

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 41.18.E(7) OF THE CODE OF THE CITY OF
BEACON**

A LOCAL LAW to amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon concerning building height special permits in the CMS District.

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

Section 1. Chapter 223, Article IVD, Central Main Street (CMS) District, Section 41.18, Subsection E(7) of the Code of the City of Beacon is hereby amended as follows:

§ 223-41.18 Regulations.

....

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).

....

(7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story only if the proposed fourth story contains 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 stepback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building. No variance shall be granted from this subsection to reduce the stepback requirements set forth herein. The City Council may waive or reduce the stepback requirements set forth herein upon a finding by the City Council that (i) such a waiver is warranted due to the special

conditions of a site or the particular character or limited nature of the proposed development, and (ii) such a waiver is consistent with the goals of promoting the public health, safety and general welfare of the community.

- (a) For proposed buildings on CMS parcels in ~~or abutting~~ the Historic District and Landmark Overlay Zone, abutting a HDLO parcel, or directly across a street from a HDLO parcel, any fourth story or corner tower shall require a special permit by the City Council. The City Council may limit the length of any such fourth floor or 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 building height 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.
- ~~(c) Although not required,~~ All such building height special permits shall also require a specific public benefit as determined by the City Council or Planning Board, such as additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, additional parking spaces available for general public use, green building or renewable energy features beyond what is required by code, ~~or extra sidewalk width,~~ the construction and/or maintenance of public plaza space; or green space ~~that is accessible to the public may be a positive factor for consideration during the special permit review process.~~

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Section 41.18 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. 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 4. 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 5. Effective Date

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