

LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

**LOCAL LAW ENACTING ZONING REVISIONS TO IMPLEMENT RECOMMENDATIONS OF THE
COMPREHENSIVE PLAN**

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

SECTION 1. TITLE

This local law shall be entitled, "A Local Law Enacting Zoning Revisions to Implement Recommendations of the Comprehensive Plan."

SECTION 2. INTENT AND PURPOSE

The City Council believes that it is reasonable and appropriate to enact certain revisions to the Waterfront Park (WP), Waterfront Development (WD), Linkage (L) and Light Industrial (LI) districts, and a rezoning of certain areas along the waterfront into either the WP or WD district, so as to conform to the City's Comprehensive Plan and recent amendments made thereto, for the reasons stated in said amendments. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

SECTION 3. ZONING TEXT AMENDMENTS

1. Section 223-41.1 of the Zoning Law shall be amended to read as follows:

- (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. 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 ~~the privately~~publicly-owned lands in the vicinity of the Beacon Train Station~~property of the Long Dock Peninsula~~, 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.

2. Section 223-41.3 of the Zoning Law shall be amended to read as follows:

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

~~(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.~~

C. Special permit uses. The following uses require a special permit from the City Council, pursuant to the provisions set forth in Subsection F:

(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.

DC. Permitted accessory uses. Permitted accessory uses shall be as follows:

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

- (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.
3. Sections 223-41.3(C) through 223-41.3(I) of the Zoning Law shall be respectively re-lettered to Sections (D) through (J)
4. Section 223-41.4 of the Zoning Law shall be amended to read as follows:
- A. Purpose. The purposes of this section shall be as follows:
 - (2) To provide for land uses consistent with the Beacon Local Waterfront Revitalization Plan and Comprehensive Plan, including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.
 - B. Permitted principal uses. Permitted principal uses shall be as follows:
 - (1) Any principal use permitted in the WP Zone, ~~as regulated therein.~~
 - (2) Residential multifamily and/or attached dwelling units. ~~Waterfront development. (NOTE: Requires a special permit by the City Council, under the procedures set forth in Subsection F.) A waterfront development is a mixed use which incorporates various permitted land use elements as part of a comprehensive plan. These elements may include:~~
 - ~~(a) Marina uses; marine-related retail and service businesses, including boat and marine engine sale and rental.~~
 - ~~(b) Enclosed dry rack storage for boats.~~
 - ~~(c) Residential multifamily and/or townhouse dwellings.~~
 - ~~(d) Retail shops, designed to serve the needs of pedestrian and marine visitors to the riverfront, such as marine supplies; ice cream or gourmet shops; art, craft, gift or antique shops; and similar uses as determined by resolution of the City Council.~~

- ~~(e) Convenience retail and personal service shops designed to serve the needs of area residents and commuters, such as convenience grocery stores or delicatessens; pharmaceuticals; audio/video, newspaper, tobacco, candy and sundries; barber/beauty shops; and retail cleaners, and similar uses as determined by resolution of the City Council.~~
- ~~(f) Restaurants.~~
- ~~(g) Inns, hotels, boatels, conference centers, fitness centers, spas and day care centers.~~
- ~~(h) Public or semipublic uses; live theaters, concert halls or meeting rooms suitable for social, civic, cultural or education activities.~~
- ~~(i) Art, craft or fine arts galleries.~~
- ~~(j) Professional or small business offices in mixed-use buildings, and not to exceed 20% of the total floor area in mixed-use buildings.~~
- ~~(k) Professional, small business and service facilities in the lower floors of multistory residential buildings.~~
- ~~(l) Charter boat businesses.~~
- ~~(m) Fishing pier.~~
- ~~(n) Artist live/work spaces.~~
- ~~(o) Other uses similar to the above uses as determined by resolution of the City Council.~~

- (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. otels.
- (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:

(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.

DE. Permitted accessory uses. Permitted accessory uses shall be as follows:

(1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.) Any principal use permitted in the WP Zone as regulated therein.

(3) Public garages and off-street parkingBoat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.

(5) Rooftop gardens, greenhouses and solar collectorsLighthouse or other navigational aids.

ED. Procedure for review of waterfront development proposals.

(1) Each waterfront development project shall require:

(a) Special permit approval by the Planning Board~~City Council~~, and

(b) Site plan approval by the Planning Board.

(2) The Planning Board~~City Council~~'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~~Long Dock Peninsula. The purpose of this review is to assure that the site~~Long Dock Peninsula~~ will be developed in accordance with an overall comprehensive plan, even though the total waterfront development may consist of several separate waterfront development projects, which might be constructed at different times.

~~(3) The Planning Board may commence its review of a site plan for one or more waterfront development projects as soon as an application for such waterfront development project special permit has been submitted to the City Council, and such reviews may proceed simultaneously. However, no final approval of a site plan for any waterfront development project shall precede the issuance of a special permit for such waterfront development project by the City Council.~~

~~FF.~~ 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.

~~GF.~~ Procedure for special permit and waterfront development concept plan review.

(1) Application. The application for a waterfront development special permit for one or more waterfront development projects shall be submitted to the Planning Board~~City Council~~. 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:

(g) Waterfront development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site, ~~particularly those on the City-owned land on the northern shore of Long Dock, and any other lands on the Long Dock Peninsula that are not part of the application. If no such uses have been proposed, the applicant shall discuss potential uses for such other parcels.~~

(k) Such additional information as the Planning Board~~City Council~~ may deem necessary in order to properly evaluate the application.

(2) Planning Board~~City Council~~ review of special permit and waterfront development concept plan application.

(a) Environmental compliance.

[2] Upon receipt of an application for a special permit and waterfront development concept plan, the ~~Planning Board~~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 special permit and waterfront development concept plan approval to the Planning Board for a 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, it shall also circulate the DEIS and 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 special permit and waterfront development concept plan approval. 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 special permit and waterfront development concept plan.~~

(a) ~~The City Council shall render a decision on the application for waterfront development concept plan approval and for a special permit and after it has held the required public hearing herein, completed the SEQR process and made the requisite SEQR findings, and made the consistency determination as required under the City's Local Waterfront Consistency Law.~~

(b) ~~Concept plan approval. Prior to granting any special permit for a waterfront development project, the City Council shall review a waterfront development concept plan, which contains a proposed designation of appropriate land uses, or~~

a range of land uses, for the overall development of the Long Dock Peninsula. The City Council shall approve the concept plan upon a finding that it:

[1] — Will fulfill the purposes of the Waterfront Development Zone.

[2] — Will be in harmony with the appropriate and orderly development of the City's waterfront area.

(be) Special permit approval. The Planning Board~~City Council~~ 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:

(cd) Conditions. In approving any waterfront development concept plan and special permit, the Planning Board~~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.

(4) Time periods for development pursuant to special permit. At the time of approving a special permit, the Planning Board~~City Council~~ may set forth the time period in which construction is to begin and be completed. The Planning Board~~City Council~~ 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~~City Council~~ or its designee. The Planning Board~~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.

(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~~City Council~~ 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~~City Council~~; 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 ~~the Planning Board for~~ site development plan review and approval for said phase(s) in accordance with Subsection HG immediately below.

- HG. Site development plan review. After approval of the waterfront development special permit ~~by the City Council~~, the Planning Board may grant site plan approval to a waterfront development project.
- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:
 - (d) Information to establish the relationship of the proposed project to later elements of the development of the site~~Long Dock~~, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
 - (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~~Long Dock~~ (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.
 - (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~~Long Dock~~, 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 ~~approved by the City Council~~. 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 by the City Council. Any such expansions would require approval by the City Council.

7. Sections 223-41.4(C) through 223-41.4(I) of the Zoning Law shall be respectively re-lettered to Sections (D) through (J).
8. Section 223-41.4 (J)(1) through J(11) (formerly 223-41.4 (I)) of the Zoning Law shall be replaced with the following:

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

(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 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 un-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 balconies, bay windows, open porches, and cornices, may encroach up to four feet beyond the front lot line if the bottom of the encroaching building elements is at least 12 feet above grade.

- (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 percent glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30 percent 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.
- (b) 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 MNRR 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.

9. Section 223-41.4 (J)(11) (formerly 223-41.4 (I)(12)) of the Zoning Law shall be amended to read as follows:

(1112) Off-street parking and loading.

(b) Parking requirements.

[1] Multifamily dwelling: one space per unit ~~plus ¼ space per bedroom.~~

~~[2] Marina: ½ space per slip or dry rack storage unit.~~

[23] Retail or service business: one space for each ~~333~~200 square feet of gross floor, excluding basement storage utility areas.

[34] Restaurant: one space for each two patron seats or one space for each ~~300~~400 square feet of gross floor area, excluding kitchen and storage areas.

[45] Office for business or professional use: one space for each ~~350~~250 square feet of gross floor area.

[67] Hotel: ~~0.75~~one space for each hotel guest room.

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

[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.

10. Sections 223-41.4(J)(11)(B)[3] through [7] of the Zoning Law shall be respectively re-lettered to Sections [2] through [6].

11. Section 223-41.7 of the Zoning Law shall be replaced with the following:

A. Minimum site size: 5 acres.

B. Maximum height.

(1) Area north of West Main Street (see illustration): Average of four (4) 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): Average of three (3) stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

(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.

Provide MTA and development parking below

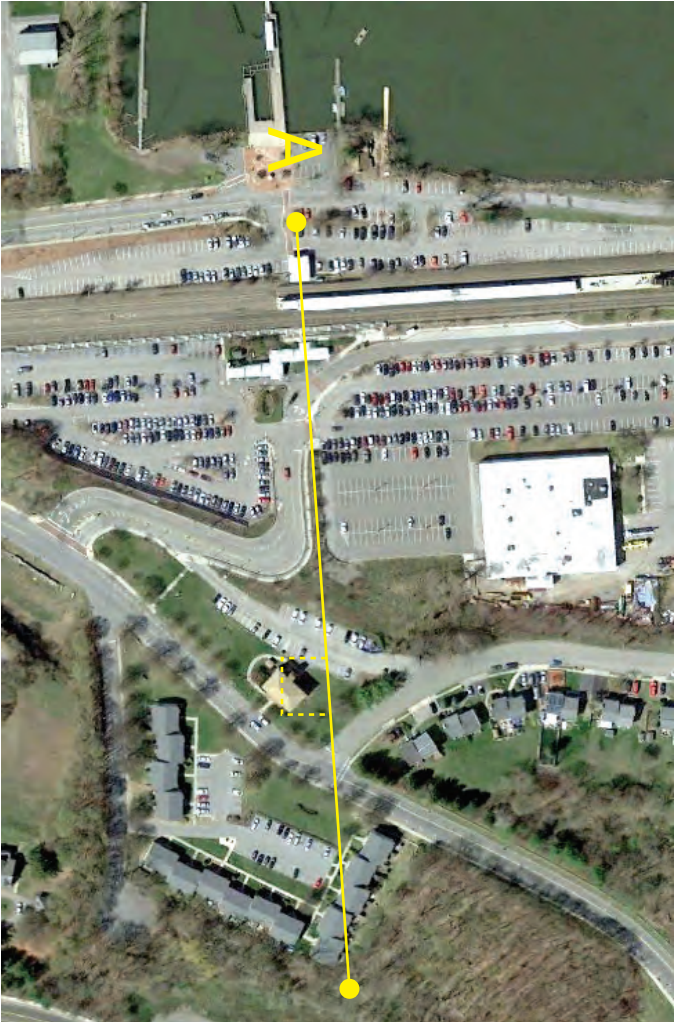
Avg. of 4-stories residential development - building roofline should step down to follow contour/elevation behind.



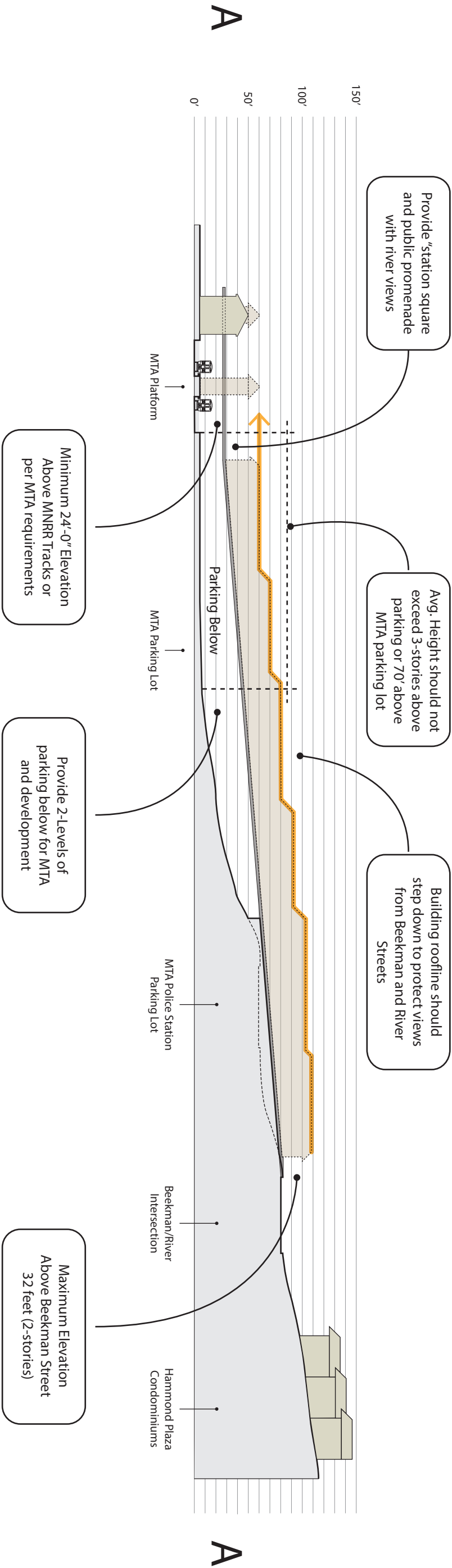
Profile Section Cuts & Building Height Areas

Waterfront Development South

Metro North Station Area



Profile Section Cuts



12. Section 223-41.20 of the Zoning Law shall be amended to delete Figure 20-1 (Linkage Zone Map) and to read as follows:

The provisions of this article apply to the area shown as the Linkage District (L) on the City of Beacon Zoning Map, ~~a portion of which is annexed hereto to amend said Zoning Map~~. All new uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Conforming residential uses existing on the effective date of this article shall be bound by the zoning of the subject property immediately prior to the enactment of the Linkage District. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

13. Section 223-41.21 of the Zoning Law shall be amended to read as follows:

B. Uses by special permit.

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

(a) Retail, personal services business or restaurant, coffee house or other establishment that serves food, with or without alcoholic beverages, provided that:

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

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

- (5) Building height: minimum two stories, average maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street front shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. For any building over three stories, a stepback of at least 15 feet behind the facade shall be required above the third story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.

F. Parking location and quantity.

- (2) The minimum quantity of required on-site parking spaces shall be as follows:

- (d) Other uses: as listed in Section 223.26 of this chapter~~determined by the Planning Board in the course of site plan review.~~

- (3) The quantity of required on-site parking in Subsection F(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:

- (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.

- (4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50%~~all~~ of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.

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

- (2) For projects with over 20,000~~10,000~~ square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.

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

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

SECTION 4. REZONING

The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:

| Tax Parcel Number | Subject Property Address | Owner's Name and Address | Existing Zoning District | New Zoning District |
|------------------------------|---------------------------------|--|---------------------------------|----------------------------|
| 5954-32-481840 | 8 Long Dock Rd. | Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601 | Waterfront Development | Waterfront Park |
| 5954-32-490828 | 23 Long Dock Rd. | Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601 | Waterfront Development | Waterfront Park |
| 5954-41-537725 | Long Dock Rd. | Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601 | Waterfront Development | Waterfront Park |
| 5954-00-472672 | Dennings Ave. Rear | Scenic Hudson 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601 | Waterfront Development | Waterfront Park |
| 5954-25-549980 | Railroad Dr. | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Park | Waterfront Development |
| Portion of 5954-33-549777 | 33 Railroad Dr. | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Development | Waterfront Park |
| Portion of 5954-25-554890 | West Main St. | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Park | Waterfront Development |
| 5954-33-594862 | 11 Beekman St. | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | LB | Waterfront Development |
| 5954-25-583911 | 1 West Main St. | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Park | Waterfront Development |
| 5954-49-574583 | Conrail Tracks and River | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Development | Waterfront Park |
| 5954-57-586430 | Dennings Ave. Rear | MTA Metro North Railroad 347 Madison Ave. New York, NY 10017 | Waterfront Development | Waterfront Park |
| 5954-57-587478 | Dennings Ave. Rear | City of Beacon 1 Municipal Plaza Beacon, NY 12508 | Waterfront Development | Waterfront Park |

SECTION 5. ZONING MAP

The Zoning Map of the City of Beacon is hereby amended to show the changes specified in Section 4 above. A map showing the proposed rezonings entitled "Zoning Map Proposal" dated January 13, 2017 is attached hereto as Exhibit "A."

SECTION 6. 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 sub-sections 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 7. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the City of Beacon as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 8. SEPARABILITY

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 application to other persons or circumstances. It is hereby declared to be the legislative intent of the City Council of the City of Beacon 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 thereof is held inapplicable had been specifically exempt therefrom.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2017

Attachment: Exhibit "A"