

LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTER 223
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223 of
the Code of the City of Beacon
regarding the Schedule of Regulations.

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

Section 1. Chapter 223 of the City Code, Article II, §223-2, entitled “Establishment of Districts” is hereby amended as follows:

§ 223-2 Establishment of districts.

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

A. Residential:

[Amended 7-18-1994 by L.L. No. 10-1994; 11-18-1996 by L.L. No. 12-1996; 10-4-2004 by L.L. No. 35-2004]

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

[Added 10-17-2016 by L.L. No. 11-2016^[1]]

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

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

[Added 2-16-2010 by L.L. No. 2-2010^[2]]

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

- ~~(15) RMF-1.5 Multifamily Residence District, 1,500 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~
- ~~(16) RMF-8 Multifamily Residence District, 800 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

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

[Added 11-19-2012 by L.L. No. 23-2012]

B. Commercial:

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

(2)~~[3] OB Office Business District.~~

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

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

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

(2) GB General Business District.

(3) CMS Central Main Street District.

[Added 2-19-2013 by L.L. No. 3-2013; Amended 6-4-2018 by L.L. No. -2018]

(4) L Linkage District.

[Added 2-19-2013 by L.L. No. 3-2013; Amended 4-3-2017 by L.L. No. -2017]

C. Industrial:

(1) LI Light Industrial District.

(2) HI Heavy Industrial District.

D. POD Parking Overlay District.

[Added 6-15-1992 by L.L. No. 9-1992]

E. WP Waterfront Park Zone.

[Added 10-21-1991 by L.L. No. 11-1991; Amended 4-3-2017 by L.L. No. -2017]

F. WD Waterfront Development Zone.

[Added 10-21-1991 by L.L. No. 11-1991; Amended 4-3-2017 by L.L. No. -2017]

G. FCD Fishkill Creek Development District.

[Added 11-1-2010 by L.L. No. 14-2010; Amended 2017 by L.L. No. -2017]

Section __. Chapter 223 of the City Code, Article III, §223-13, entitled "Yards; building projections" is hereby amended as follows:

§223-13 Yards, building projections and accessory structures

N. Private tennis court or pool. Such a facility shall be placed behind the front building line and shall be set back from lot lines at least the side yard distance for a principal building in the district which it is located.

O. Medical service accessory structure. A single temporary structure is permitted not exceeding 250 square feet, in compliance with § 223-17E, conforming to the minimum accessory building setback requirements and located in the rear or side yard, behind the front building line, not displacing or blocking access to required off street parking, and connected to the principal dwelling unit in a manner that is satisfactory to the Building Inspector for a period not exceeding 1 year. A medical service accessory structure shall be solely used, without charge, by the owner or occupant of the dwelling unit or an individual related to the owner or occupant, for medical services to be provided until permanent accessible housing can be arranged, as demonstrated by a medical note and other proof to the satisfaction of the Building Inspector. The Building Inspector, upon good cause shown, may extend the 1-year limitation for a period not to exceed 1 year.

Section __. Chapter 223 of the City Code, Article IVD, Central Main Street District, §223-41.18, entitled "Regulations" is hereby amended as follows:

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

(14) ~~Indoor Commercial Recreation~~ Vintage Amusement Center, subject to §223-24.8.

B. (1) ~~(a) A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.~~

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

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

Section __. Chapter 223 of the City Code, Article VI, §223-63, entitled "Definitions" is hereby amended as follows:

DWELLING UNIT, ONE-FAMILY

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

DWELLING UNIT, ATTACHED

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

FARM

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

HEIGHT OF BUILDING

The vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, whichever is higher, to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type. When a lot fronts on two or more streets of different levels, the lower street, or the average elevation of the lot with regard to the abutting streets, may be taken as the base for measuring the height of the building. The minimum height of a principal building shall be one story and 12 feet.

HOME OFFICE, PROFESSIONAL

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

OFFICE

A structure used primarily for the conduct of business relating to administration, clerical services, consulting, medical and other client services not related to retail sales.

PARKING STRUCTURE

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

STORAGE BUSINESS

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

TOWNHOUSE

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

WHOLESALE BUSINESS

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

WORKSHOP

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

Section__. Ratification, Readoption and Confirmation

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

Section__. Severability

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

Section__. Effective Date

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