

ARTICLE IVA  
**Waterfront Zones**  
**[Added 10-21-1991 by L.L. No. 11-1991]**

**§ 223-41.1. Purpose.**

- A. The purpose of this article is to promote the purposes of the Beacon Local Waterfront Revitalization Program, including positive development and revitalization of the waterfront area, while ensuring that such revitalization takes place in a manner which is sensitive to coastal resources.
- B. To accomplish these purposes, this article creates two new waterfront zones. The first zone, called the Waterfront Park (WP) Zone, includes the publicly owned lands of Dennings Point and Riverfront Park and the privately owned property of the Long Dock Peninsula, as more particularly shown on the Zoning Map which is made a part of this chapter.<sup>1</sup> This zone contains provisions which are compatible with the present and proposed continued uses of these areas, which are primarily open space uses. The second zone, called the Waterfront Development (WD) Zone, includes publicly owned lands in the vicinity of the Beacon Train Station, as more particularly shown on the Zoning Map which is made a part of this chapter. This zone contains provisions which permit development and revitalization of this riverfront area in a manner compatible with the City's Local Waterfront Revitalization Plan and the Comprehensive Plan.
- C. These new zoning districts will fulfill the recommendations of the Local Waterfront Revitalization Program by permitting types and intensities of uses compatible with the districts' location on the banks of the Hudson River, while at the same time promoting compatibility with surrounding land uses, promoting protection of the natural systems of the river and the water's edge and providing for development which is commensurate with the public services and facilities in the area.

**§ 223-41.2. Regulations.**

This article establishes a comprehensive review plan for land uses in the Waterfront Park and Waterfront Development Zones. Development within the Waterfront Park and Waterfront Development Zones shall be governed by this article exclusively, except to the extent that this article specifically incorporates by

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

reference other sections of this Zoning Ordinance. In the event that any other provision of this Zoning Ordinance is inconsistent with the provisions of this article, then the provisions of this article shall control.

**§ 223-41.3. Waterfront Park (WP) Zone.**

A. Purpose of Waterfront Park (WP) Zone. The purpose of the waterfront Park (WP) Zone shall be as follows:

- (1) To maintain, enhance and increase the levels and types of access to public water-related resources and facilities, including boating facilities, fishing areas and Waterfront Parks, so that those resources and facilities may be fully utilized by the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources.
- (2) To encourage public pedestrian access along the water's edge in a manner compatible with adjoining privately owned land uses.
- (3) To encourage water-dependent and water-enhanced recreation in a manner consistent with the preservation and enhancement of other coastal resources and with the public demand for such recreational uses.
- (4) To encourage uses which further the revitalization of the City's waterfront in a manner compatible with the scenic beauty and recreational opportunities of the riverfront area.

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

- (1) Recreational fishing activities.
- (2) Park facilities providing passive recreation and water-related recreation activities.
- (3) Flood and erosion control structures, such as breakwaters and bulkheads.
- (4) Recreational activities which depend on or are enhanced by access to coastal waters, such as swimming, fishing, boating and wildlife viewing.
- (5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including

museums, construction of historic boat replicas, or other river-related educational facilities.<sup>2</sup>

(6) Piers, docks, marinas and boat launching facilities.<sup>3</sup>

(7) Charter boat businesses.<sup>4</sup>

C. Special permit uses. The following uses require a special permit from the City Council, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017<sup>5</sup>]**

(1) Food trucks and temporary food stands.

(2) Restaurants not exceeding 2,500 square feet. The Planning Board may grant up to 4,000 square feet if the applicant provides public restrooms on the first floor of the building, accessible from the interior as well as exterior of the building, and if the Planning Board determines that the larger scale of the building is appropriate to its surroundings.

(3) Inns or bed-and-breakfasts not exceeding 6,000 square feet.

(4) Marine-related retail establishments not exceeding 2,500 square feet.

(5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including museums, construction of historic boat replicas, or other river-related educational facilities.

(6) Piers, docks, marinas and boat-launching facilities.

(7) Charter boat businesses.

D. Permitted accessory uses. Permitted accessory uses shall be as follows: **[Amended 4-3-2017 by L.L. No. 5-2017]**

(1) Uses customarily incidental to permitted uses and support facilities necessary to serve permitted uses.

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2. **Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.**

3. **Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.**

4. **Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.**

5. **Editor's Note: This local law also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.**

- (2) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code).
  - (3) Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.
  - (4) Lighthouses or other navigational aids.
- E. Procedure for review of Waterfront Park development proposals.
- (1) All proposed activities and projects in the Waterfront Park Zone shall require site plan approval by the Planning Board prior to implementation, pursuant to Subsection G, and no building permit shall be issued until such approval has been obtained.
  - (2) Certain activities and projects in the Waterfront Park Zone also require a special permit from the City Council. Where both approvals are required, nothing herein shall bar the simultaneous review of the special permit, site plan and any subdivision approval for the project. However, no final approval of a site plan shall precede the issuance of a special permit by the City Council.
- F. Application fees. Applications to the City Council or Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- G. Procedure for obtaining special permit from City Council for certain Waterfront Park uses.
- (1) Application. The application for a waterfront park special permit shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed project. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:
    - (a) A written description of the proposed project and a description of the manner in which such plan fulfills the

purposes of the Waterfront Park Zone; how it is consistent with the City of Beacon Local Waterfront Revitalization Plan; and describing the manner in which the public interest would be served by the proposed project, including the description of the benefits to the City as a whole and the waterfront neighborhood.

- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of any buildings.
- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized.
- (e) A general indication of any phasing of construction.
- (f) The general configuration of any interior road system and connection/access to the adjoining road system.
- (g) The relation of the proposed uses to existing and proposed uses adjacent to the site.
- (h) The general configuration of the pedestrian circulation system, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
- (i) The proposed architectural treatment of views and viewing points from the site to the Hudson River and to the site from the Hudson River.
- (j) Descriptions, sketches and elevations showing the general architectural treatment and design scheme contemplated for the project and more specific details for any public spaces or major elements of the site plan.
- (k) A description of the manner in which the proposed development will relate to existing or planned development on other adjacent or nearby parcels.
- (l) Such additional information as the City Council may deem necessary in order to properly evaluate the application.

## (2) City Council review of special permit application.

## (a) Environmental compliance.

[1] The approval of a waterfront park special permit is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of State Environmental Quality Review (SEQR).

[2] Upon receipt of an application for a special permit, the City Council shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.

## (b) City Council referrals.

[1] The City Council shall refer the application for a waterfront park special permit to the Planning Board for an advisory report and recommendation. The Planning Board shall review all documents and materials relating to the application and shall render a report to the City Council and may make any advisory recommendations it deems appropriate. Where the City Council is serving as the lead agency under SEQR and the Planning Board is an involved or interested agency, then this referral may be coordinated with the comment period under SEQR. The report of the Planning Board shall be due on the date set for receipt of written comments on the DEIS or a date 45 days from the referral by the City Council, whichever is greater.

[2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-l and 239-m. Where the City Council is serving as lead agency under SEQR, and has required an Environmental Impact Statement (EIS), it shall also circulate the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) as provided by law. In addition to any referrals required by law, the City Council may refer the application to any other City Board, department, official, consultant or professional it deems appropriate.

- (c) City Council public hearing. The City Council shall hold a public hearing, with the same notice required by law for zoning amendments, on the application for a waterfront park special permit. Where the City Council is serving as lead agency under SEQR and determines to hold a SEQR hearing, the SEQR hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on waterfront park special permit.
    - (a) The City Council shall render a decision on the application for a waterfront park special permit after it has held the required public hearing herein, completed the SEQR process and made any requisite SEQR findings and made any requisite consistency determination under the City's Local Waterfront Consistency Law.<sup>6</sup>
    - (b) The City Council may authorize the issuance of a waterfront park special permit, provided that it shall find that all of the following conditions and standards have been met:
      - [1] The proposed project will fulfill the purposes of the Waterfront Park zone.
      - [2] The proposed project will be in harmony with the appropriate and orderly development of the City's waterfront area.
      - [3] The proposed project will not hinder or discourage the appropriate development and use of adjacent lands and buildings.
      - [4] The proposed project is otherwise in the public interest.
  - (4) Conditions. In approving any waterfront park special permit, the City Council 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.
  - (5) Time periods for development pursuant to special permit. At the time of approving a waterfront park special permit, the City Council may set forth the time period in which construction is to begin and be completed. The City Council

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6. Editor's Note: See Ch. 220, Waterfront Consistency Review.

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.

- (6) Revisions to special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the City Council or its designee. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
- H. Site development plan review. Site plans for proposed Waterfront Park projects shall be reviewed pursuant to this subsection.
- (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 park standards set forth in Subsection I.
    - (b) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
    - (c) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
    - (d) Application fees as may be required pursuant to Subsection E.
  - (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.
    - (b) In acting on any site development plan application, the Planning Board shall take into consideration any



approved special permit, the proposed design and layout of the entire waterfront area, including the proposed location, height and bulk of buildings, traffic circulation within and without the site, provision of off-street parking space, exterior lighting, landscaping, buffer areas and open spaces, display of signs 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 park standards set forth in Subsection I.

- (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 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 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.
- I. Subdivision within Waterfront Park project. The Planning Board may review any proposed subdivision applications within a Waterfront Park project at any time. Any requests for subdivision approval shall follow the procedures set forth in the City of Beacon's Subdivision Regulations.<sup>7</sup>
- J. Waterfront park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:
  - (1) Relationship to uses on surrounding property. The land uses in a Waterfront Park project shall relate, visually and functionally, with surrounding land areas, including Long Dock, Riverfront Park, Dennings Point, Federal Paperboard property and the Metro-North Train Station. Elements of the project site plan, particularly those at the entrance, shall relate compatibly with other elements of the City waterfront.
  - (2) Relationship to river. All elements of a project within the WP Zone shall also be sensitive to the site's relationship to the river and shall be designed accordingly.
  - (3) Provision of view corridors. The site shall be developed in such a way as to maximize important views and to provide view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the LWRP and shall also consider important views from Riverfront Park and from the Hudson River toward the shore. Important views should be protected and enhanced to the maximum extent practicable.
  - (4) Architectural design standards.

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7. Editor's Note: See Ch. 195, Subdivision of Land.

- (a) The various elements of the project shall be integrated by cohesive architectural treatment and compatible design.
  - (b) Buildings shall be designed in consideration of appearance from all vantage points.
  - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.
  - (d) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style.
  - (e) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.
  - (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
- (5) Energy efficiency. The plan for development of any Waterfront Park project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings.
- (6) Landscaping, screening and buffering.
- (a) All sidewalks, open spaces, parking areas, boat storage areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
  - (b) The Planning Board may require buffer landscaping, fencing or screening, to separate land uses and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.
  - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the

growing conditions of the shoreline environment and this climatic zone.

- (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.
- (8) Signage.
  - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
  - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. Waterfront Park developments should be encouraged to provide pedestrian public access in a manner which:
  - (a) Enhances existing public access opportunities at the riverfront, in furtherance of the LWRP and the state's coastal policies; and
  - (b) Coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate further linkages in a continuous pedestrian path system.
- (11) Off-street parking and loading:
  - (a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.

(b) Parking requirements:

[1] Marina: 1/2 space per slip or dry rack storage unit.

[2] Museums, educational facilities, auditorium, athletic field or other place of assembly: One space for each four seats or pew spaces or, in places without seats, one space for each 100 square feet of floor space used for public assembly.

(c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.

(d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

(e) Alternative methods of meeting off-street parking requirements.

[1] General.

[a] The waterfront area will include a mix of land uses on the waterfront, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without

conflict and to avoid a large surplus of parking spaces in the waterfront area.

[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.

[2] Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Waterfront Park project have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:

[a] Parking shared among various use elements within a Waterfront Park project.

[b] Provisions of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.

[c] Valet parking.

(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.

(12) On-site utilities and services.

(a) Underground lines. All on-site power and communication lines, as well as on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency

or utility company having jurisdiction. Any utility equipment which will be necessarily located above ground will be adequately screened from view in an attractive manner.

- (b) Approval of appropriate jurisdiction. All buildings within the Waterfront Park projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas.
  - (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
  - (d) Refuse collection. Waterfront Park projects shall provide an adequate means of separation, and storing refuse between collections, which shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
  - (e) Cooling systems. Cooling systems in any buildings shall be designed so as to minimize adverse aesthetic impact.
  - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement, in order to assure ease of future maintenance.
- (13) Floodplain. Waterfront Park projects shall comply with the applicable provisions of the Beacon Local Law for Flood Damage Prevention.<sup>8</sup>

#### **§ 223-41.4. Waterfront Development (WD) Zone.**

A. Purpose. The purposes of this section shall be as follows:

- (1) To stimulate the revitalization of the City and its waterfront by establishing a well-designed central focus for the City's waterfront area.
- (2) To provide for land uses consistent with the Beacon Local Waterfront Revitalization Plan and Comprehensive Plan,

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**8. Editor's Note: See Ch. 123, Flood Damage Prevention.**

including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire waterfront area. **[Amended 4-3-2017 by L.L. No. 5-2017]**

- (3) To encourage a mix of uses on the waterfront with a consistent set of design standards to assure a unified and comprehensively planned development that will function effectively and achieve a high standard of site planning and architectural design.
  - (4) To eliminate deteriorated structures and incompatible, visually unattractive or otherwise deleterious land uses.
  - (5) To increase pedestrian public access to, and the potential for the enjoyment of, the waterfront and to integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.
- B. Permitted principal uses. Permitted principal uses shall be as follows: **[Amended 8-6-2001 by L.L. No. 12-2001; 7-6-2009 by L.L. No. 10-2009; 4-3-2017 by L.L. No. 5-2017]**
- (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.



- C. Special permit uses. The following uses require a special permit from the Planning Board, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017<sup>9</sup>]**
- (1) Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities.
  - (2) Conference centers.
  - (3) Other uses similar to the above uses as determined by resolution of the City Council.
- D. Permitted accessory uses. Permitted accessory uses shall be as follows: **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.)
  - (2) Uses customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.
  - (3) Public garages and off-street parking.
  - (4) Enclosed storage.
  - (5) Rooftop gardens, greenhouses and solar collectors.
  - (6) Public or semipublic accessory uses, such as bandshells, kiosks and gazebos.
- E. Procedure for review of waterfront development proposals. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Each waterfront development project shall require:
    - (a) Special permit approval by the Planning Board; and
    - (b) Site plan approval by the Planning Board.
  - (2) The Planning Board's review of a special permit application for a waterfront development project or projects shall also include review of a waterfront development concept plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of the site. The purpose of this review is to assure that the site will be developed in accordance with an overall

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9. Editor's Note: This local law also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.

comprehensive plan, even though the total waterfront development may consist of several separate waterfront development projects, which might be constructed at different times.

- F. Application fees. Applications to the Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- G. Procedure for special permit and waterfront development concept plan review. **[Amended 7-2-2001 by L.L. No. 11-2001; amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Application. The application for a waterfront development special permit for one or more waterfront development projects shall be submitted to the Planning Board. The application shall consist of narrative text, drawings and/or illustrations describing the proposed waterfront development project and concept plan. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing, or a final site plan. The application shall include the following:
- (a) A written description of the waterfront development project(s) and concept plan and a description of the manner in which such proposal meets the purposes of the Waterfront Development Zone; how it is consistent with the City of Beacon Local Waterfront Revitalization Plan; and describing the manner in which the public interest would be served by the proposed waterfront development, including the description of the benefits to the City as a whole and the waterfront neighborhood.
- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of buildings and the approximate number of dwelling units of each housing type and size.

- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized.
  - (e) A general indication of any phasing of construction.
  - (f) The general configuration of the interior road system and connection/access to the adjoining road system.
  - (g) Waterfront development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site.
  - (h) The general configuration of the pedestrian circulation system, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
  - (i) The proposed architectural treatment of views and viewing points from the site to the Hudson River; to the site from the Hudson River and from Riverfront Park and Dennings Point; and over the site from any viewsheds identified in the LWRP.
  - (j) Descriptions, sketches and elevations showing the general architectural treatment and design scheme contemplated for the entire development and specifically for any public spaces or major elements of the site plan.
  - (k) Such additional information as the Planning Board may deem necessary in order to properly evaluate the application.
- (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] Notwithstanding Subsection F(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 § 223-41.4J, 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 chapter.

(3) (Reserved)

(4) Time periods for development pursuant to special permit. At the time of approving a special permit, 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.

- (5) Revisions to waterfront development special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the Planning Board or its designee. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
  - (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 § 223-41.4F(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. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (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 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 E.
- (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, 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 I.

- (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.
- I. Subdivision within a waterfront development. The Planning Board may review any proposed subdivision applications within a waterfront development at any time. Any requests for subdivision approval shall follow the procedures set forth in the City of Beacon's Subdivision Regulations.<sup>10</sup> The bulk standards, setbacks and other dimensional requirements of the WD Zone shall apply to the gross land area of the total waterfront development, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
- J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards: **[Amended 4-3-2017 by L.L. No. 5-2017]**
  - (1) Comprehensive design. The WD Zone allows for flexibility of design to encourage innovative site planning and creative use of the two areas specified: north area and south area. While the WD north area is expected to contain residential development, the southern portion of the district is expected

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**10. Editor's Note: See Ch. 195, Subdivision of Land.**

to contain various elements of mixed-use development (e.g., residential, commercial, retail, cultural, etc.). Each area must be planned with a comprehensive plan for ingress, egress, circulation and utility service. The architectural styles of various buildings must be compatible within each portion of the WD district and must attain high standards of design.

- (2) Relationship to river and MNRR station. All elements of a project within the WD Zone shall also be sensitive to the site's relationship to the river and the MNRR station, and shall be designed accordingly.
- (3) Provision of view corridors. The sites shall be developed in such a way as to preserve important public views from upland locations as specified but not limited to view corridors identified in the Local Waterfront Revitalization Program (LWRP). For the WD north area, building rooflines should step down, from north to south, to follow contour and elevation of the topography directly to the east of the development site. For the WD south area, building roofline should step down, from east to west, to protect views from Beekman and River Streets to maximum extent practicable. No building shall be taller than 32 feet above grade at the curb line of Beekman Street.
- (4) Architectural design standards.
  - (a) The various elements of any project shall be integrated by cohesive architectural treatment and compatible design.
  - (b) Buildings shall be designed in consideration of appearance from all vantage points.
  - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.
  - (d) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style. Compatible appearance should seek to achieve non-excessive difference rather than identical similarity.
  - (e) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.

- (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, parking facilities, or storage buildings, shall receive architectural treatment and screening consistent with that of principal buildings.
- (g) Parking decks should be screened from public view to maximum extent practicable, preferably with "green screen" techniques.
- (h) 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.
- (i) Wherever practicable, buildings should employ texture or additional detailing to accentuate the base of buildings and provide human scale.
- (j) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
- (k) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.
- (l) Building elements that provide additional architectural interest, such as bay windows, and cornices, but not including balconies or porches, may encroach up to two feet beyond the front line if the bottom of the encroaching building elements is at least 12 feet above grade.  
**[Amended 12-9-2019 by L.L. No. 12-2019]**
- (m) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet for awnings and three feet for signs into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can

demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board.

- (n) 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.
  - (o) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the first-floor facades.
  - (p) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted.
- (5) Energy efficiency. The plan for development of any project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings. All buildings should meet or exceed LEED Silver rating or equivalency.
- (6) Landscaping, screening and buffering.
- (a) All sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner that will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
  - (b) The Planning Board may require buffer landscaping, fencing or screening to separate land uses, and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.

- (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the shoreline environment and this climatic zone.
- (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.
- (8) Signage.
  - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
  - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. While development in WD north area is expected to be primarily residential, development in WD south area is expected to accommodate public access to the MNR station and Beacon waterfront. This will require

certain private elements for the security and benefit of its residents and property owners. A clear boundary should be maintained between publicly accessible and private space. Development that provides access to the MNRR train station (i.e. the WD south area) public pedestrian access should be created in a manner which:

- (a) Enhances existing public access opportunities to the riverfront, in furtherance of the City's Comprehensive Plan and LWRP and the state's coastal policies.
- (b) Coordinates such public access with existing or anticipated opportunities for public access to the MNRR and Beacon waterfront west of the railroad tracks.
- (c) Provides a public promenade along length of development facing the river.

(11) Off-street parking and loading.

(a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.

(b) Parking requirements.

[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 patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas.

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

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

- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.
- (d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.
- (e) Alternative methods of meeting off-street parking requirements.

[1] General.

[a] The WD Zone encourages a mix of land uses on the waterfront wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.

[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.

[2] Planning Board authority. The Planning Board shall be authorized to reduce parking requirements for a given use, based upon a finding that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking

demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:

[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that 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.

[b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.

[c] Valet parking.

(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.

(12) On-site utilities and services:

(a) Underground lines. All on-site television, power and communication lines, as well as on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment which will be necessarily located above ground will be adequately screened from view in an attractive manner.

(b) Approval of appropriate jurisdiction. All buildings within waterfront development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.



- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
  - (d) Refuse collection. The waterfront development shall provide an adequate means of separation, and storing refuse between collections, which shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
  - (e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
  - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement, in order to assure ease of future maintenance.
- (13) Floodplain. The waterfront development plan shall comply with the applicable provisions of the Beacon Local Law for Flood Damage Prevention.<sup>11</sup>

#### **§ 223-41.5. Definitions.**

The following definitions are unique to this article IVA. If any conflict exists between the definitions and provisions contained in this article and the general definitions and provisions contained elsewhere in this Zoning Ordinance, or any amendments thereto, then for the purposes of any development pursuant to this article, the definitions contained herein shall govern.

**GROSS DEVELOPMENT AREA** — All land, landfill areas and deck or platform surfaces lying inland of mean high water level, without any exclusions whatsoever. All lands within a waterfront development site, including those lying within the one-hundred-year floodplain and wetlands, shall be counted in this calculation of gross development area. However, no construction shall take place within any floodplain or wetland area unless and until all required development permits have been obtained.

**RESTAURANT** — A business enterprise engaged in preparing and serving food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress, or at a buffet, and consumed on the premises.

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**11. Editor's Note: See Ch. 123, Flood Damage Prevention.**

**WATERFRONT DEVELOPMENT** — A mixed use development which incorporates various permitted Waterfront Development (WD) District uses, as part of a comprehensive plan. Parcels within a waterfront development may be in the same or in different ownership and may be developed as separate WD projects, with each project being devoted to one or more of the permitted uses in the district.

**§ 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. Minimum building setback from mean high water line: 10 feet.
- E. 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.)

**§ 223-41.7. Bulk regulations applicable to Waterfront Development Zone. [Amended 7-6-2009 by L.L. No. 10-2009; 4-3-2017 by L.L. No. 5-2017]**

- A. Minimum site size: five acres.
- B. Maximum height.
  - (1) Area north of West Main Street (see illustration<sup>12</sup>): 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.
  - (2) Area south of Light Industry (LI) zone (see illustration<sup>13</sup>): Average of three stories of residential/mixed use over

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

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

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.

- (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. Minimum open space: 15% of the site area, 10% of which must be publicly accessible.