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MEMORANDUM

To: Mayor Steve K. Gold and the Beacon City Council

Date: September 24, 2009

Subject: **Proposed Transit Oriented Development (TOD) Zoning District**

As requested, we have *revised* the attached draft **Local Law** regarding the creation and implementation of a Transit Oriented Development (TOD) zoning district. Revisions relative to the September 1, 2009 version of the Local Law are shown with double underlining and ~~strikeout~~.

I look forward to discussing this Local Law with you.

David H. Stolman, AICP, PP
President

Attachment

cc: Iola Taylor
Meredith Robson
Lt. Timothy Dexter
Richard Wolf, Esq.

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LOCAL LAW NO. ____ OF 2009

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW CREATING A TRANSIT ORIENTED DEVELOPMENT (TOD)
ZONING DISTRICT AND REZONING CERTAIN PROPERTIES
TO THIS NEW DISTRICT**

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

SECTION 1. TITLE

This local law shall be entitled, "A Local Law Creating a Transit Oriented Development (TOD) District and Rezoning Certain Properties to This New District."

SECTION 2. INTENT AND PURPOSE

This local law is intended to implement a portion of the new City Comprehensive Plan relating to Transit Oriented Development. As stated in the Comprehensive Plan, the proposed TOD District, "... recognizes the special character of the Waterfront/Train Station area, with its access to transportation modes, proximity to downtown, and adjacency to recreational and cultural opportunities. Given the desire to create land use synergies with the resources present at the station area, this zone should allow for sufficient density to support a transit oriented community focused toward residents, workers and visitors that seek the convenience of transportation facilities in a walkable community framework. This zone, [is] effectively a combination of the proposed high-density residential district and local business district" Further, and as stated as one of the objectives in the City Comprehensive Plan, the future land use of the Waterfront/Station Area should:

"Encourage commercial development in a mixed-use environment within designated areas with attention to architectural design and pedestrian amenities. Newly proposed retail and services should be related to their unique location near the waterfront and should not unduly compete with existing commercial areas in the central business district of Main Street."

SECTION 3. ZONING TEXT AMENDMENTS

- 1. A new Article IVB entitled, Transit Oriented Development (TOD) District, shall be added to the Zoning Law and shall read as follows:**

**ARTICLE IVB
Transit Oriented Development (TOD) District**

§ 223-41.8 Purposes.

Purposes of the Transit Oriented Development (TOD) District are the:

- A. Protection and/or enhancement of important views and view corridors including those identified in the Local Waterfront Revitalization Program (LWRP), creation of structures and landscaped areas that provide attractive views of the City from the Hudson River, preservation of public recreation areas, maintenance and enhancement of public access to the waterfront, the hiding of parking under and within proposed building masses, generation of quality open space, improvement of connections to Main Street, improvement of public transit to Main Street, and the fostering of architectural quality and variety in articulation, scale and bulk.
- B. Promotion of the goals and objectives of the City of Beacon Comprehensive Plan, including positive development which recognizes the special character of the Waterfront/Train Station area, with its access to transportation modes, proximity to downtown, and adjacency to recreational and cultural opportunities.
- C. Creation of land use synergies with the resources present at the Train Station area, which allow for sufficient density to support a transit oriented community focused toward residents, workers and visitors that seek the convenience of transportation facilities in a walkable community framework.
- D. Improvement of access to Metro-North rail services, including enhanced intermodal connections.
- E. As stated as one of the objectives in the City Comprehensive Plan, the future land use of the Waterfront/Station Area should:

“Encourage commercial development in a mixed-use environment within designated areas with attention to architectural design and pedestrian amenities. Newly proposed retail and services should be related to their unique location near the waterfront and should not unduly compete with existing commercial areas in the central business district of Main Street.”

§ 223-41.9 Regulations.

- A. This article establishes a comprehensive review for land uses in the Transit Oriented Development District. Development within the Transit Oriented Development District shall be governed by this article exclusively, 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. Permitted principal uses. A Transit Oriented Development is a mixed use which incorporates various permitted land use elements as part of a comprehensive plan. These elements may include:
- (1) Water dependent uses, as defined in the LWRP, such as boating services, a Harbormaster's office, and facilities for the Beacon Institute for Rivers and Estuaries.
 - (2) ~~The following~~ Water-enhanced uses, as defined in § 223-41.10 and in the LWRP, such as:
 - (a) Apartment, attached and multi-family dwellings located to the east of the railroad tracks.
 - (b) Artist live/work spaces located to the east of the railroad tracks.
 - (c) Bed-and-breakfast establishments and inns located to the east of the railroad tracks.
 - (d) Restaurants and other eating and drinking establishments ~~on the ground floor and second floor of the buildings facing streets.~~
 - (e) Professional, administrative, and small business offices ~~on the ground floor and second floor of buildings facing the streets.~~ Such offices shall be those which provide local services and may include medical offices and urgent care facilities, and offices that provide significant local employment.
 - (f) Community and tourist related facilities that complement residential and commercial uses and attract outside visitors, such as public squares and parks, public or semi-public performance and cultural centers, Hudson River related galleries, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.

- (3) Transit-oriented retail and personal service uses intended for transit riders and TOD neighborhood residents, and/or tourists such as:
- (a) Bakeries and delis.
 - (b) Grocery stores, convenience stores, local drug stores and newsstands.
 - (c) Retail dry cleaners.
 - (d) Fitness centers and swimming pools.
 - (e) Day care facilities.
 - (f) Beauty/barber shops.
 - (g) Book stores and bike shops, ~~arts and crafts supply stores, and office supply stores.~~
 - (h) Railroad and transit facilities.
- (4) Such Only retail, personal service and restaurant uses, and no other uses, shall be located on the ground floor ~~and second floor~~ of buildings facing primary commercial the streets, as determined by the City. Such uses may also be located on the ground floor of secondary streets, and on the second floor of all streets and. No retail, personal service or restaurant ~~such~~ use shall contain more than 10,000 square feet of gross floor area.
- (5) No more than 10,000 square feet of permitted non-railroad and non-transit facilities may be located to the west of the railroad tracks.
- ~~(4)~~(6) 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 including swimming pools. 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 Transit Oriented Development proposals.

- (1) Each Transit Oriented Development project shall require:

- (a) 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 Transit Oriented Development project shall include review of a Transit Oriented 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 TOD District. The purpose of this review is to assure that the TOD District will be developed in accordance with an overall comprehensive plan, even though the total Transit Oriented Development District may consist of more than one separate TOD projects, which might be constructed at different times.
 - (3) The Planning Board may commence its review of a site plan for one or more Transit Oriented Development projects as soon as an application for such Transit Oriented Development special permit has been submitted to the City Council, and such reviews may proceed simultaneously. However, no final approval of a site plan for any Transit Oriented Development project shall precede the issuance of a special permit for such TOD 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 Transit Oriented Development concept plan review.
- (1) Application. The application for a Transit Oriented Development special permit for one or more TOD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Transit Oriented Development project and concept plan. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing, or a final site plan. The application shall include the following:
 - (a) A written description of the Transit Oriented Development project(s) and concept plan, and a description of the manner in which such proposal meets the purposes of the Transit Oriented

Development District; how it is consistent with the City of Beacon Comprehensive Plan and Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed Transit Oriented Development, including the description of the benefits to the City as a whole and to the Train Station/Waterfront area in particular.

- (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 non-residential 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 and connection/access to the adjoining road system.
- (g) A Transit Oriented 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.
- (i) The proposed architectural and/or other treatment of views and viewing points from the site to the Hudson River; to the site from the Hudson River, Riverfront Park and Dennings Point; and over the site from important public views and view corridors including those identified in the LWRP.
- (j) Descriptions, sketches, 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 Transit Oriented Development concept plan application.
- (a) Environmental compliance.
 - [1] The approval of a Transit Oriented 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 Transit Oriented 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 Transit Oriented 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 Transit Oriented 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.
 - [5] Enhanced public transportation between the TOD and Main Street should be one of the important methods of mitigating potential traffic impacts resulting from the TOD.

(b) City Council referrals.

[1] The City Council shall refer the application for a special permit and Transit Oriented 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.

(c) City Council public hearing. The City Council shall hold a public hearing, with the same notice required by law for zoning amendments, on the application for a special permit and Transit Oriented Development concept plan approval. Where the City Council is serving as lead agency under SEQRA, and where a DEIS is required, the SEQRA hearing shall be conducted jointly with this public hearing, if practicable.

(3) City Council decision on special permit and Transit Oriented Development concept plan.

(a) The City Council shall render a decision on the application for Transit Oriented 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 has made the

consistency determination as required under the City's Local Waterfront Consistency Law.

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

- [1] Will fulfill the purposes of the Transit Oriented Development District; and

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

- (c) Special permit approval. The City Council may authorize the issuance of a special permit for a Transit Oriented Development project, provided that it shall find that the following conditions and standards have been met:

- [1] The proposed Transit Oriented Development project will fulfill the purposes of the Transit Oriented Development District and is otherwise in the public interest.

- [2] The proposed Transit Oriented Development project meets the Transit Oriented Development design standards set forth in § 223-41.9I, to the extent applicable at the special permit stage.

- [3] The proposed Transit Oriented Development project will be in harmony with the appropriate and orderly development of the City's Train Station/Waterfront area.

- [4] The proposed Transit Oriented Development project is consistent with the City's Comprehensive Plan and will not hinder or discourage the appropriate development and use of adjacent lands.

- [5] The Transit Oriented Development is in accordance with the approved TOD concept plan.

- [6] The proposed Transit Oriented Development project is planned as a cohesive unit, with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service; the land uses are complementary; and the architectural styles are compatible and attain high standards of design.
 - [7] The land uses in the proposed Transit Oriented Development project relate, visually and functionally, with surrounding land areas, including Riverfront Park, Dennings Point, Long Dock and the Metro-North Train Station, and the elements of the TOD project relate compatibly with other elements of the City waterfront.
 - [8] The Transit Oriented Development project shall be sensitive to the site's relationship to the Hudson River and shall be designed accordingly.
 - [9] The TOD site is proposed to be developed in such a way as to maximize important public views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important public views and view corridors including those identified in the LWRP, and shall also consider those from Riverfront Park, Denning's Point and the Hudson River toward the shore.
- (d) Conditions. In approving any Transit Oriented 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.

- (5) Revisions to Transit Oriented Development special permit. After approval of a TOD 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 Transit Oriented Development special permit by the City Council, the Planning Board may grant site plan approval to a Transit Oriented Development project.
- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this chapter. In addition, the applicant shall submit the following:
 - (a) Information to establish that the proposed site plan meets the Transit Oriented Development standards set forth in Subsection I below.
 - (b) Information to establish that the proposed site plan is in substantial conformance with the approved Transit Oriented Development concept plan and special permit.
 - (c) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.
 - (d) Information to establish the relationship of the proposed project to later elements of the development of the TOD District, including any other adjacent and nearby lands that are not part of the applicant's Transit Oriented Development project(s).
 - (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (f) 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

TOD project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the TOD 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 TOD 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 Transit Oriented Development concept plans, the proposed design and layout of the entire TOD 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 Transit Oriented Development design standards set forth in Subsection I below.
 - (c) The proposed site development plan shall be in general conformance with the Transit Oriented Development concept plan. The site plan for a particular Transit Oriented 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 Transit Oriented Development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Transit Oriented 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 non-residential floor area in the Transit Oriented Development project which exceeds the number(s) approved as part of the special permit and Transit Oriented Development concept plan.
- (3) Time period for construction. Notwithstanding § 223.41.9.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 § 223.41.9.F(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 Transit Oriented Development. The Planning Board may review any proposed subdivision application within a Transit Oriented 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 TOD District shall apply to the gross land area of the total Transit Oriented 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. Transit Oriented Development design standards and principles. Transit Oriented Development shall meet the following standards:

- (1) Comprehensive design. The TOD District allows for flexibility of design to encourage innovative site planning and creative use of the Train Station/Waterfront area. While the TOD District shall contain various use elements, such as a mix of residential unit types, retail, restaurants, offices, etc., the TOD District must be planned as a cohesive unit, with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service. Additionally, the 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 Transit Oriented Development project shall relate, visually and functionally, with surrounding land areas, including Riverfront Park, Dennings Point, Long Dock and the Metro-North Train Station. Elements of the TOD site plan shall relate compatibly with other elements of the City waterfront.
- (3) Relationship to Hudson River. The TOD project shall be sensitive to the site's relationship to the Hudson River 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 protect and/or enhance important public views and view corridors including those identified in the LWRP, and shall also consider important public views from Riverfront Park, Denning's Point and the Hudson River toward the TOD project. Important public views shall be protected and/or enhanced to the maximum extent practicable.
- (5) TOD design principles. TOD projects shall incorporate the following design principles:
 - (a) Sufficient development potential and destination uses to create an active, attractive and walkable center and to pay for necessary infrastructure improvements.
 - (b) The bulk of parking hidden below buildings and at grade at the northern end of the site.

- (c) An interconnected street and block system for better public access and circulation.
 - (d) Important public Hudson River view corridors maintained through the site.
 - (e) Terraced, stepped-up buildings of varying heights, set on an east-west axis to work with the landscape, maximize river views and encourage architectural diversity and rooftop gardens.
 - (f) Public promenade over the eastern edge of the tracks, providing new panoramic river views.
 - (g) A Gateway Station/Visitors Center bridging the tracks, creating a landmark for the harbor, and acting as a focal point for a centerpiece public square.
 - (h) Pedestrian-friendly streetscapes directly linking the Station across the top of the parking levels to Beekman Street and Main Street.
 - (i) A new harborfront greenspace and walkway with some commercial uses to screen the tracks, enliven the area and increase security after dark and in all seasons.
 - (j) Improvement of access to Metro-North rail services, including enhanced intermodal connections.
- (6) Architectural design 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 percent 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 façade 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.
- (7) Energy efficiency. The plan for the Transit Oriented 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.
- (8) 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 buffer landscaping, fencing or screening to separate land uses and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.
 - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall 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.
- (9) Lighting. A comprehensive lighting plan which includes pedestrian-scale lighting 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 TOD character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review process.

- (10) 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.

- (11) 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 along Beekman Street to downtown Beacon. Design for pedestrian and bicycle access shall include the consideration of:
 - (a) Ample sidewalk widths, bike racks and secure facilities at the train station, pedestrian-scale lighting, benches, outdoor eating areas, and other forms of street activities.
 - (b) Short blocks and connected sidewalk systems for multiple walking/biking routes.
 - (c) Buildings primarily built to the sidewalk with varied storefronts and facades.
 - (d) Main building entrances and major access points to the parking levels fronting the sidewalks, not bypassing the commercial uses and public places.

- (e) Convenient connections to the shoreline, Greenway Trail system, and Main Street.
- (12) Public access. While a Transit Oriented Development will require certain private elements for the security and benefit of its residents and property owners, a Transit Oriented Development shall provide public pedestrian access in a manner which:
- (a) Enhances existing public access opportunities; and
 - (b) 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.
- (13) 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.
 - [3] To the extent practicable, existing commuter parking facilities located to the west of the railroad tracks shall be relocated to the east side of the railroad tracks.
 - [4] Overall commuter parking needs shall be met, while at the same time creating a transit- and pedestrian-friendly development.
 - [5] The construction of parking structures to accommodate the TOD project and/or commuter parking shall be integrated into the development.
 - [6] Any proposed parking which is significantly above or below the minimum requirements shall be justified by a parking

analysis that also considers traffic impacts in the area as well as alternative transportation demand management strategies.

- (b) Minimum parking requirements. The TOD District requires a mix of land uses, including the train station and its parking areas, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes shared parking strategies and the avoidance of a large surplus of parking spaces in the TOD District possible. The following are the minimum TOD District parking requirements:

- [1] Dwellings: one space per unit.

- [2] Permitted non-residential uses: 1 space per 500 square feet of gross floor area.

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

(14) On-site 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 Transit Oriented Development projects shall be served by water supply,

sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.

- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
 - (d) Refuse collection. The Transit Oriented 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.
- (15) Floodplain. The Transit Oriented 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 (100) year floodplain elevation.

§ 223-41.10 Definitions.

The following definitions are unique to this article IVB. 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 two stories below grade used as a basement, cellar parking, underground parking or parking under buildings will not count towards total height or number of stories.

TRANSIT ORIENTED DEVELOPMENT – A compact, pedestrian-friendly, mixed-use community, containing a variety of uses, building types and public places, centered on and within a 10 to 15 minute walk of an express transit facility. The mix of uses includes places to work, live, relax and shop clustered within a walkable area.

WATER-ENHANCED USE – A use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to the waterfront.

§ 223-41.11 Bulk regulations.¹

- A. Minimum size of TOD site: 20 acres. Notwithstanding the above, the owner of less than 20 acres of land may apply for approval of a TOD project, where such land is adjacent to a proposed, approved or constructed Transit Oriented Development project.
- B. Maximum number of dwelling units per gross lot area: 28.² This is in addition to permitted commercial development.
- C. Maximum floor area ratio of commercial space: 0.125.³ This is in addition to permitted residential development. Minimum commercial floor area: in order to guarantee a mix of uses, the overall TOD project shall contain a minimum of 50,000 square feet of commercial floor area. If phased, each phase shall contain the same proportionate percentage of commercial floor area as the total floor area of the commercial component of the TOD is as a percentage of the total floor area of the TOD.
- D. Maximum building coverage, including parking structures: 70%.
- E. Minimum coverage of areas excluding buildings and roads: 15%.

¹ Note to City Council: The requirements in this section are based upon a 22-acre Metro-North Railroad (MNR) site.

² Note to City Council: This would result in a maximum of 616 dwelling units on the MNR property.

³ Note to City Council: This would result in a maximum of 119,790 square feet of commercial floor area on the MNR property.

- F. Maximum building height: 7 stories and 85 feet, with no more than 25 percent of the total building footprints exceeding a 5 story and 68 foot height limitation, and as long as no building of any height obstructs important public views and view corridors including those as established in the City’s Local Waterfront Revitalization Program.
 - G. Minimum building setback from edge of pavement of public and private streets: 12 feet.
 - H. Maximum setback of ground floor of buildings: 15 feet unless provision is made for public spaces, such as plazas.
 - I. Minimum frontage of overall TOD site on public street right-of-way: 50 feet.
2. **A new Section 223-2.G. shall be added to the Zoning Law and shall read as follows:**
- G. TOD Transit Oriented Development District.

SECTION 4. REZONING

The zoning of the properties in the table below are hereby changed from their current designations to the Transit Oriented Development (TOD) District.

Tax parcel #	Owner(s)	Owner's Mailing Address
130200-5954-25-549980	MTA	1700 Broadway New York, NY 10019
Parts of 130200-5954-33-549777	Conrail	1700 Broadway New York, NY 10019
130200-5954-25-563911	MTA	347 Madison Ave. New York, NY 10017
130200-5954-25-554890	Metro-North Railroad	347 Madison Ave. New York, NY 10017
130200-5954-33-594862	Metro-North Railroad	347 Madison Ave. New York, NY 10017

130200-5954-49-574583	Metro-North Railroad	347 Madison Ave. New York, NY 10017
130200-5954-25-578940	Dedominics, Arthur Dedominicis, Michael	1100 Route 9 Fishkill, NY 12524

SECTION 5. MAP

The Zoning Map of the City of Beacon is hereby amended to show the changes specified in Section 4 above. A map showing the proposed rezoning is attached hereto as Exhibit "A."

SECTION 6. 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 7. SEPARABILITY

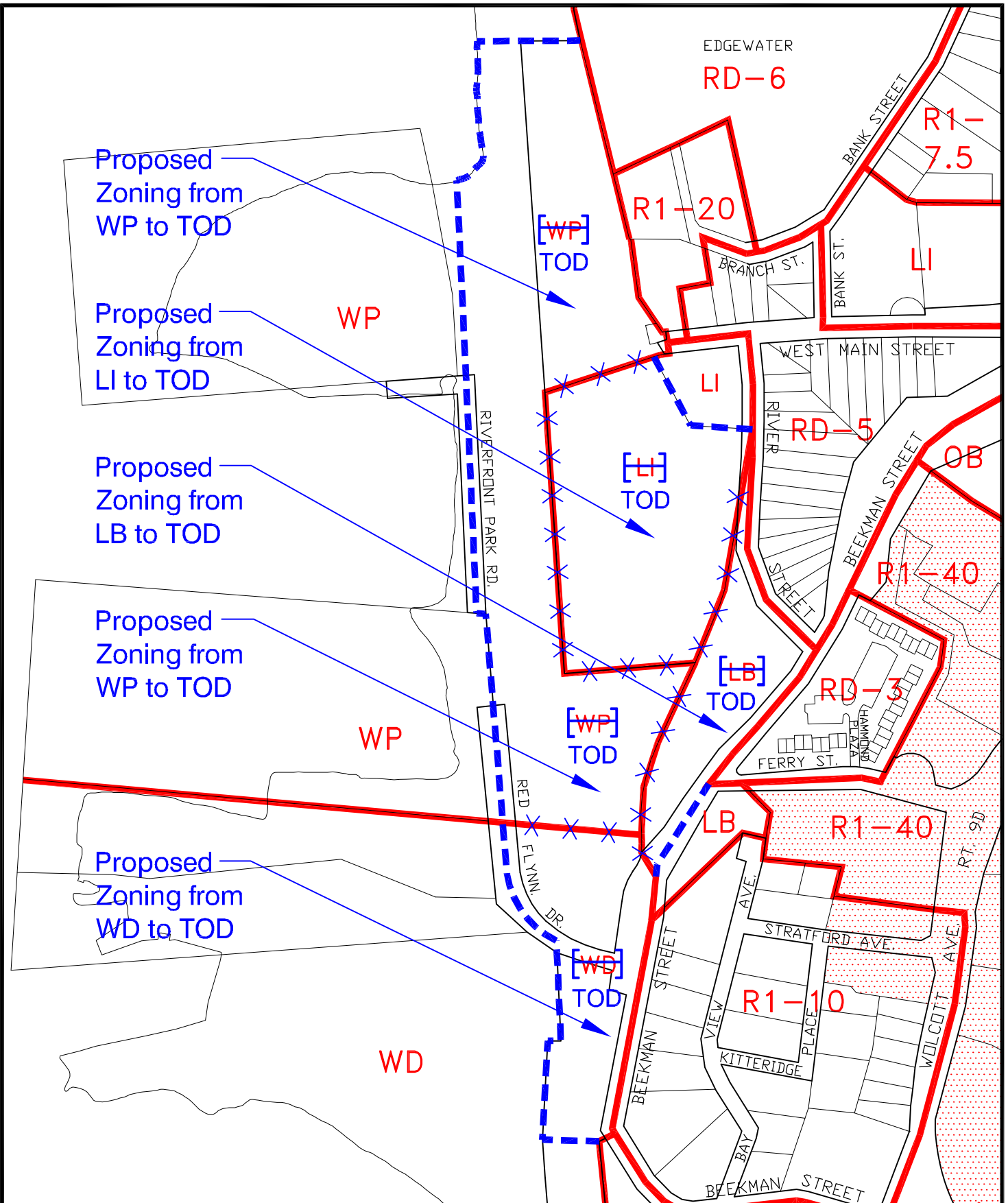
The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect 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 8. 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

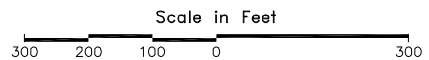
Attachment: Exhibit "A"



- Existing Zoning District Boundary
- Existing Zoning District Boundary to be Removed
- Proposed Zoning District Boundary
- Existing Zoning to be Changed
- Proposed Transit Oriented Development District

**PROPOSED TRANSIT ORIENTED
DEVELOPMENT ZONING
City of Beacon, New York**

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation



A

9/23/09