



**CITY OF BEACON, NEW YORK
ONE MUNICIPAL PLAZA
BEACON, NY 12508**

Mayor Randy Casale
Councilman Lee Kyriacou, At Large
Councilman George Mansfield, At Large
Councilwoman Peggy Ross, Ward 1
Councilman Omar Harper, Ward 2
Councilwoman Pam Wetherbee, Ward 3
Councilman Ali Muhammad, Ward 4
City Administrator Anthony Ruggiero

**City Council Workshop Agenda
October 23, 2017
7:00 PM**

Workshop Agenda Items:

1. Discussion of Zoning Amendments

City of Beacon Workshop Agenda
10/23/2017

Title:

Discussion of Zoning Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
CB District Draft	Backup Material
CB Presentation Draft	Backup Material
CB Zoning Comparisons	Backup Material
FCD Design Standards Draft	Backup Material
FCD Presentation 10.23.17	Backup Material
FCD Zoning Comparisons	Backup Material
Fishkill Creek Dev District 10.23.17 draft	Backup Material

Chapter 223. Zoning - Article IVD. Central ~~Main Street Business (CMS)~~ (CB) District

§ 223-41.16 Purpose.

10/23/17 DRAFT

The purpose of this Article IVD is to increase the vitality, attractiveness, and marketability of Main Street and the Central Business District by providing more flexibility of land use while maintaining and enhancing urban form as recommended in the City of Beacon Comprehensive Plan Update adopted on ~~December 17, 2007~~ April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses. This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. See Figure 18-15: Main Street Infill Strategies Illustrative Sketch Plan, [1] adapted from the Appendix to the Comprehensive Plan.

[1] Editor's Note: See § 223-41.18L.

§ 223-41.17 Applicability and boundaries.

The provisions of this article apply to the area shown as the Central ~~Main Street Business (CB)~~ District (~~CMS~~) on the City of Beacon Zoning Map, a portion of which is annexed hereto to amend said Zoning Map. [1] All new uses of land and structures and changed uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue 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.

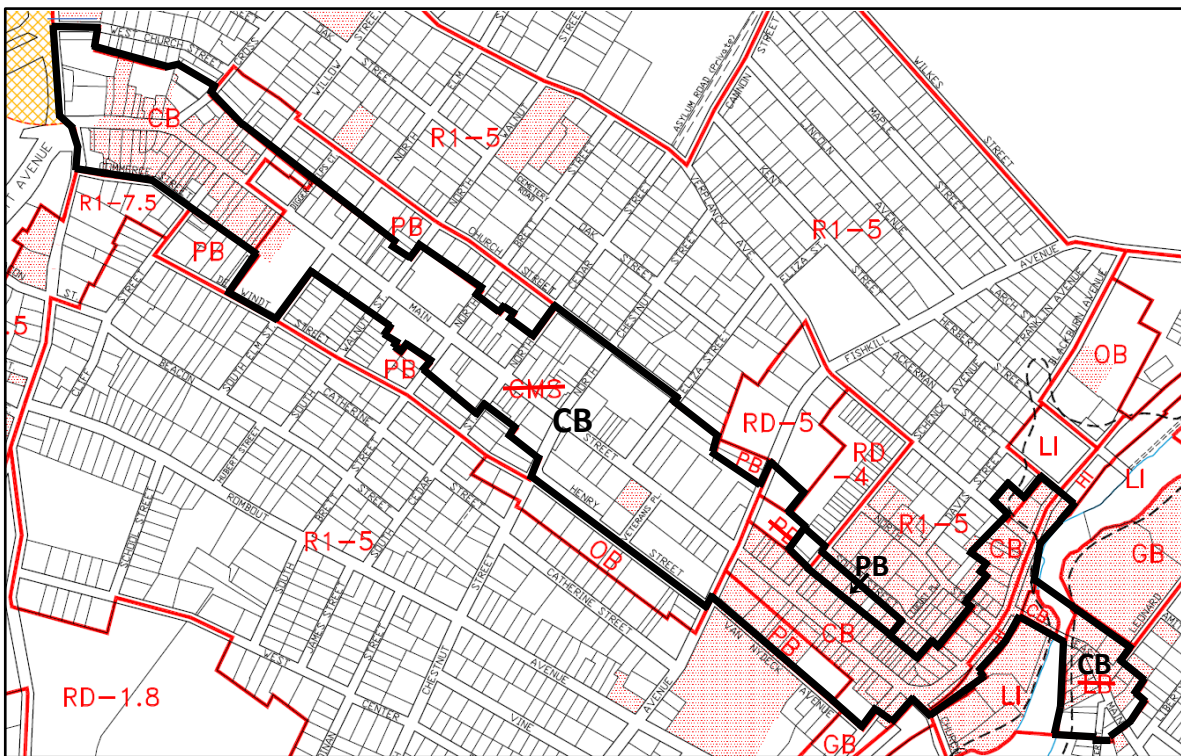


Figure 17-1: Central ~~Main Street Business~~ Zone Map

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

§ 223-41.18 Regulations.

- A. Uses by right. The uses listed below are permitted by right in the ~~CMS CB~~ district, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18 G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.
- (1) Apartments, provided that ~~for parcels fronting on Main Street or East Main Street they may~~ shall only be located on upper stories or at least ~~35~~ 50 feet behind the facade in the rear portion of a ground floor, ~~along Main Street.~~ The limitations on nonconforming residential uses on Main Street in § 223-10H shall not apply in the ~~CMS CB~~ District.
 - (2) One-family, two-family, attached, and multifamily dwellings, provided that ~~they do not have ground floor frontage on for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.~~
 - (3) Hotel, subject to § 223-20, inn, or bed-and-breakfast establishment, subject to § 223-24.4.
 - (4) Offices of any kind, including professional, medical or business, and banks or other financial institutions.
 - (5) Artist studio.
 - (6) Art gallery.
 - (7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages.
 - (8) Food preparation business.
 - (9) Retail and personal services.
 - (10) Funeral home.
 - (11) Off-street parking lot facilities, provided that ~~it is~~ they are set back at least 40 feet from the Main Street property line and screened from Main Street by buildings and/or landscaping.
 - (12) Public garage, as defined in this Chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from Main Street by buildings and/or landscaping. ~~[See "Parking" in F(1).]~~
 - (13) School, public or not-for-profit educational institution, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school.
 - (14) Indoor commercial recreation.
 - (15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.
 - (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least ~~35~~ 50 feet behind the facade, in the rear portion of a ground floor, along Main Street, unless the space in the ~~35~~ 50 feet behind the façade is used for the retail sale of the artist's wares.
 - (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.
 - (18) ~~Schools and other public or nonprofit educational institutions~~ Auction gallery.

- (19) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and consistent with § 223-24.5.
- (20) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.
- (22) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.
- (23) Retail sales from a truck or trailer, subject to § 223-26.3.
- (24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar items having a total floor area of not more than 800 square feet and having a retail component of at least 200 square feet.
- (25) Tattoo parlor, subject to 223-26.2.
- (26) Club, civic or fraternal, subject to § 223-24.2.

B. Uses by special permit.

- (1) 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 Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:
 - (a) Any new project with over 10,000 square feet in building footprint area.
 - (b) ~~A five-story building or corner tower of one additional story on a four-story building~~, provided that it complies with Subsection E(7) below, ~~and that the Planning Board finds that there are no substantial detrimental effects on parking, traffic, shadows, or specific views designated as important by the City Council.~~ A five-story building with a setback of at least 15 feet behind the facade above the fourth story may be permitted on the north side of Main Street where it can call attention to a significant intersection. Corner locations are deemed most appropriate for such buildings, but they may be permitted elsewhere on the north side if they are that the proposed corner tower is compatible with the scale of the block on which they are located, and that it will contribute architecturally to the block face. A five-story building will only be permitted if at least 15% of its residential units, and not less than five residential units, are designated as below market rate housing pursuant to Article IVB and/or at least 15% of the property's street level lot area adjacent to Main Street is available for public uses such as an outdoor dining area for a restaurant, pocket park or plaza.
 - (c) 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 ~~be located in the interior of a block and not be fronted on Main Street or be visible from any public street~~ Main Street except for a sign not larger than 24 square feet in area.
 - (d) 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.
 - (e) ~~Artist live/work space in accordance with § 223-24.3~~ Cigar and other lawful smoking establishments.
- (2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the Planning Board shall follow the procedures in § 223-41.18 I(2) of this chapter.

C. Accessory uses. The following are permitted accessory uses in the ~~CMS~~ CB District:

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18 L(13).
- (5) Home occupation, subject to 223-17.1.
- (6) Roof garden.
- (7) Greenhouse.

D. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the **CMS CB District**:

- (1) Gasoline filling stations.
- (2) Drive-through facilities, stand-alone or used in connection with any other use.

E. Dimensional regulations. All new construction or enlargement of existing structures in the **CMS CB District** shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection L(15).

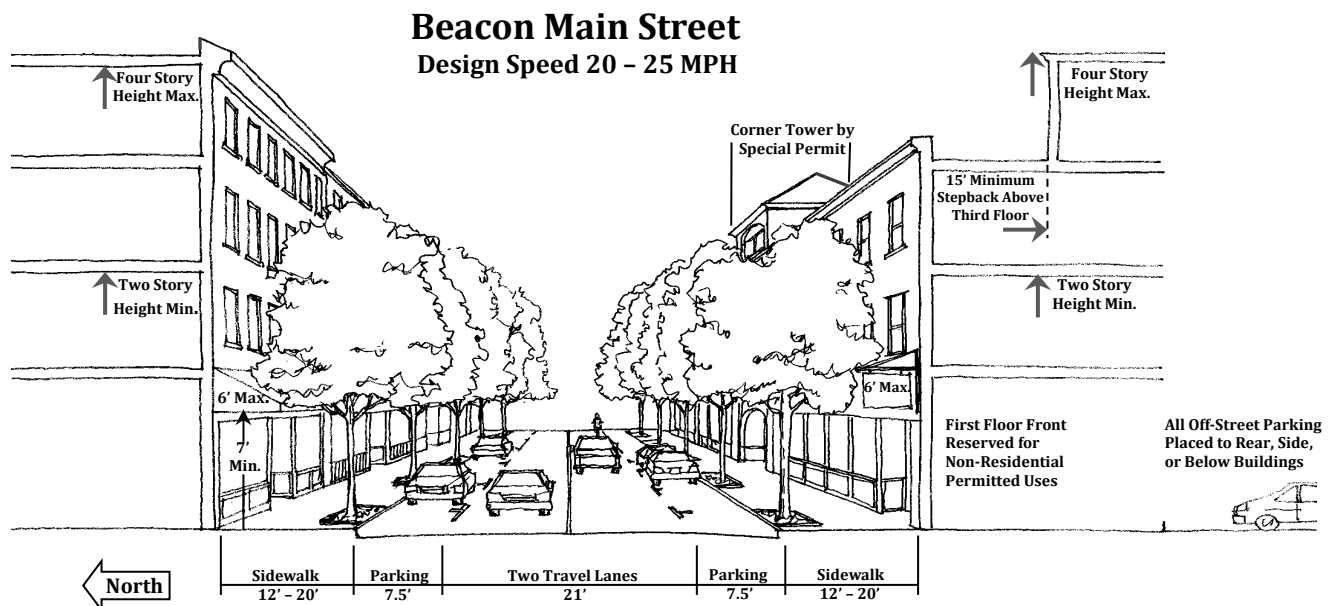


Figure 18-1: Main Street Zoning Requirements Illustrative View

- (1) Front setback on Main Street: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the area in front of a building has no parking spaces and is landscaped and used in a manner that enhances the street life on Main Street by such means as pocket parks or plazas, fountains, outdoor dining, public art, and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board.
- (2) Front setback on other streets: minimum zero, maximum 25 feet. If surrounding buildings have a larger setback, the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage.

- (3) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front setbacks shall apply to both, as appropriate to the street. Corner buildings with frontage on Main Street shall wrap around corners and maintain a consistent setback line along the side.
- (4) Side setbacks: minimum of zero on Main Street, minimum of 10 feet on side streets. The minimum side setback on Main Street may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows.
- (5) Rear setbacks on Main Street: minimum 20 feet. Rear setbacks on side streets: minimum 25 feet, except that if the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (6) Minimum frontage occupancy on Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board a) to the extent necessary to allow light and air into an adjacent building that has side windows; or b) if the applicant provides a suitably surfaced and lighted pedestrian passageway between Main Street and parking areas, public open spaces, or other streets, located behind the building.

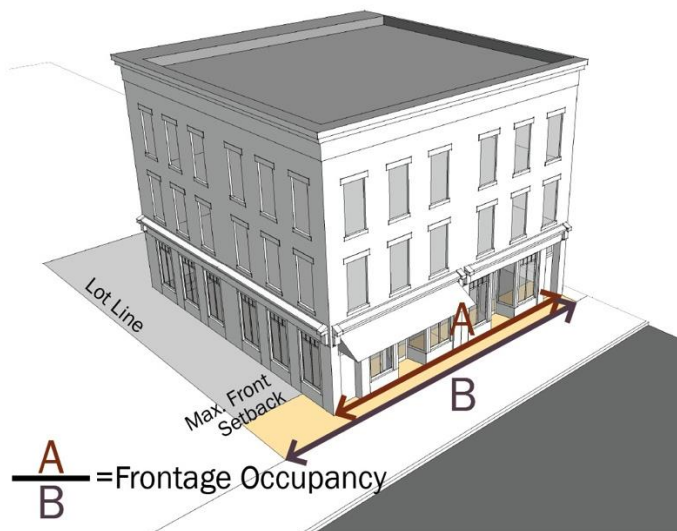


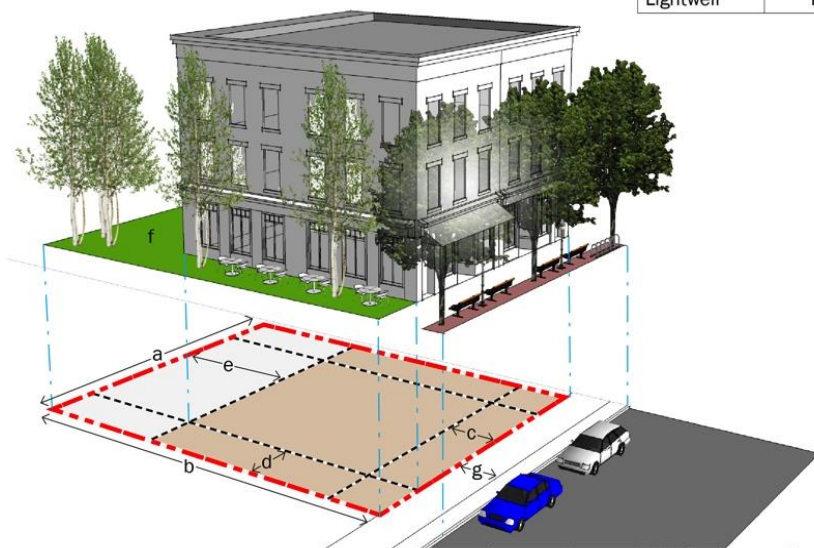
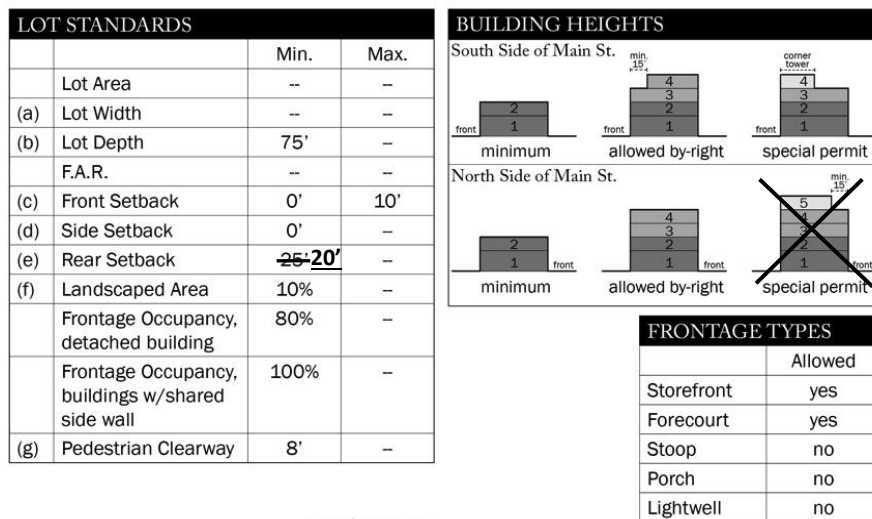
Figure 18-2: Frontage Occupancy

- (7) Building height for a building fronting on Main Street: minimum two stories, maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. A special permit may be granted pursuant to Subsection B above ~~for a five-story building on the north side of Main Street. A special permit may also be granted~~ for a four-story tower without a stepback at a corner on the south side of Main Street. Corner towers shall face facing an intersection and occupying no more than 20% feet of the roof area frontage of the building. 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 or 38 feet on the south side of Main Street ~~or four stories on the north side~~, a stepback of at least 15 feet behind the facade shall be required for the top story, except for corner towers allowed by special permit.

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.

- (8) Parcels in both the CB District and the Historic District and Landmark Overlay Zone: The maximum building height for new construction shall be four stories and 48 feet, but for any building over 38 feet a stepback of at least 15 feet behind the facade shall be required for the top story.

- (9) Building height for a building not fronting on Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum height, provided that, with the exception of roof gardens and solar collectors, they occupy no more than 15% of the roof area and are set back at least 15 feet from the front edge of the roof.
- (10) Lot area and lot width: There are no minimum lot area or lot width requirements.
- (11) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City as public parking, there shall be no minimum depth requirement.
- (12) Floor area ratio: There is no maximum floor area ratio.
- (13) Landscaped area: For lots fronting on Main Street, a minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped interior courtyard, and are found to be consistent with the intent of the ~~CMS~~ **CB** District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. For lots not fronting on Main Street, a minimum of 15% of the lot shall be landscaped with trees and shrubs. These requirements may be waived for lots of 5,000 square feet or less.
- (14) Lots that front on Main Street.



See text for exceptions and clarifications to Figure 18-3

Figure 18-3: Lots That Front on Main Street

(15) Lots that do not front on Main Street

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	25'
(d)	Side Setback	10'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	15%	--
	Frontage Occupancy, detached building	--	--
	Frontage Occupancy, buildings w/shared side wall	--	--
(g)	Pedestrian Clearway	8'	--

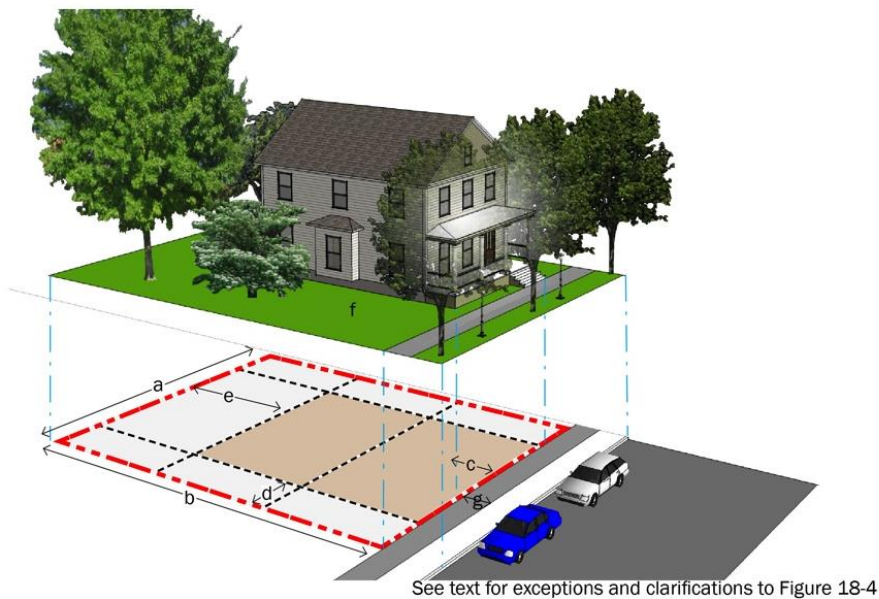
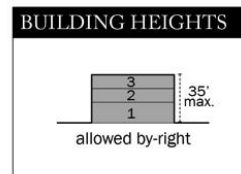


Figure 18-4: Lots That Do Not Front on Main Street

F. Frontage types.

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

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

(2) On other streets, there is no prescribed building or frontage type, except that no private garage may be located less than 20 feet behind the front facade of a building.

(3) Storefront frontage type: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent entrance, and often an awning. Recessed doors on storefronts are acceptable typically used to avoid doors opening into the sidewalk.

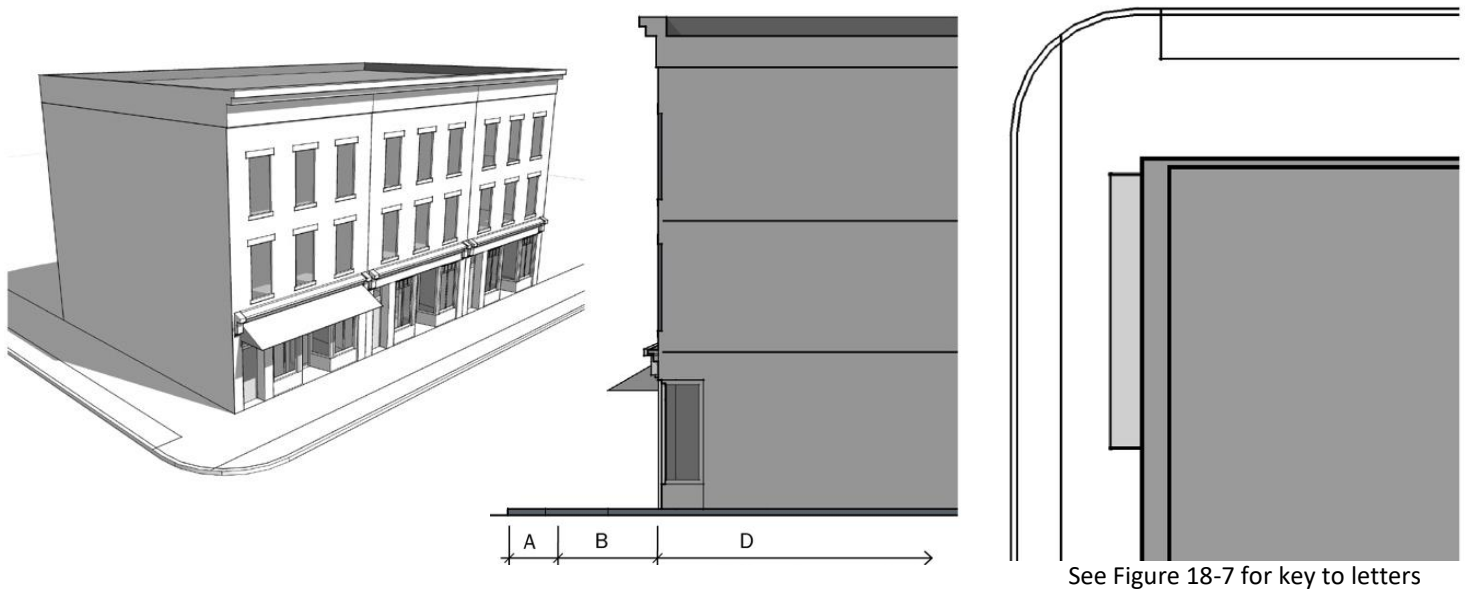


Figure 18-5: Illustrative View, Section View, and Plan View of Storefront Frontage Type

- (4) Forecourt frontage type. A forecourt is a semi-public exterior space whose back and sides are surrounded by a building and whose front opens to a thoroughfare — forming a court. The court is suitable for gardens, gathering space, and outdoor dining.

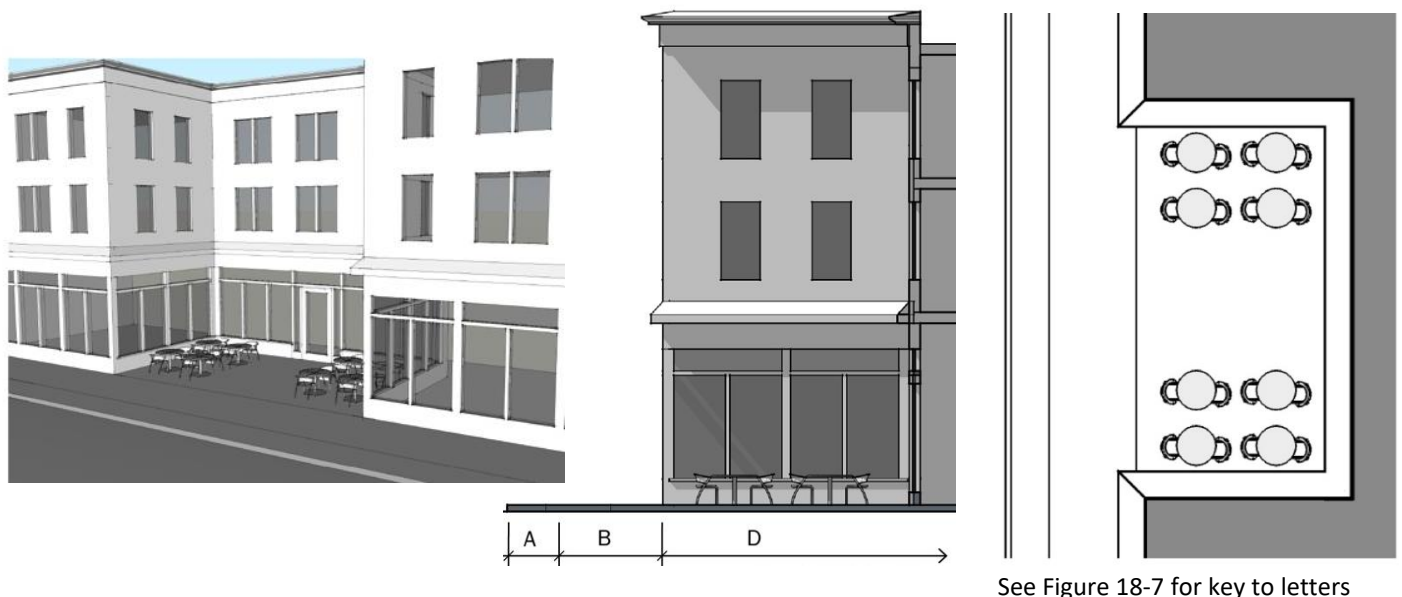


Figure 18-6: Illustrative View, Section View, and Plan View of Forecourt Frontage Type

G. Parking location and quantity.

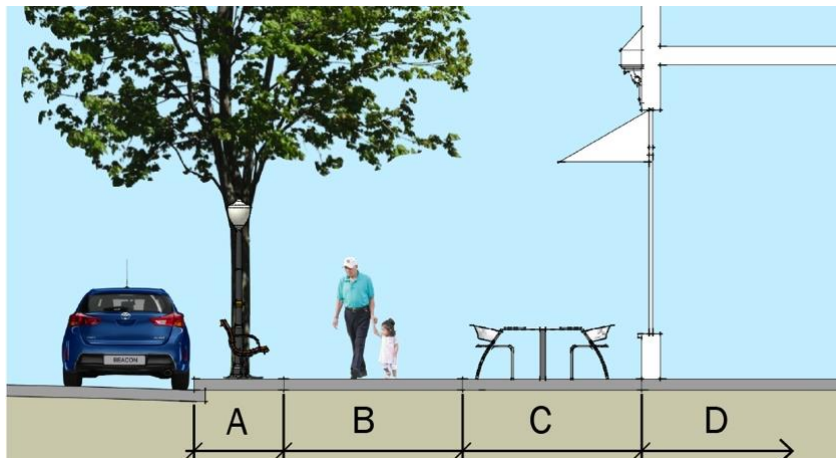
- (1) All off-street parking for buildings that have Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street property line and be screened by a low brick 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 on a lot with Main Street frontage shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and 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 Main Street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

- (2) The minimum quantity of required on-site parking spaces shall be as follows:
- (a) Residential: one space per unit.
 - (b) Office and nonretail commercial: 2.5 spaces per 1,000 square feet of floor area.
 - (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
 - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
- (a) That the projected operational characteristics of the proposed use require a different amount of parking.
 - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the ~~CMS~~ CB or PB Districts.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the ~~CMS~~ CB or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the ~~CMS~~ CB or PB Districts and voluntarily dedicate such land to the City for public parking.
 - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this Chapter shall apply in the ~~CMS~~ CB District.

H. Streetscape improvements.

- (1) Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval.
- (3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. ~~Each bicycle rack holding two bicycles may be used to reduce the required parking by one parking space.~~ The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.

- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.



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

Figure 18-7: Parts of the Streetscape

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

- (1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building project of 10,000 square feet or less in footprint area, as follows:
- (a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.
 - (b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article.
 - (c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.
 - (d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.
- (2) For projects with over 10,000 square feet in building footprint area, or that otherwise 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.
- (3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.
- (4) After completion of construction of new buildings, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.

J. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

K. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this Chapter (Affordable-Workforce Housing).

L. Design standards.

(1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the ~~CMS CB District~~. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:

(a) Preserve and enhance the unique character and general public welfare of the City of Beacon;

(b) Promote pedestrian access and activity, as well as a general sense of area security;

(c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;

(d) Encourage economic development and a convenient mix of uses and services; and

(e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.

(2) Key Terms: Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

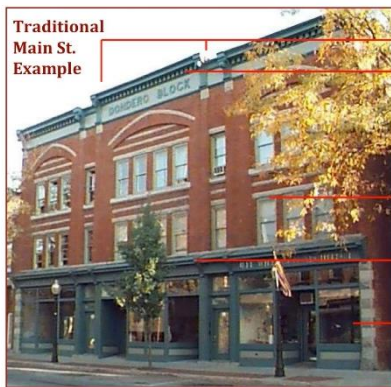
(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include type and texture of materials, massing, spacing and proportion of windows and doors, horizontal alignments, and street-front fixtures, but architectural features and details may be more traditional or may be simpler and more modern, signaling a contemporary building. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CB District should reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, windows, and interiors.

(4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

(5) Architectural features and windows 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.

(6) 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.

- (7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet 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.~~
- (8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, and appear functional, and be attached to the window frame.
- (10) 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~~ Main Street buildings should have at least 30% glass on the ~~first floor~~ upper floor facades.
- (11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, ~~or smooth-finished~~ 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 rough-cut stone, ~~or synthetic~~ brick, ~~or synthetic~~ stucco, exterior insulation and finishing system (EIFS), ~~or direct-applied finish system (DAFS),~~ and chain link, plastic, or vinyl fencing shall not be permitted.
- (12) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above ~~60 watts~~ 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.
- (14) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.
- (15) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.
- (16) The following Figure 18-8 provides annotated photographs to illustrate design standards in this section:



**Traditional
Main St.
Example**

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

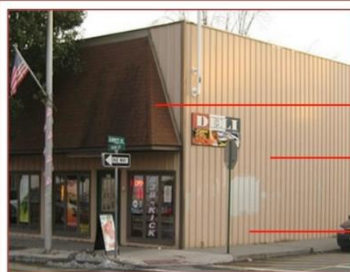
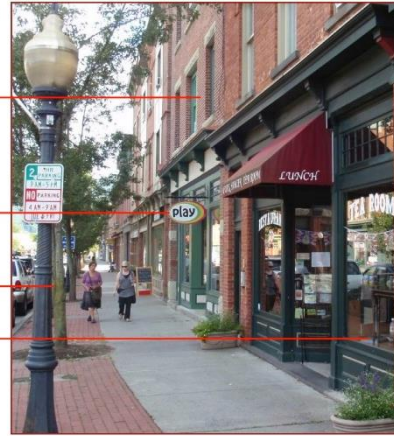


**More Modern
Example**

Design Standards Consistent Examples



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



Design Standards Inconsistent Examples

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



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



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



Design Standards Consistent Examples

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



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



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

M. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill development, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District.



Figure 18-9: Main Street Infill Strategies and Illustrative Sketch Plan

Urban Renewal Zoning

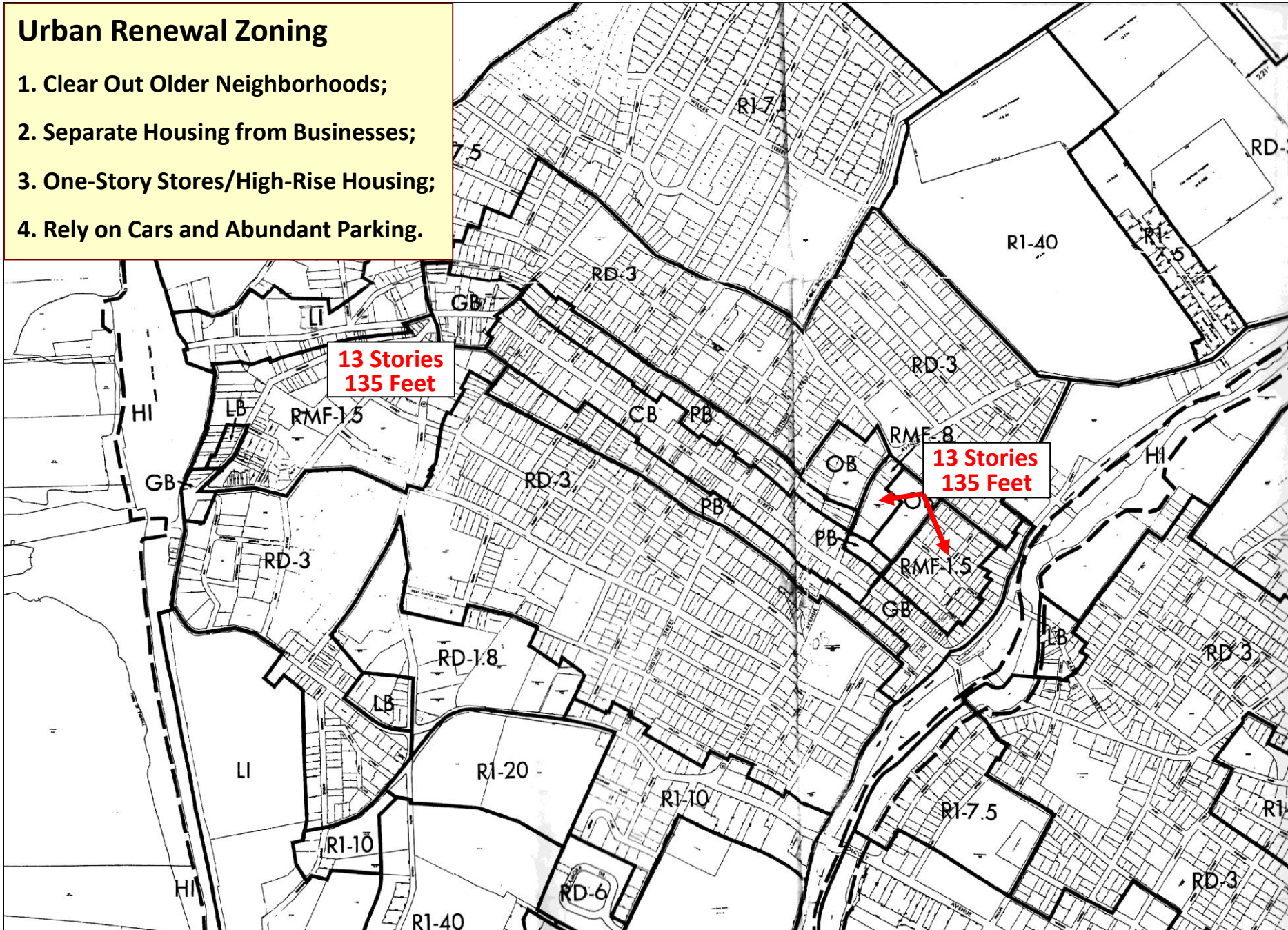
1. Clear Out Older Neighborhoods;
2. Separate Housing from Businesses;
3. One-Story Stores/High-Rise Housing;
4. Rely on Cars and Abundant Parking.



Beacon Center Renewal Plan, 1965

Urban Renewal Zoning

1. Clear Out Older Neighborhoods;
2. Separate Housing from Businesses;
3. One-Story Stores/High-Rise Housing;
4. Rely on Cars and Abundant Parking.



1977 Zoning Map

The image is a detailed 1993 Zoning Map of the City of Portland, Oregon. The map displays a grid of streets and various zoning districts, each labeled with a code. Two specific locations are highlighted with red arrows and text boxes indicating '13 Stories 135 Feet'.

Location 1: Located in the central part of the map, near the intersection of Main Street and Commercial Street. The zoning district is RMF-1.5. The text box indicates '13 Stories 135 Feet'.

Location 2: Located in the eastern part of the map, near the intersection of Main Street and Commercial Street. The zoning district is RMF-1.5. The text box indicates '13 Stories 135 Feet'.

The map includes various zoning districts such as RD-3, R1-7.5, R1-40, LB, LI, WP, WD, RD-1.8, RD-3, RMF-1.5, RMF-1.8, and others. The map also shows the locations of several major streets, including Main Street, Commercial Street, and others.



Urban Renewal Zoning

1. Demolish Older Neighborhoods;
2. Separate Housing from Businesses;
3. One-Story Stores/High-Rise Housing;
4. Rely on Cars and Abundant Parking.

CMS Form-Based Code (2013)

1. Build On Historic District Precedents;
2. Integrate Residential with Commercial;
3. Multi-Story Housing Over Storefronts;
4. Make Pedestrian Activity High Priority.



Eastern Main Street Historic District



Western Main Street Historic District

Existing Conditions

Beacon County Center Illustrative Sketch Plan

Apartments above 1st Floor Commercial
Pocket Park and 114-Space Parking Lot

Dutchess
County
Center

Main Street

Café Tables

3 St

4 St

2 St

S. Elm Street

114 Spaces

2017 Comprehensive Plan Update

Design Standards (CMS & L)

**Traditional
Main St.
Example**



Façade and roof line breaks at intervals of no more than 35'

Top floor cornice feature

Bay windows, balconies and open porches may encroach up to 4' over the sidewalk

Primary window proportions greater in height than in width

Secondary storefront cornice or first floor articulation

Commercial first floor facing Main Street

**More Modern
Example**



Design Standards Consistent Examples

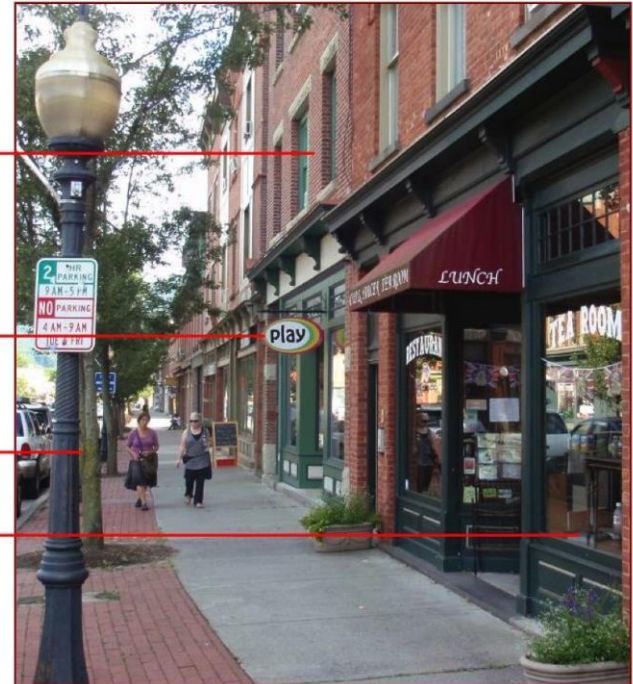


Wood, brick, stucco, stone, or fiber-cement siding and trim recommended

Metal, glass, or canvas-type awnings and canopies or projecting signs may encroach up to 6 feet over the sidewalk above 7 feet

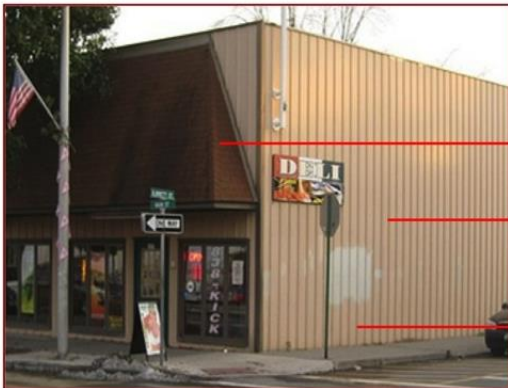
Street trees planted on average 30' - 40' apart

Commercial buildings shall have at least 70% glass on first floor facades between 2' and 10' above the sidewalk



Design Standards (CMS & L)

Design Standards Inconsistent Examples



Two-story minimum required, allowing second floor occupancy

Architectural features and windows should be continued on all sides, avoiding any blank walls

Vinyl, aluminum, or sheet metal siding or sheet trim shall not be permitted



Buildings should have a top floor cornice feature

Primary window proportions shall be greater in height than in width

Commercial buildings shall have at least 70% glass on the first floor facade



Vinyl and aluminum awnings shall not be permitted

Design Standards Consistent Examples



Wood, brick, stucco, stone, or fiber-cement siding and trim recommended

Bay windows, balconies and open porches may encroach up to 4' into the setback

Required landscaping between the sidewalk and building to enhance the streetscape



In the Linkage District, a step-back of at least 15' behind the façade above the third story

Primary window proportions greater in height than in width

Secondary cornice or first floor articulation

Residential buildings shall have at least 30% glass on first floor facades

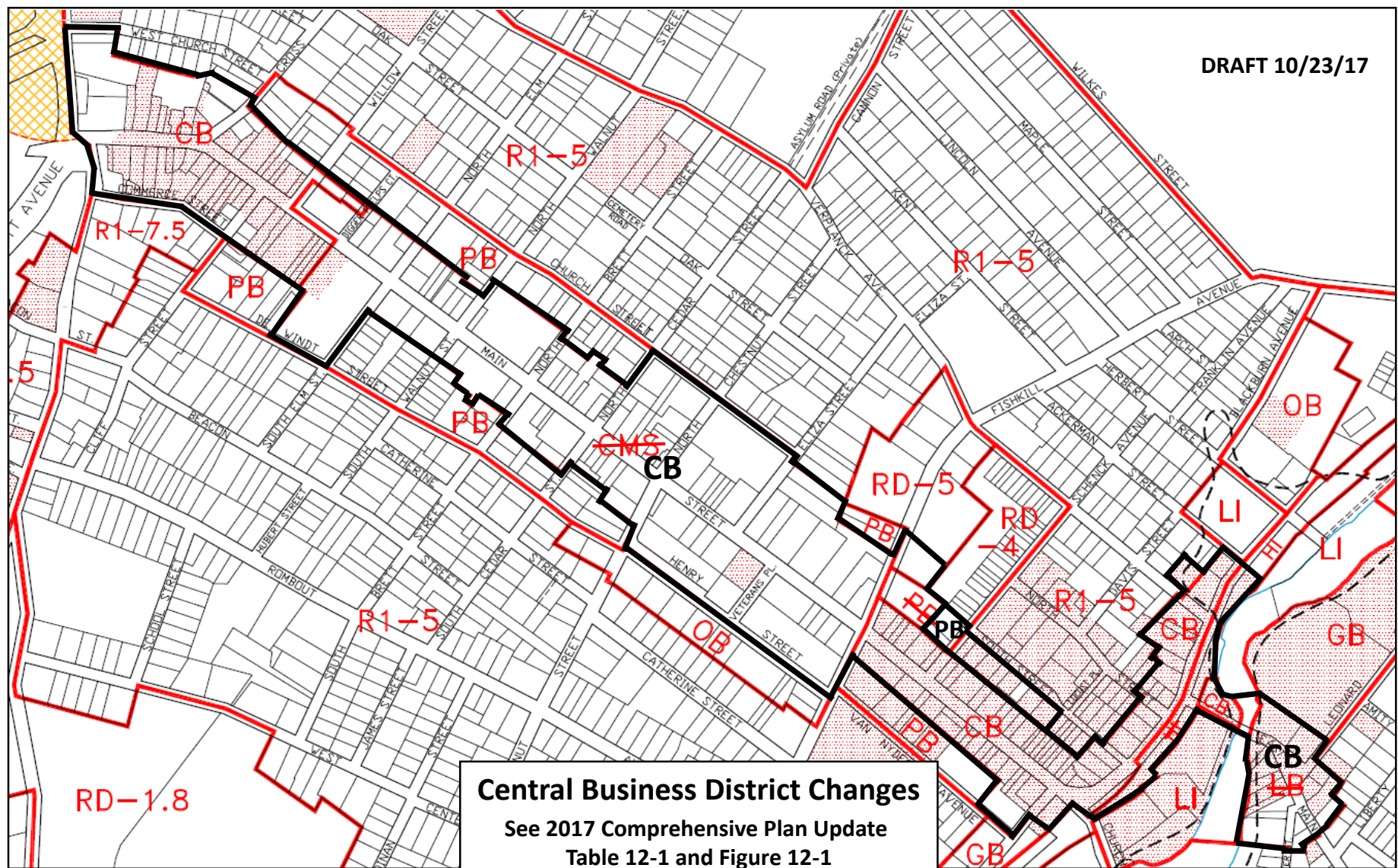


Top floor cornice feature

Façade and roof line breaks at intervals of no more than 35'

Street trees planted on average 30' - 40' apart

Metal, glass, or canvas-type awnings and canopies may encroach up to 6 feet over the sidewalk above 7 feet

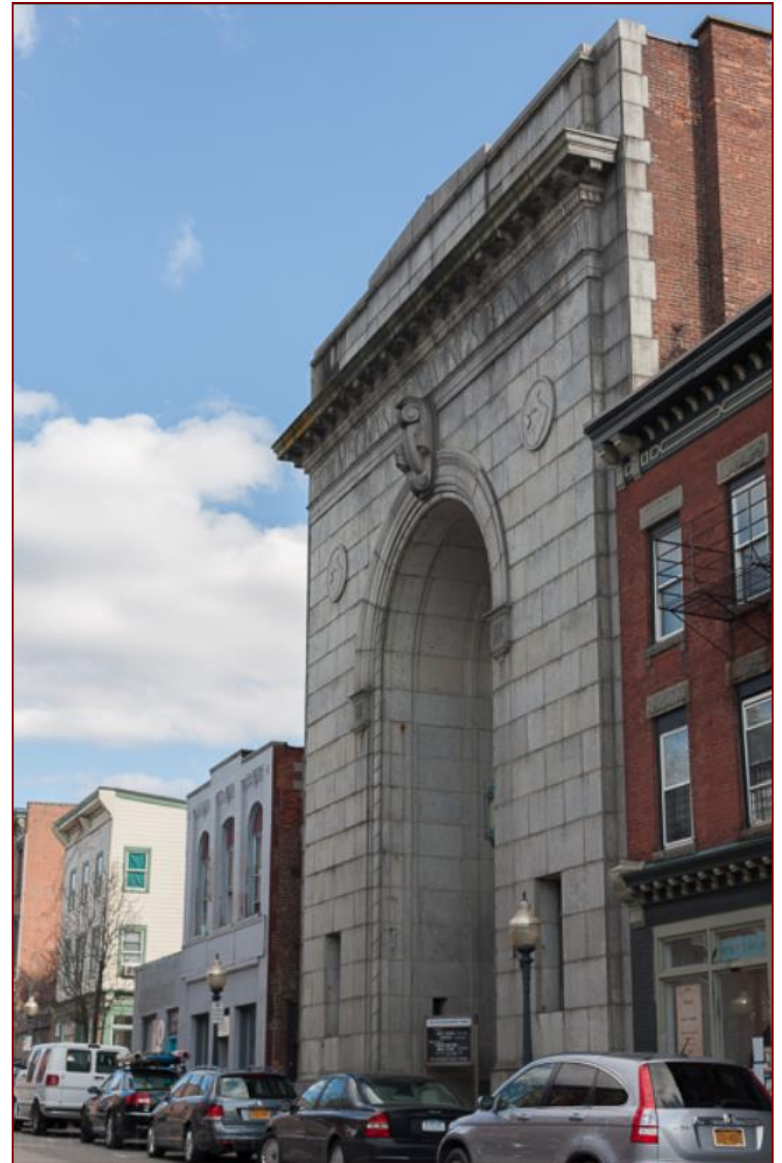
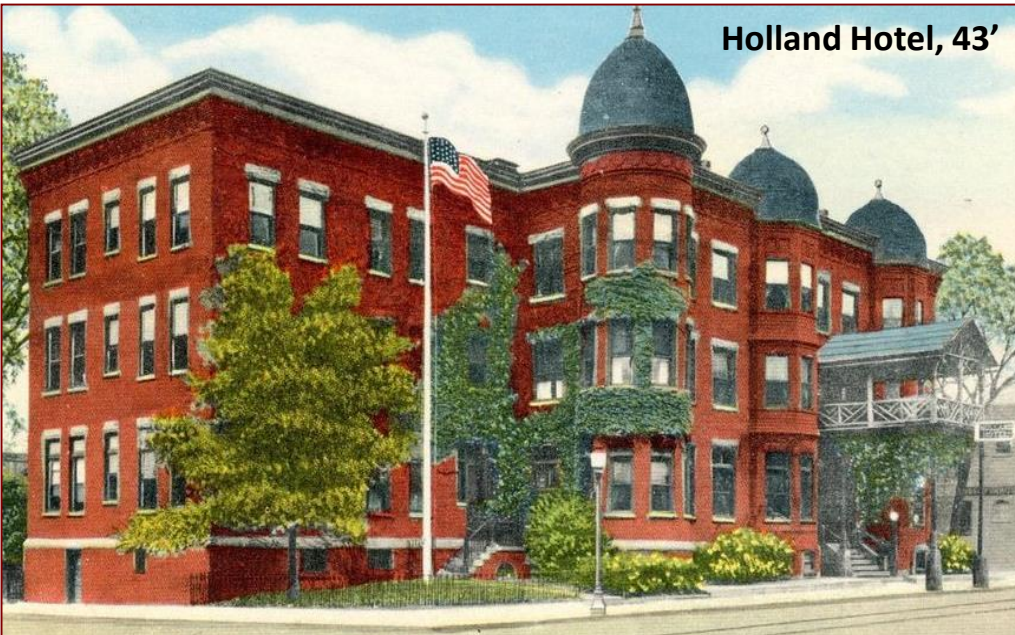


1. Combine CB and CMS districts on Main Street, using CMS design standards and form-based requirements;
2. Extend CB district two parcels up Fishkill Avenue;
3. Expand PB to include a row of parcels along South St.;
4. Lengthen CB District east to Fountain Square area;
5. Eliminate 5th story by Special Permit on north side;
6. Add maximum height limits in stories and feet;
7. Set Historic District at 4 stories with 3rd level stepback.

Hudson Beach Glass, 47'

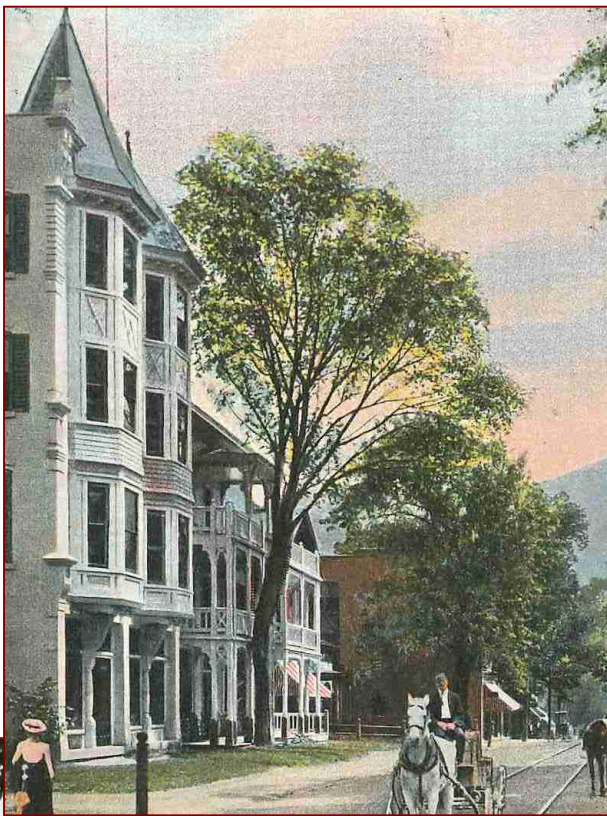


Holland Hotel, 43'



1929 Mechanics Savings Bank, 61'

**Melzingah Hotel
Early 1900s**



498-500 Main Street



The Beacon Hotel – 424-428 Main Street, 47'



Beacon High School

Groveville Mills Bldg.#4, Front Street



Wm. Carroll Hat Factory, One East Main Street



**All over
50 Feet
in Height**

Matteawan Manufacturing Company, 1914



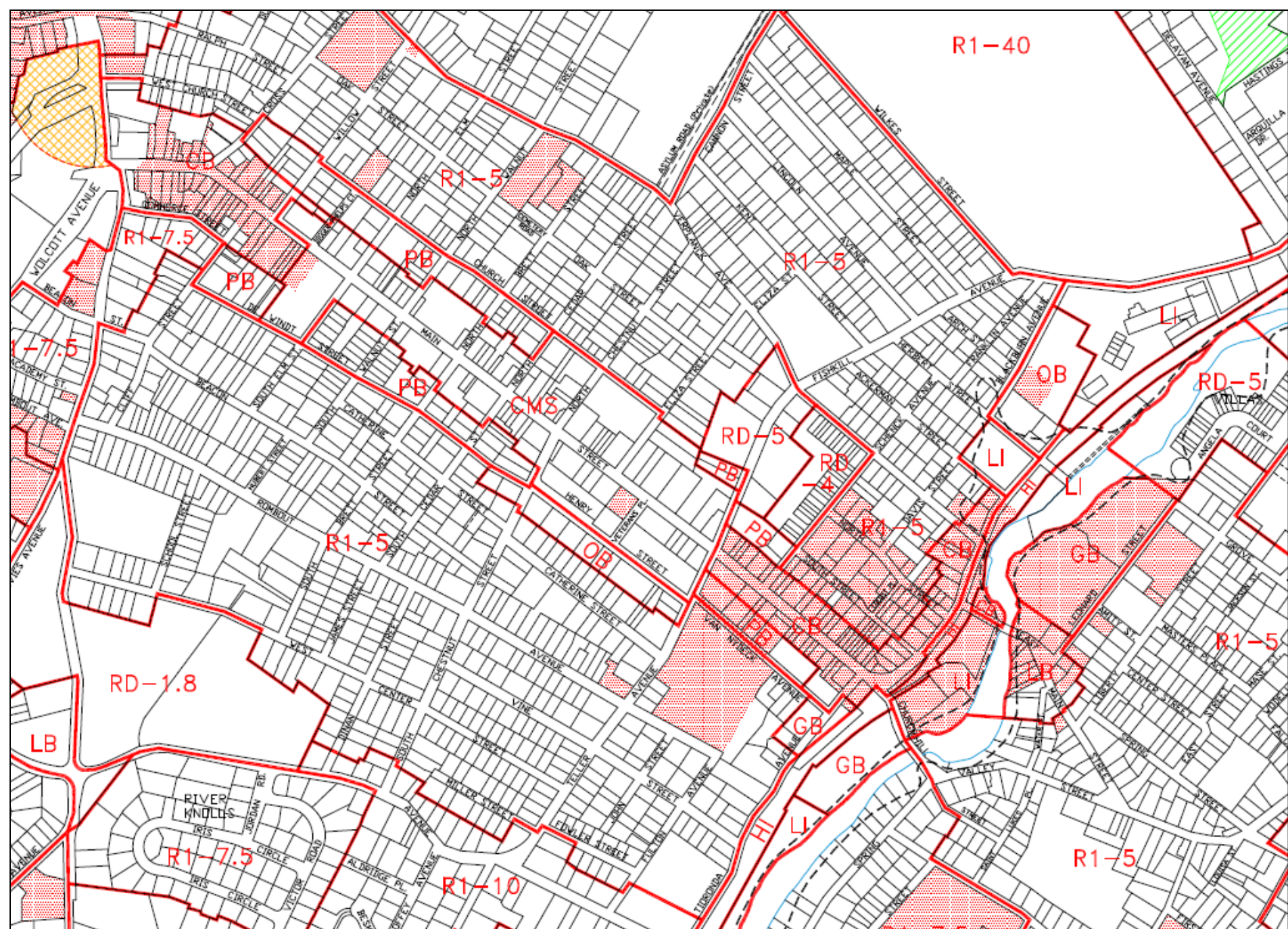
The Inn at Beacon



226 Main Street Proposal



249 Main Street – Approved



Existing Zoning Map

Main Street Zoning Comparisons

Standards	Central Business (CB)	Central Main Street (CMS)	Off-Street Parking (PB)
Min. Lot Depth	100'	75'	100' (if res. R1-5)
Front Yard		0'-10' Max.	30'
Min. Side Yard	20' (abutting res. district)0'		10'
Min. Rear Yard	25' (abutting res. district)25'		30'
Building Height	35'	2-Story Min./4-Story Max.*	35'
Floor Area Ratio	2		
Min. Landscaped		10%	
Building Frontage		80% - 100%	
Res. Density	1,500 sf lot area/unit (29 units/acre)		5,000 sf lot area/unit (8.7 units/acre)
Permitted Uses	Multifamily (upper floor/rear)	Apartment (upper floor/rear) 1 or 2-Family/TH (off Main St.)	1-Family Residential
	Auction Gallery		
	Church		Church
	Club (upper floor)		
	Library, Museum, or Gallery	Library, Museum, or Gallery	
	Office or Bank	Office	
	Off-Street Parking Areas	Parking Lot or Public Garage	Off-Street Parking
	Public Recreation Use	Park, Plaza, Community Garden	Public Recreational Use
	Restaurant or Coffee House	Restaurant, Coffee House, Pub	
	Retail or Personal Services	Retail or Personal Services	
	Retail Truck or Trailer	Retail Truck or Trailer	
	Tattoo Parlor		
	Theater	Theater or Cultural Facility	
	Undertaking Establishment	Funeral Home	
		Artist Live/Work (upper floor/rear)	
		Artist Studio	
		Bed and Breakfast	
		Commercial Recreation	
		Food Preparation	
		Hotel or Inn	
		Microbrewery with Tasting Room	
		Trade or Training School	
		School/Educational Institution	Public School
		Spa or Fitness Center	
		Wireless Communications	
		Workshop (under 800 sf)	
Special Permit Uses	Artist Live/Work Space	Artist Live/Work Space	
	Artist Studio		Artist Studio
	Auto Repair (pre-1950)	Auto Repair (interior of block)	
	Bar, Pub, or Microbrewery	Bar	
	Bed and Breakfast		Bed and Breakfast
	College		Club
	Commercial Recreation		Library, Museum, Gallery
	Firehouse		Firehouse
	Gas Station or Car Wash		Private or Nursery School
	Historic Overlay Uses		Historic Overlay Uses
	Hotel		Hospital or Clinic
	Trade or Training School	Smoking Establishment	Nursing Home
	Wireless Communication		Wireless Communication
		Building over 10,000 sf Footprint	
		Fifth Story/Tower with Conditions*	

I. Fishkill Creek Development District Design Standards

Draft 10.11.17

1. All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
2. Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.
3. General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.
 - a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.
 - b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).
 - c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.
4. Specific standards. See also the annotated photo examples in Figures____, illustrating the design standards.
 - a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied, but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.
 - b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the façade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.
 - c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and path system to allow residents access to the street and Greenway Trail along the creek frontage.
 - d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.

Draft 10.11.17

- e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.
- f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass to wall ratio.
- g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, 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, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- h) A corner or centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the Planning Board to add architectural interest and to encourage access to roof gardens. Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.
- i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the building, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.
- j) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.
- k) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.



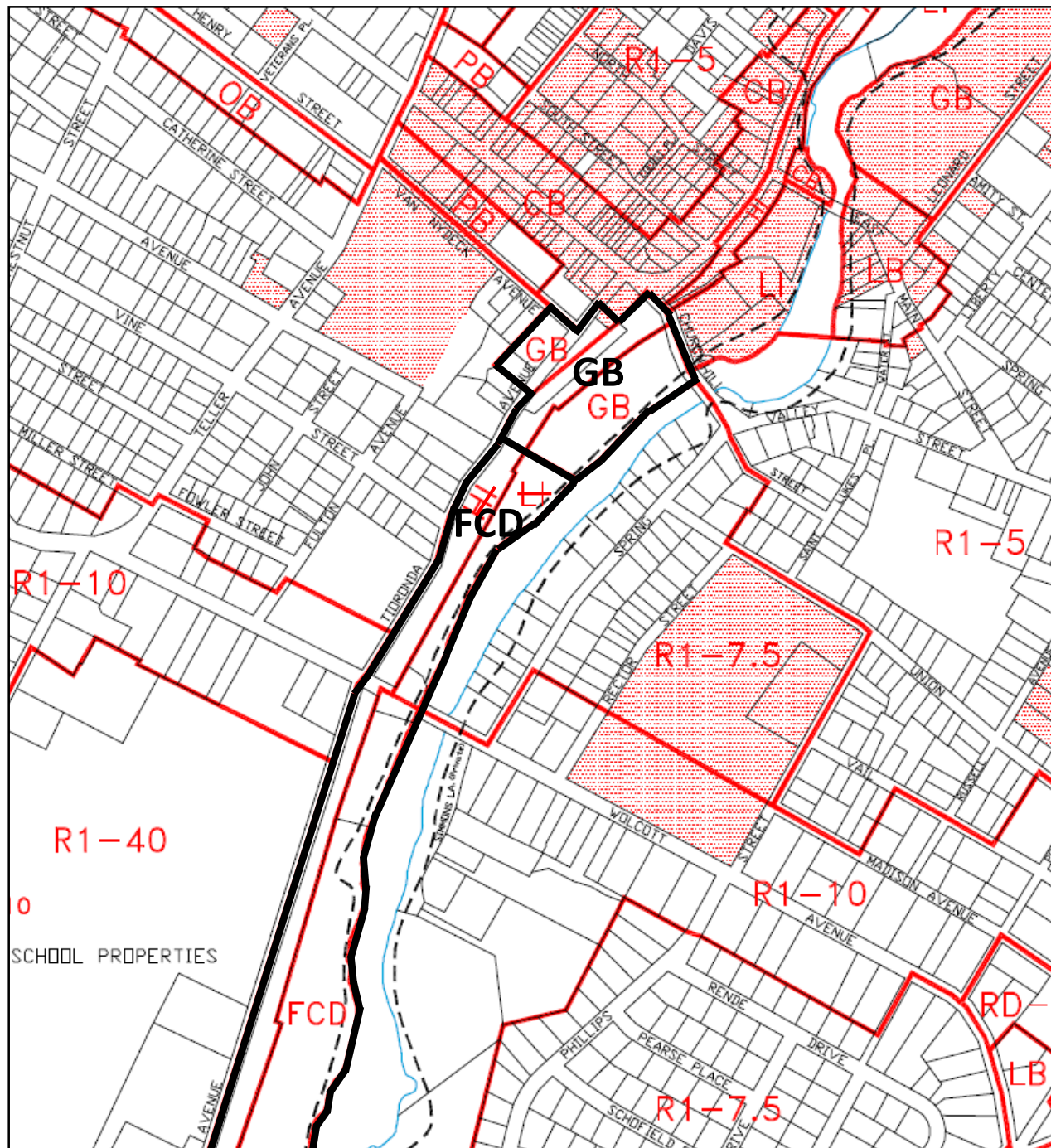
248 Tioronda Avenue



Groveville Mills



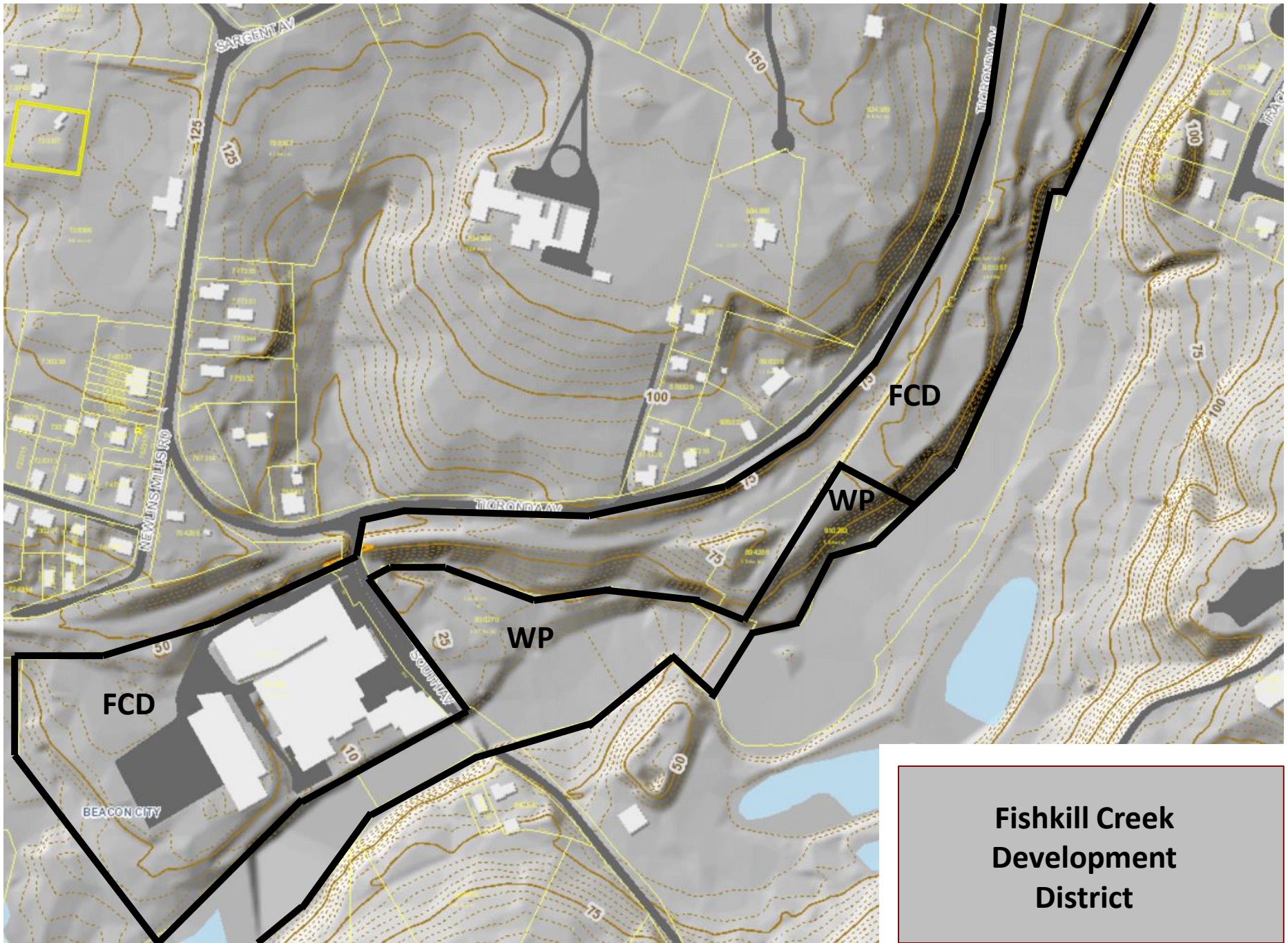
555 South Avenue



General Business District Map Changes

See Comprehensive Plan Update
Table 12-1 and Figure 12-1

1. Merge Metro-North tracks HI with adjacent GB districts;
2. Combine split parcel currently in two zoning districts;
3. Change former Highway Garage from LI to FCD.



**Fishkill Creek
Development
District**

FCD Design Standards Illustrative Examples

Historic mill buildings generally had simple forms and repetitive window openings with flat or low-pitched gable roofs.

Industrial artifacts, such as stacks, towers, window frames, loading doors, and docks, should be incorporated into the design.



555 South Avenue and Tioronda Bridge



248 Tioronda Avenue Former Factory Buildings

A tower one story above the building height may add architectural interest and encourage access to rooftop gardens.

Buildings shall have an emphasized entrance doorway to visually connect the building to the street and sidewalk.



One East Main Street

New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass to wall ratio.

FCD Design Standards Illustrative Examples

Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls.

Larger buildings should incorporate subtle breaks in the façade and window surrounds with projecting sills, lintels, or crowns to add some depth and detail.

Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width.

Traditional brick is recommended with secondary elements of fiber-cement siding, metal, or other material deemed acceptable by the Planning Board.

Off-street parking shall be located toward the rear or side of the site, under the building, and/or screened from public views by approved landscaping or architectural elements.



Front Street Building #4



12 East Main Street



11 Creek Drive

FCD Design Standards Illustrative Examples

Every site should include a pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.

Roundhouse
Beacon



Groups of related buildings shall be designed to present a varied, but compatible mix.

Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.

Beacon HIP Lofts
Mason Circle



Industrial artifacts should be incorporated into the design.

Lighting fixtures shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.



Fishkill Creek Development District Zoning Comparisons

<u>Standards</u>	<u>General Business</u>	<u>Fishkill Creek Dev.</u>	<u>Light Industrial</u>
Min. Lot Size		4 Acres	
Max. Unit Size		2,000 sf floor area	
Min. Open Space		30%	
Min. Creek Buffer		50' average	
Min. Lot Width		50' at frontage	
Min. Lot Depth	100'		100'
Min. Front Yard		12' from street	
Min. Side Yard	20' (abutting res. district)		20' (abutting res. district)
Min. Rear Yard	25' (abutting res. district)		25' (abutting res. district)
Building Height	35'	35' (45' with extra buffer)	35'
Floor Area Ratio	2	1 (commercial space)	2
Res. Density	1,500 sf lot area/unit (29 units/acre)	11 units/acre (15 with non-residential uses)	1,500 sf lot area (29 u/ac) Artist Live/Work Only
Permitted Uses	Multifamily Residential Office or Bank Restaurant or Coffee House Retail Shop Library, Museum, or Gallery Church Public Recreation Use Theater Auction Gallery Retail Truck or Trailer Tattoo Parlor Off-Street Parking Areas Wholesale or Storage Workshop		Office or Bank Restaurant/Coffee House Retail Shop Library, Museum, Gallery Church Public Recreation Use Theater Auction Gallery Retail Truck or Trailer Tattoo Parlor Off-Street Parking Areas Workshop Industrial Uses
Special Permit Uses	Artist Live/Work Space Artist Studio Auto repair or Body Shop Bar, Pub, or Microbrewery Bed and Breakfast Club College Commercial Recreation Firehouse Gas Station or Car Wash Hotel Trade or Training School Wireless Communication Historic Overlay Uses	Multifamily/Attached Unit Artist Live/Work Space Bed and Breakfast or Inn Spa, Fitness, Day Care Center Restaurant or Drinking Est. Professional/Business Office Gallery or Museum Performance/Cultural Space Assembly or Light Industrial	Artist Live/Work Space Artist Studio Auto Repair or Body Shop Bar, Pub, or Microbrewery Bed and Breakfast Club College Commercial Recreation Firehouse Hotel Trade or Training School Wireless Communication Historic Overlay Uses Wholesale or Storage Adult Use

Fishkill Creek Development District Questions

Is it unusual for Dutchess County elected boards or councils to approve Special Permits?

The City of Poughkeepsie and all eight incorporated villages give Special Permit authority to the Planning Board. Of the 20 towns, 13 give Special Permit authority to the Planning Board. One has the Zoning Board of Appeals approve Special Permits and four split the authority between Planning Boards and ZBAs, depending on the use.

In the Town of Wappinger, the Planning Board approves Special Permits for 47 listed uses, but the Town Board retains authority for six specific uses, including public utility lines, water and sewer treatment plants, mobile home parks, golf courses and private recreational clubs in residential districts, and rezonings of larger-scale Design Residential Development districts.

In the Town of Dover, the Planning Board approves Special Permits, except the Town Board retains authority for communications towers and soil mining. The Dover Town Board also took sole authority for approval of the master plan, subdivisions, and site plan for the former Harlem Valley Psychiatric Center.

Options for FCD District:

1. Maintain current three-step, overlapping and time-consuming process for Concept Plan and Special Permit approval by the Council and Site Plan by the Planning Board;
2. Eliminate the Concept Plan step, maintaining Special Permit approval by the Council and Site Plan approval by the Planning Board;
3. Eliminate the Special Permit step, giving the Council approval for the Concept Plan, including residential and commercial maximum size, mix, and general layout for access, building locations, greenspaces, parking, and Greenway Trail. Site details, architecture, landscaping, and engineering would then be included in the Site Plan process before the Planning Board; or
4. Allow a coordinated two-step Special Permit and Site Plan process by the Planning Board.

Question 2: Should the first floor be required to have non-residential uses?

There is an understandable desire to mix uses, provide jobs, and increase commercial taxes, but some of these parcels are well away from commercial districts and have limited vehicle access. The Council did not require a non-residential component in the much more accessible Linkage District because it wanted to concentrate commercial uses around Main Street. Even along Main Street the entire first floor does not have to be commercial. There are other districts near the commercial centers that should be more successful for new non-residential development.

The current FCD provides an incentive of 4 extra units per acre by adding non-residential uses. That incentive differential could be increased. If the Council wants a minimum non-residential component, it should be based on a percentage of the total square footage and not be mandated to the first floor.

Should natural constraints be deducted from gross area to determine development potential?

Currently in the FCD district, the number of dwelling units is calculated by gross lot area, even if a portion of the site is unbuildable. For example, the 555 South Avenue property includes an approximately 260-foot section of the Fishkill Creek, or about 5 percent of the parcel. The Sisters property contains perhaps 15-20 percent steep slopes. There appear to be no regulated wetlands on FCD parcels.

The FCD district could, for example, deduct land from the density calculation that is under water or contains steep slopes more than 20 percent.

Article IVC: Fishkill Creek Development District ~~[Added 11-1-2010 by L.L. No. 14-2010]~~

§ 223-41.12 Purposes.

DRAFT 10/23/17

Purposes of the Fishkill Creek Development (FCD) District are to:

- A. Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District than other under-utilized industrial sites, and are not as well suited to continued industrial development ~~as properties on the north end of the Fishkill Creek corridor.~~
- B. Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.
- C. Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.

§ 223-41.13 Uses; plan review; design standards.

- A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.
- B. Principal uses permitted by special permit. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:
 - (1) Apartment, attached and multifamily dwellings.
 - (2) Artist live/work spaces, artist studios and workshops of artisans.
 - (3) Bed-and-breakfast establishments and inns.
 - (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, and day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted ~~on the ground floor and second floor of the~~ in buildings ~~facing that face~~ streets.
 - (5) Restaurants and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted ~~on the ground floor and second floor of the~~ in buildings ~~facing that face~~ streets. No individual restaurant use shall contain more than 5,000 square feet of gross floor area.
 - (6) Professional and ~~small~~ business offices ~~on the ground floor and second floor of~~ in buildings ~~facing the~~ that face streets.
 - (7) Galleries, exhibit spaces and museums.
 - (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
 - (9) Assembly and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.

(10) Other uses similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities, including parking structures.

D. Procedure for review of Fishkill Creek development proposals.

(1) Each Fishkill Creek development project shall require:

(a) Concept plan approval by the City Council; and

~~(b) Special permit approval by the City Council; and~~

(b) Site plan approval by the Planning Board.

~~(2) The City Council's review of a special permit application for a Fishkill Creek development project shall include review of a Fishkill Creek 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 applicant's land holdings in the FCD District. The purpose of this review is to assure that the FCD District will be developed in accordance with an overall comprehensive plan, even though the total Fishkill Creek Development District may consist of more than one separate FCD project, which might be constructed at different times.~~

~~(2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development special permit concept plan has been submitted to the City Council, and such reviews may proceed simultaneously. However, no final approval of a site plan for any FCD project shall precede the issuance of a special permit concept plan approval for such FCD project by the City Council.~~

E. Application fees. Applications to the City Council and 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.

F. Procedure for ~~special permit and~~ Fishkill Creek development concept plan review.

(1) Application. The concept plan application for a Fishkill Creek development ~~special permit~~ for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project ~~and concept plan~~. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the City Council meeting at which it will be considered. 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:
~~[Amended 4-21-2014 by L.L. No. 1-2014]~~

(a) A written description of the Fishkill Creek development project(s) ~~and concept plan~~, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.

- (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, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.
 - (d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.
 - (e) A general indication of any phasing of construction.
 - (f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.
 - (g) ~~A Fishkill Creek development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application. If no such adjacent uses have been proposed, the applicant shall discuss potential uses for such other parcels.~~
 - (h) The general configuration of the pedestrian circulation system, ~~and~~ the connection of such pedestrian passageways to adjoining properties, and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.
 - (i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP.
 - (j) Descriptions, sketches, and sections ~~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 plan.
 - (k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.
- (2) City Council review of ~~special permit and Fishkill Creek development concept plan application.~~
- ~~(a) Environmental compliance.~~
 - (a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.
 - ~~[2] Upon receipt of an application for a special permit and Fishkill Creek development concept plan, the City Council shall commence a coordinated review under SEQRA and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.~~
 - ~~[3] To the extent possible in accordance with law, any draft environmental impact statement (DEIS) required in connection with the special permit and Fishkill Creek 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 any required 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 Fishkill Creek development concept plan review. When a SEQRA hearing is held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.~~
 - (b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing his fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.

(c) City Council referrals.

[1] The City Council shall refer the application for a special permit and Fishkill Creek 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 SEQRA, where the Planning Board is an involved agency, and where a DEIS is required, then this referral may be coordinated with the comment period under SEQRA. 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 SEQRA, and where a DEIS is required, it shall 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.

~~(d) 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 Fishkill Creek development concept plan approval. Where the City Council is serving as lead agency under SEQRA, and where a DEIS is required, the~~ Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.

(3) City Council decision on ~~special permit and~~ Fishkill Creek development concept plan.

(a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval ~~and for a special permit~~ after it has held the required public hearing ~~herein~~, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings, and, if applicable, has made the consistency determination ~~as required~~ under the City's Local Waterfront Consistency Law.[1]

[1] Editor's Note: See Ch. 220, Waterfront Consistency Review.

(b) Concept plan approval. ~~Prior to granting any special permit for a Fishkill Creek development project, the City Council shall review a Fishkill Creek development concept plan, which contains a proposed designation of appropriate land uses, or a range of land uses, for the overall development of the FCD District. The City Council shall approve the concept plan upon a finding that it:~~

~~[1] Will fulfill the purposes of the Fishkill Creek Development District; and~~

~~[2] Will be in harmony with the appropriate and orderly development of the City.~~

~~(a) Special permit approval. The City Council may authorize the issuance of a special permit for a Fishkill Creek development project, provided that it shall find that the following conditions and standards have been met:~~

[1] The proposed Fishkill Creek development project will fulfill the purposes of the Fishkill Creek Development District and is otherwise in the public interest.

[2] The proposed Fishkill Creek development project complies with § 223-41.13 l(16), Fishkill Creek buffer, of this chapter.

[3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13 l, to the extent applicable at the ~~special permit~~ concept plan stage.

[4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan and will not hinder or discourage the appropriate development and use of adjacent lands.

~~[5] The Fishkill Creek development is in accordance with the approved FCD concept plan.~~

[5] The proposed Fishkill Creek development project is planned as a cohesive unit, with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service; and the land uses are complementary; and the architectural styles are compatible and attain high standards of design.

[6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

[7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

[8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

(c) Conditions. In approving any Fishkill Creek development concept plan ~~and 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 chapter.

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

(4) Revisions to FCD concept plan ~~special permit~~. After approval of a ~~FCD special permit~~, any proposed revisions ~~in the approved special permit~~ shall be submitted to the City Council. 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.

G. Site development plan review. After approval of the Fishkill Creek development ~~special permit~~ concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25 B of this chapter. In addition, the applicant shall submit the following:

(a) Information to establish that the proposed site plan complies with § 223-41.13 I(16), Fishkill Creek buffer, of this chapter.

(b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection I below.

(c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan ~~and special permit~~.

(d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.

(e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).

- (f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (g) Application fees as required pursuant to Subsection E above.
- (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 FCD project at issue,~~ The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (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 FCD District, 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~~ the Fishkill Creek development concept plans, the proposed design and layout of the entire FCD District, including the proposed location, height and landscaping 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 Fishkill Creek development design standards set forth in Subsection I below.
 - (c) The proposed site development plan shall be in ~~general~~ substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek 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 and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the ~~special permit and~~ Fishkill Creek development concept plan.
- (3) Time period for construction. ~~Notwithstanding § 223-41.13 F(4) of this chapter,~~ 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. ~~Where the authority granted under this section and § 223-41.13F(4) may be in conflict, the latter section shall control.~~
- (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) below. 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 the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.

H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter 195, Subdivision of Land, of the City Code. The ~~bulk standards~~, setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.

I. Fishkill Creek Development design standards. Fishkill Creek development shall meet the following standards:

- ~~(1) Comprehensive design. The FCD District allows for flexibility of design to encourage innovative site planning. While the FCD District may contain various use elements (e.g., residential, retail, restaurant, etc.), the FCD District must be planned as a cohesive unit, with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service. Additionally, proposed land uses must be complementary. The architectural styles must be compatible and must attain high standards of design.~~
- ~~(2) Relationship to uses on surrounding public property. The land uses in a Fishkill Creek development project shall relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.~~
- ~~(3) Relationship to Fishkill Creek. The FCD project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.~~
- ~~(4) Provision of view corridors. The site shall be developed in such a way as to maximize important public views and view corridors throughout the development. Site layout and design shall consider important public views and view corridors including those identified in the LWRP. Important views shall be protected and/or enhanced to the maximum extent practicable.~~
- (5) FCD design principles and standards.
 - ~~(a) Architecture and building materials shall be evaluated in the context of high quality examples of Hudson Valley regional and Beacon architecture.~~
 - ~~(b) Buildings shall be designed in consideration of appearance from all vantage points. Blank or long, uninterrupted walls, both horizontally and vertically, and tinted or mirrored windows shall be avoided. Commercial storefronts and restaurants shall have a minimum of 70% glass frontages.~~
 - ~~(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 varied, yet compatible appearance in terms of architectural style.~~
 - ~~(e) Building facade setbacks shall be varied to the extent practicable in order to provide an interesting interplay of light, shadows, colors, window openings, terraces, balconies and cornice features.~~
 - ~~(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.~~
 - ~~(g) The ground floor of buildings for residential use, whenever practical, shall may be designed so as to be convertible in the future to nonresidential use, . This shall include, but shall not necessarily be limited to, the inclusion of including floor to ceiling dimensions appropriate to future nonresidential usage of the buildings.~~
- (1) All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.

- (2) Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.
- (3) General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.
- a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.
 - b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).
 - c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.
- (4) Specific standards. See also the annotated photo examples in Figures , illustrating the design standards.
- a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied, but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.
 - b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the façade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.
 - c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and path system to allow residents access to the street and Greenway Trail along the creek frontage.
 - d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.
 - e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.
 - f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass to wall ratio.
 - g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, 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, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

- h) Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.
 - i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.
 - j) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.
- (5) Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.
- (6) Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.
- (a) Sidewalks, open spaces, parking 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., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
 - (b) The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, 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 emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.
 - (d) Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.
- (7) Lighting. A comprehensive lighting plan ~~which includes pedestrian-scale lighting~~ with photometric measurements shall be submitted for the project. 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. Such lighting shall have an attractive appearance compatible with the overall project design and FCD character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review process.~~ Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting 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 process.
 - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles 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 practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.

FCD Design Standards Illustrative Examples Figure ____



555 South Avenue and Tioronda Bridge

Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs.

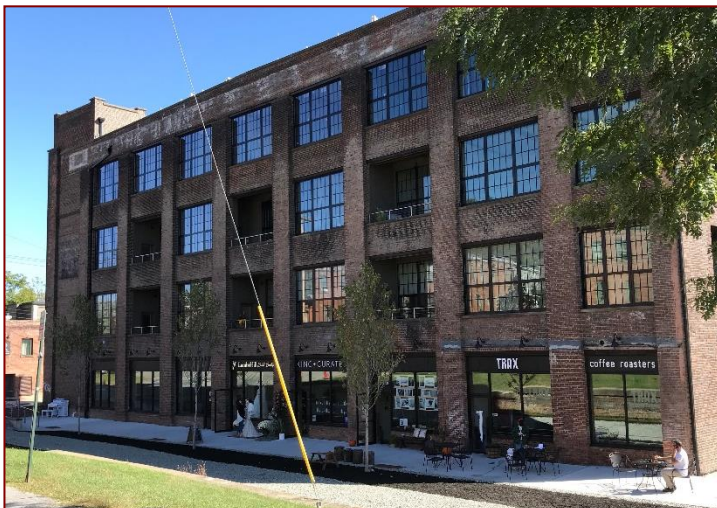
Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible.



Former Factory Buildings at 248 Tioronda Avenue

A corner or centrally located tower projecting one story above the permitted building height may be approved to add architectural interest and to encourage access to rooftop gardens.

Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and path system.



One East Main Street

New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass to wall ratio.

FCD Design Standards Illustrative Examples Figure ____



Front Street Building #4

Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls.

Larger buildings should incorporate subtle breaks in the façade and window surrounds with projecting sills, lintels, or crowns to add some depth and detail.



12 East Main Street

Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width.

For finish building materials, traditional brick is recommended with secondary elements of fiber-cement siding, metal, or other material deemed acceptable by the Planning Board.

Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.



11 Creek Drive

FCD Design Standards Illustrative Examples Figure _____



The Roundhouse at Beacon Falls

Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.



Beacon HIP Lofts, Mason Circle

Groups of related buildings shall be designed to present a varied, but compatible mix.

Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.



Beacon HIP Lofts, Mason Circle

Industrial artifacts, such as stacks, towers, window frames, loading doors, and docks, should be incorporated into the design.

Lighting fixtures shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.

(10) Public access for greenway trails.

- (a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.
- (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.
- (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.

(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 relation to the uses served. 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. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.

[3] The construction of any proposed parking structures to accommodate the FCD project shall be integrated into the development.

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 F of this chapter, except that the requirements in ~~said section~~ § 223-26 F shall be both the minimum and maximum requirements for a FCD project.
- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26 F of this chapter, 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~~ 20% 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) ~~Off-street loading.~~ Off-street loading shall be provided as the Planning Board may find appropriate.

(12) Utilities and services.

- (a) Underground lines. All on-site television, power and communication lines, as well as all 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 to be necessarily located above ground shall be adequately screened from view in an attractive manner.

- (b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek 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 and shall not be by multiple individual satellite dishes.
- (d) Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and 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 the placement of utilities under the pavement, in order to assure ease of future maintenance.~~
- (g) Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.
- (13) Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.
- (14) Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.
- (15) Fishkill Creek vegetative buffer.
 - (a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.
 - (b) The protective creekside buffer dimension in § 223-41.15 J of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.
 - (c) With respect to development near the creekside buffer, the site plan shall address the following requirements:
 - [1] Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance.
 - [2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
 - [3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.
 - (d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.
 - (e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.

~~§ 223-41.14~~ Definitions.

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

BUILDING HEIGHT

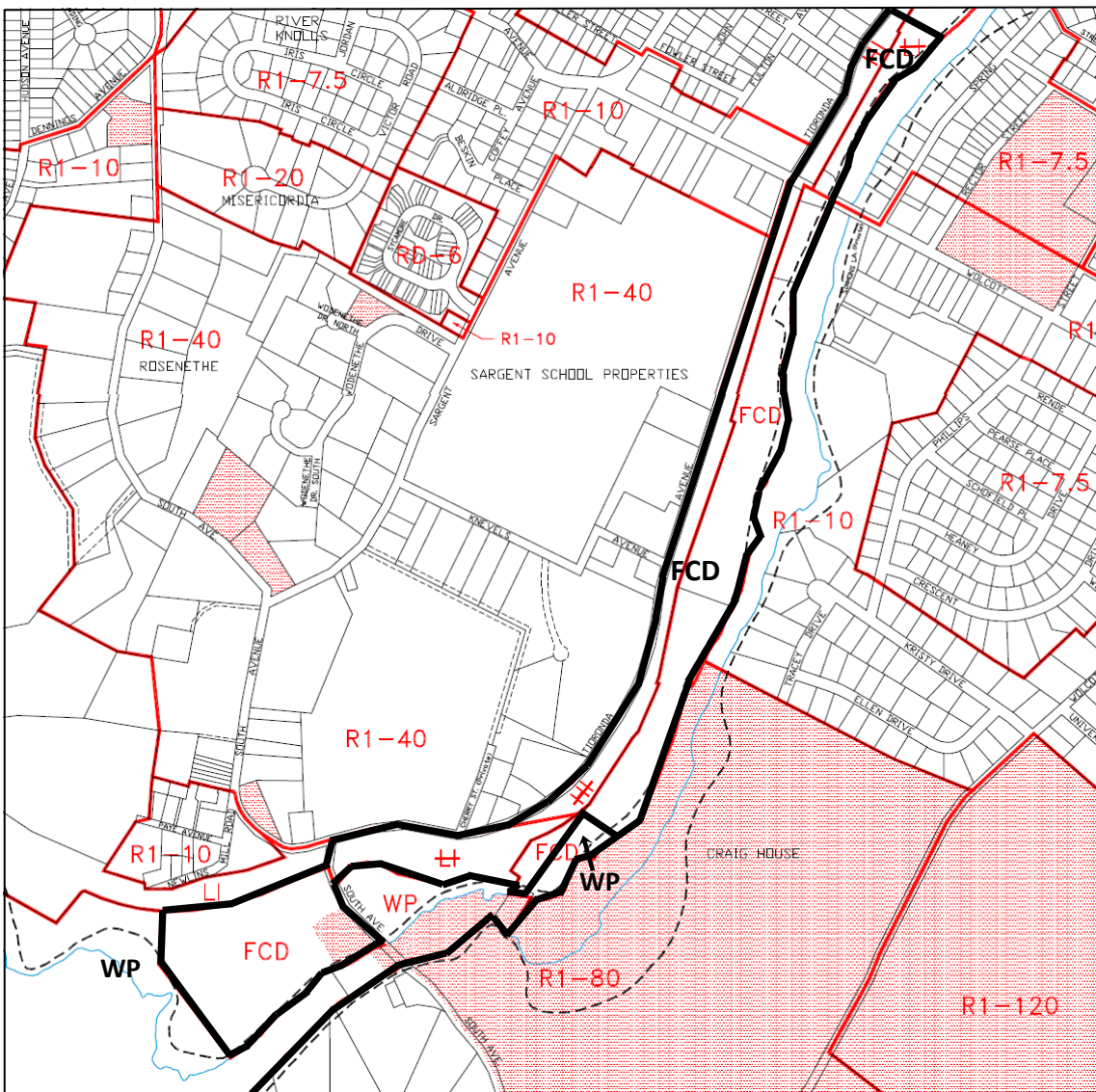
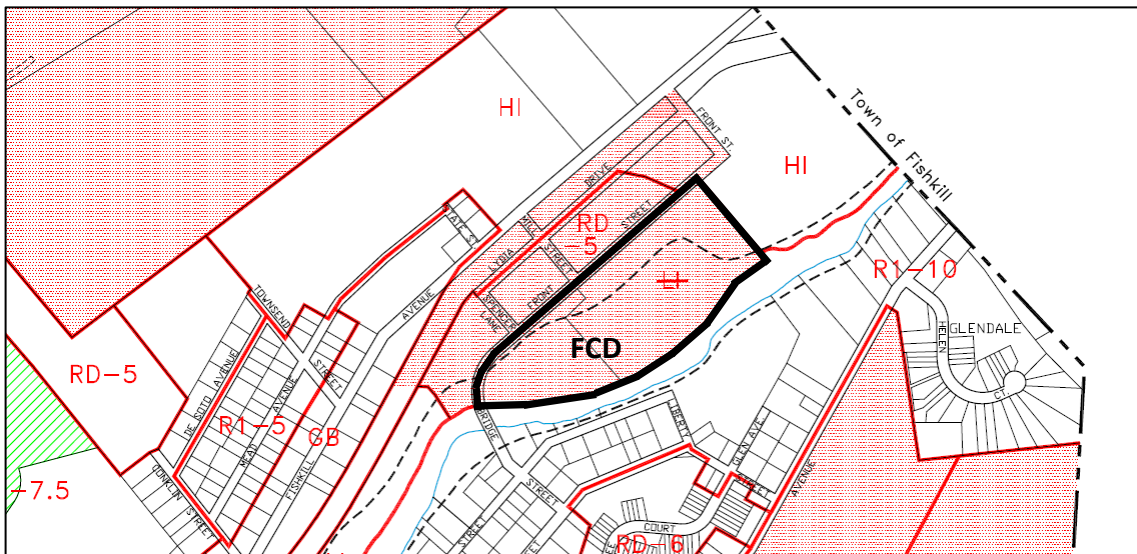
The vertical distance of a building, measured from the average elevation of the finished grade adjacent to a street, to the highest point of the roof if the roof is flat (excluding elevator structures, solar panels and other accessory rooftop features), or to the midpoint between the eaves and the highest point of the roof if the roof is of any other type. Where there is more than one street adjacent to a building, the average elevation of the finished grade of the lower street shall be used as the base elevation for measuring building height. Only those stories above grade are counted towards maximum height in stories or feet; a maximum of one story below grade used as a basement, cellar parking, underground parking or parking under buildings will not count towards total height or number of stories.

NONRESIDENTIAL FLOOR AREA

Floor area of permitted principal uses other than dwelling units and artist live/work spaces.

§ 223-41.15~~4~~ Bulk regulations.

- A. Minimum size of FCD site: four acres. Notwithstanding the above, the owner of less than four acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.
- B. Development Potential. Maximum number of dwelling units per acre of gross lot area, after deducting any lot area with slopes over 20%, covered by surface water, or within a NYS or federally designated wetland: 11. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses, Notwithstanding the above, the maximum number of dwelling units shall be increased by one unit per gross acre to a maximum of 15 units per gross acre, based on the amount of nonresidential floor area, as defined in this article, which is must be built out before or concurrently with the residential development of the site. For each additional dwelling unit built, 1,000 square feet of nonresidential floor area must be built. Any approvals granted for an FCD project with such increased density shall require that the issuance of the building permits for the residential development are contingent upon the diligent construction of the nonresidential portion of the project. Such increased density Less nonresidential square footage may also be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.
- C. Maximum dwelling unit size: 2,000 square feet of gross floor area.
- ~~D. Maximum floor area ratio of commercial space: 1.0.~~
- D. Maximum building coverage, including parking structures: 35%.
- E. Minimum open space: 30%.
- F. Maximum building height: 2 1/2 stories and 35 feet, except that height may be increased to a maximum of 3 1/2 stories and 45 feet, provided that such buildings are set back at least five additional feet from Fishkill Creek for each one foot increase in height 3 stories and 40 feet, as determined from the average street side level. A corner or centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the Planning Board to add architectural interest and to encourage access to rooftop gardens.
- G. Minimum building setback from edge of pavement of public and private streets: 12 feet.
- H. Minimum frontage of overall FCD site on public street right-of-way: 50 feet.
- I. Minimum setback from and buffer width along Fishkill Creek: an average of 50 feet, but not less than 25 feet at any point, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.



Fishkill Creek Development and WP District Map Changes

See Comprehensive Plan Update Table 12.1 and Figure 12-1

DRAFT 10/23/17