

SET PUBLIC HEARING FOR MONDAY, JULY 6TH, 1009

LOCAL LAW NO. ____ OF 2009

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING ZONING TEXT AMENDMENTS
TO THE WATERFRONT DEVELOPMENT (WD) DISTRICT
IN CONNECTION WITH THE LONG DOCK BEACON PROJECT**

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

SECTION 1. TITLE

This local law shall be entitled, "A Local Regarding Zoning Text Amendments to the Waterfront Development (WD) District in Connection with the Long Dock Beacon Project."

SECTION 2. INTENT AND PURPOSE

The City Council has received an application for proposed zoning text amendments to the Waterfront Development District in connection with the Long Dock Beacon project. These zoning text amendments pertain to the bulk regulations pertaining to the WD District, and to the permitted uses in said district. The City Council finds the proposed zoning text amendments to be reasonable and appropriate modifications to the WD District.

SECTION 3. ZONING TEXT AMENDMENTS

1. Section 223-41.7 of the Zoning Law shall be amended to read as follows:

§ 223-41.7 Bulk regulations applicable to Waterfront Development Zone.

- A. Minimum size of overall waterfront development site: 15 acres of gross development area. Note: The owner of less than 15 acres of gross development area within the WD Zone may apply for approval of a waterfront development project as part of the overall waterfront development, where such land is adjacent to a proposed, approved or constructed waterfront development project. Similarly, the owner of a WD-zoned acreage which adjoins such adjacent land may also apply for

approval of a waterfront development project as part of the overall waterfront development.

- B. Maximum building coverage: 35%.
- C. Maximum floor area ratio of gross development area, including residential and all other uses): 0.8.
- D. Minimum building setback from mean high water: 10 feet. Note: Except for buildings or portions thereof elevated above mean high water by piers or located within the required setback from mean high water as a result of creation of new river, but not to exceed 15% of the total footprint of all buildings.
- E. Maximum building height: 2-½ stories/35 feet. Note: All habitable stories must be elevated above the one-hundred-year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for dwelling or business purposes shall not be counted as a story. Height may be increased up to 75 feet and up to six stories, provided that such buildings are set back at least five additional feet from mean high water for each one-foot increase in height. Except for buildings or portions thereof elevated above mean high water by piers, or located within the required setback area from mean high water as a result of creation of new river, the height of which shall not exceed 60 feet or four stories.
- F. Minimum gross development area per dwelling unit: Note: This shall be calculated by dividing the gross development area by the number of residential units in the waterfront development. 2,200 square feet.
- G. Minimum frontage of overall waterfront development site on public right-of-way: 50 feet.

2. Section 223-41.B(2)(j) of the Zoning Law shall be amended to read as follows:

- (j) Professional or small business offices ~~on the second floor~~ in retail mixed-use buildings, and not to exceed 20% of the total floor area in retail mixed-use buildings.

SECTION 4. RATIFICATION, READOPTION AND CONFIRMATION

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

SECTION 5. SEPARABILITY

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

SECTION 6. EFFECTIVE DATE

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

Dated: _____, 2009