: minimum two stories, maximum three stories and 38 feet, as determined from the average street front level. Stories built below the grade of the street 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. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens, fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum permitted 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 edge of the roof along any street frontage.
- (7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story with a stepback of at least 15 feet behind the facade along any street frontage. A fifteen-foot building stepback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district.

Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a setback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building.

- (a) For proposed buildings on CMS parcels in or abutting the Historic District and Landmark Overlay Zone, any fourth story shall require a special permit by the City Council. The City Council may reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure.
  - (b) All such special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met. Although not required, additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, or extra sidewalk width, plaza space, or green space that is accessible to the public may be a positive factor for consideration during the special permit review process.
- (8) Building depth: Corner buildings shall not extend along a side street more than 150 feet from the Main Street or East Main Street frontage, unless the rear building height is reduced to two stories.
  - (9) Lot area and lot width: There are no minimum lot area or lot width requirements.
  - (10) 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 and accepted by the City Council for public parking, there shall be no minimum depth requirement.
  - (11) Floor area ratio: There is no maximum floor area ratio.
  - (12) Landscaped area: A minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass in locations approved by the Planning Board that enhance the streetscape, provide



a landscaped rear yard or courtyard, and are found to be consistent with the intent of the CMS District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. These requirements may be waived for lots of 5,000 square feet or less.

(13) Dimensional standards.

**Figure 18-3: Dimensional Standards**



See text for exceptions and clarifications to Figure 18.3. Rear setback 10 feet for lots less than 100 feet deep.

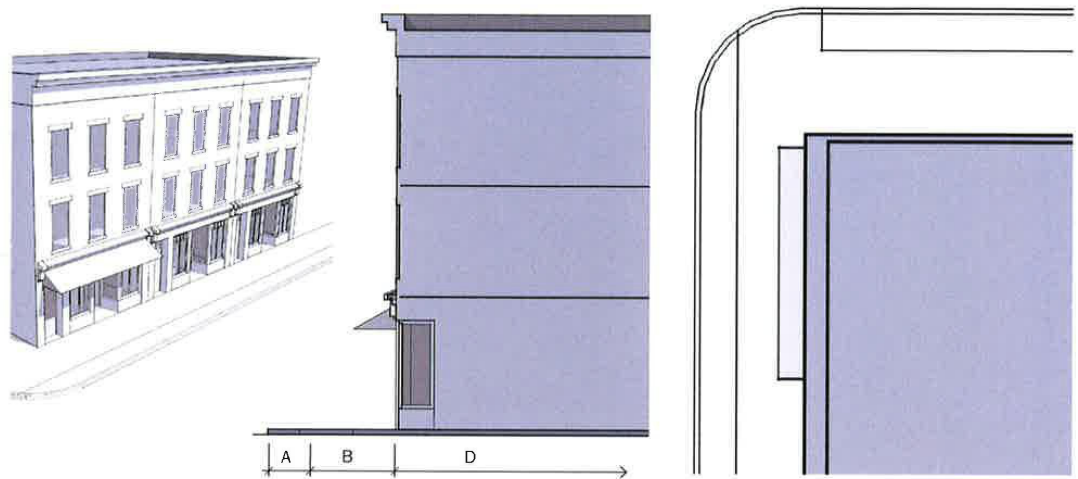
F. Frontage types.

(1) For new buildings, only the following building frontage types are permitted:

- (a) Storefront.
- (b) Forecourt.

- (2) Storefront frontage type: 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 are typically used to avoid doors opening into the sidewalk.

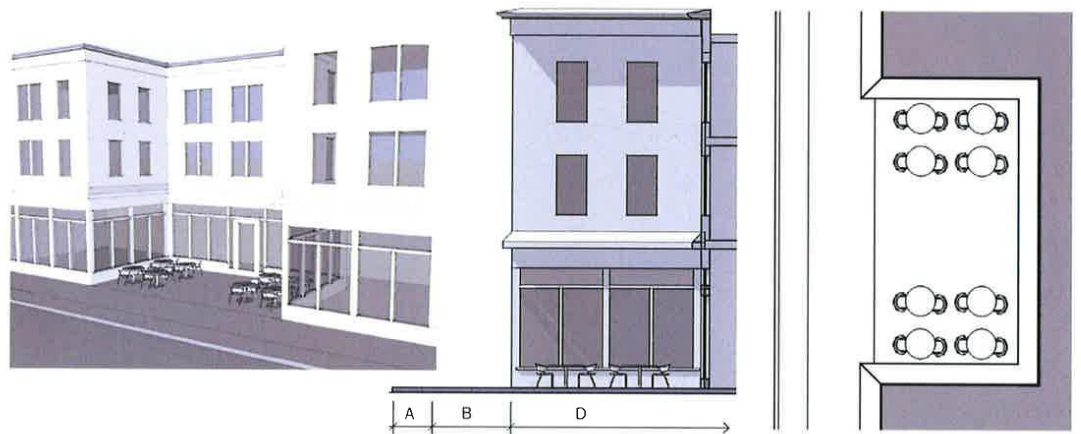
**Figure  
18-4:  
Illustrative  
View,  
Section  
View,  
and  
Plan  
View  
of  
Storefront  
Frontage  
Type**



See Figure 18-7 for key to letters

- (3) Forecourt frontage type. A forecourt is a semipublic 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  
18-5:  
Illustrative  
View,  
Section  
View,  
and  
Plan  
View  
of  
Forecourt  
Frontage  
Type**



See Figure 18-7 for key to letters

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 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.

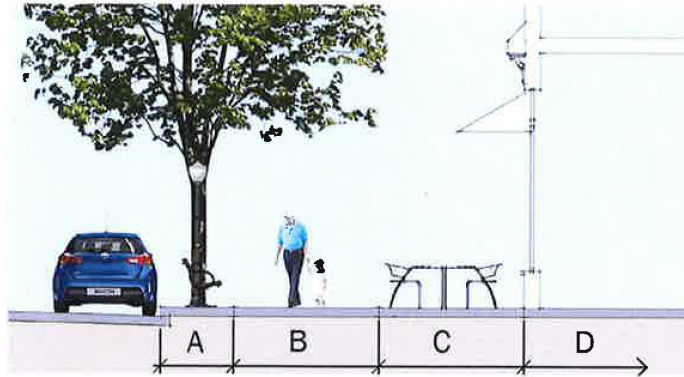
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
  - (a) Residential: one space per unit.
  - (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
  - (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
  - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
  - (a) That the projected operational characteristics of the proposed use require a different 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 within the CMS or PB Districts.
  - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
  - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts 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 within the CMS or PB Districts 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 lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this chapter shall apply in the CMS District.

#### H. Streetscape improvements.

- (1) 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 eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board shall require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval, whenever street and sidewalk conditions permit.
- (3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.
- (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  
18-6:  
Parts  
of  
the  
Streetscape**



A = Street Transition Zone  
B = Pedestrian Clearway  
C = Building Transition Zone  
D = Building Frontage

- 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 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. Design standards.
  - (1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the CMS 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 and general public welfare 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 architectural flexibility.
- (2) Key terms: 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) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include scale, type and texture of materials, roof and cornice forms, spacing and proportion of windows and doors, signs, and street-front fixtures. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CMS District shall reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, most evident in window construction and interiors.
- (4) 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.
- (5) Architectural features and windows shall 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.
- (6) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and

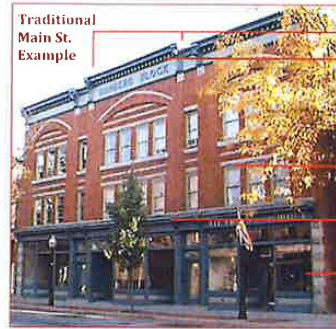
cornices, may encroach up to four feet above the sidewalk, if the bottom of the encroaching building elements is at least 12 feet above grade.

- (7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet 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.
- (8) 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.
- (9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. 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 and appear functional.
- (10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Main Street or East Main Street buildings should have at least 30% glass on the upper-floor facades.
- (11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. 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 rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, barbed wire, plastic, or vinyl fencing shall not be permitted.
- (12) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.



- (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.
- (14) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front facade of new buildings or additions.
- (15) 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.
- (16) The following Figure 18-7 provides annotated photographs to illustrate design standards in this section:

**Figure  
18-7:  
Design  
Illustrations**



Traditional Main St. Example

- Façade and roof line breaks at intervals of no more than 35'
- Top floor cornice feature
- Bay windows, balconies and open porches may encroach up to 4' over the sidewalk
- Primary window proportions greater in height than in width
- Secondary storefront cornice or first floor articulation
- Commercial first floor facing Main Street



More Modern Example

**Design Standards Consistent Examples**



- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Metal, glass, or canvas-type awnings and canopies or projecting signs may encroach up to 6 feet over the sidewalk above 7 feet
- Street trees planted on average 30' - 40' apart
- Commercial buildings shall have at least 70% glass on first floor facades between 2' and 10' above the sidewalk



**Design Standards Inconsistent Examples**

- Two-story minimum required, allowing second floor occupancy
- Architectural features and windows should be continued on all sides, avoiding any blank walls
- Vinyl, aluminum, or sheet metal siding or sheet trim shall not be permitted



- Buildings should have a top floor cornice feature
- Primary window proportions shall be greater in height than in width
- Commercial buildings shall have at least 70% glass on the first floor facade



- Vinyl awnings are discouraged, but metal, glass, and canvas-type awnings are encouraged



**Design Standards Consistent Examples**

- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Bay windows, balconies and open porches may encroach up to 4' into the setback
- Required landscaping between the sidewalk and building to enhance the streetscape



- In the Linkage District, a step-back of at least 15' behind the façade above the third story
- Primary window proportions greater in height than in width
- Secondary cornice or first floor articulation
- Residential buildings shall have at least 30% glass on first floor facades



- Top floor cornice feature
- Façade and roof line breaks at intervals of no more than 35'
- Street trees planted on average 30' - 40' apart
- Metal, glass, or canvas-type awnings and canopies may encroach up to 6 feet over the sidewalk above 7 feet

- K. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill development with parking to the rear, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District. The Plan also recommended the provision of periodic pocket parks or plazas and transit shuttle stops to be coordinated with new development projects and civic uses (see pages 61-67).<sup>2</sup>

**Figure 18-8: Central Main Street Infill Strategies and Illustrative Sketch Plan**



2. Editor's Note: The 2017 Comprehensive Plan Update is on file in the City offices.