

LOCAL LAW NO. 5 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND PARKING REQUIREMENTS IN THE
CITY OF BEACON**

A LOCAL LAW to amend the Beacon City Zoning Code concerning parking requirements.

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

Section 1. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-26, entitled “Off-street parking, loading and vehicular access” is hereby amended in its entirety as follows:

§ 223-26 **Off-street parking, loading and vehicular access.**

A. General.

A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking areas or structures and, where appropriate loading and unloading spaces are consistent with the provisions in this section.

B. Location, use, design, construction and maintenance.

- (1) Location. Except as provided elsewhere under the City Code, any approved off-street parking area or structure shall be provided on the same lot or premises with such structure or land use; unless such off-street parking spaces for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that an easement or deed restriction(s), in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility.
- (2) In any residence district, no designated off-street parking area or structure shall be developed in any front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any off-street parking area or structure be developed in a residence district in any minimum side or rear yard setback adjacent to a street line or in any other side

or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(3) Parking specifications.

- (a)** Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under § 223-25, may permit that portion of the total parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the CMS District. In accordance with the standards set forth in § 223-26D, the Planning Board may allow no more than 30% of the provided parking to be designated for compact automobiles.
- (b)** Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 18 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
- (c)** Except for one-family and two-family dwellings, the maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 24 feet, unless the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(4) Landscaping. Except for parking spaces accessory to one-family and two-family dwellings and accessory apartment dwelling units subject to approval by the Building Inspector, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. The property owner shall have an obligation to maintain and replace any landscaping which dies or becomes unsightly.

- (a)** At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 8 parking spaces, notwithstanding, the Planning Board shall have sole discretion to require less trees due to site constraints in the parking areas and/or to require a set-aside of equivalent trees and landscaping elsewhere on the same lot.

- (b) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.
 - (c) The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
 - (d) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 25 feet distant from their point of intersection.
- (5) Grades, drainage, paving and marking. All parking areas and structures, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking areas or structures shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD Districts and in any multifamily or nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Except for one-family or two-family dwellings, the Planning Board shall require green stormwater infrastructure for the development of parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that the underlying soils do not allow natural drainage. Such green stormwater infrastructure is subject to § 190-9. For the purposes of this Subsection, "green stormwater infrastructure" shall mean practices which manage stormwater through infiltration, evapo-transpiration and reuse including the following: the use of permeable pavement, bio-retention, tree pits and urban forestry, stormwater planters, rain gardens, vegetated swales, or stormwater harvesting and reuse.
- (6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access

drives within and between adjacent lots. The Board shall require easements, satisfactory to the Corporation Counsel, binding the owner and its heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking areas or structures.

(7) Two or more uses on same lot. Where two or more different uses occur on a single lot, the Planning Board may approve the joint use of parking spaces by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces needed for each use individually, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

(8) Designed residence and multifamily residence districts.

(a) In RD Districts, in order that some of the parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.

(b) In RD Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

(9) Off-street parking for private passenger vehicles may be allowed by a special permit from the Planning Board on a vacant lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters.

C. Alternatives to providing parking spaces.

(1) Conveyance of land. Where, because of limitations of size, dimensions or topography of a lot, an applicant for a building permit in a business district finds it impractical to provide all or a portion of the off-street parking spaces required by the Planning Board, in connection with a proposed building or addition, the applicant may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial

parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.

- (2) Waiver of improvement. Except within the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § **223-18** or **223-25**, may waive the initial improvement of up to 50% of the off-street parking spaces, provided that all of the spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

D. Schedule of Off-Street Parking Standards.

- (1) In order to promote walkability and other transportation alternatives and to avoid excessive automobile traffic and unnecessarily large paved parking lots, parking maximums have been established for all uses. Unless otherwise determined by the Planning Board, no minimum number of off-street parking spaces are required within the CMS, L, and WD districts due to the proximity of these districts to municipal parking areas, public transportation, and pedestrian-oriented streetscapes.
- (2) The Planning Board shall determine the appropriate number of off-street parking spaces within the range provided in the table at § **223-26.D(4)** as part of its application review and based on the context of the property, including but not limited to, as applicable, the size of the parcel, proposed uses, existing buildings on the parcel, especially if they are designated as historic, availability of public and street parking in the area, access to public transit, a parking study submitted by the applicant, shared parking arrangements, land-banking authorized under § **223-26C(2)**, compliance with the Americans with Disabilities Act (ADA) and any state requirements for accessible parking, and input from any public hearing. The number of off-street parking spaces determined by the Planning Board to be appropriate shall become the required number of off-street parking spaces for the proposed use of the subject property.
- (3) Any professional parking study submitted by the applicant shall be based primarily on specific site-related information, a comparable analysis of similar uses and properties in the area or region, and an examination of demand reduction strategies, including such elements as promotion of walking, bicycle parking or storage facilities, alternative mobility options, transit access opportunities, car-share rentals, and ride-sharing or carpooling services.

The following table establishes the range of the minimum and maximum number of off-street parking spaces within which the Planning Board has discretion to determine the required number of such spaces based on the considerations set forth at § 223-26.D(2). Where more than the maximum or less than the minimum number of off-street parking spaces are provided an area variance from the Zoning Board of Appeals shall be required. An area variance may also be sought from the required number of parking spaces determined to be appropriate by the Planning Board.

Schedule of Off-Street Parking Standards¹				
Building Use	CMS, L, WD		R1, RD, LI, HI, WP, FCD, GB, T²	
	Min	Max	Min	Max
Residential (Including accessory apartment)	–	1 space per dwelling unit	1 space per dwelling unit	3 spaces per dwelling unit
Lodging	–	0.75 space per guest room	0.5 space per guest room	1.5 space per guest room
Commercial (Retail / Office / Service / Food / Auto-Oriented/ Social and Community)	–	3 spaces Per 1000 SF GFA	3 spaces Per 1000 SF GFA	5 spaces Per 1000 SF GFA
Health Care and Educational		4 spaces per 1000 SF GFA	1 space per 1000 SF GFA	4 spaces per 1000 SF GFA
Industrial (Industrial or Assembly)	–	–	0.25 space per 1,000 SF GFA	2.5 spaces per 1,000 SF GFA
Other Uses		Shall be determined by the Planning Board or the Building Inspector, as appropriate depending upon the permit or approval sought and upon consideration of relevant factors dictating the parking needs of each such use.		

NOTES:

1 The calculation of Gross Floor Area (“GFA”) shall exclude utility space.

1 Pursuant to §223-26B(3)(a), no more than 30% of the provided parking may be designated for compact automobiles at the sole discretion of and in accordance with the standards set forth in §223-26D, as determined by the Planning Board.

2. Where the Planning Board determines that a property within the T District is in proximity to available municipal parking, public transportation, and pedestrian-oriented streetscapes, parking standards from the CMS district may be applied to all proposed uses on said property.

E. Operation and maintenance of off-street parking areas and structures. Off-street parking areas or structures shall be maintained as long as the use of the structure exists which the parking areas or structures are designed to serve. Designated parking areas developed for

specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.

F. Off-street loading requirements. Off-street loading and unloading facilities shall be provided as follows:

...

(2) Number of spaces. The Planning Board shall determine the location (on-site or off-site) and appropriate number of loading spaces as part of site plan approval and based on the context of the property, including but not limited to the size of the parcel, proposed uses, existing buildings on the parcel, a professional study submitted by the applicant, and input from any public hearing.

G. Driveways. For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all requirements of Chapter **100**, Driveways, and shall be subject to the approval of the Highway Superintendent, except where such are part of a use subject to special permit or site development plan approval, in accordance with §§ **223-18** and **223-25**, in which case they shall be subject to approval by the Planning Board and/or City Council.

Section 2. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-14.1, entitled “Hotels,” Subsection C is hereby amended and Subsections C(1),(2), and (3) are deleted as follows:

§ 223-14.1 **Hotels.**

...

C. Off-street parking shall be in accordance with § **223-26**.

...

Section 3. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-21, entitled “Car washes,” Subsection F is hereby amended and Subsection F(1) is hereby deleted and Subsections F(2) and (3) are renumbered accordingly as follows:

§ 223-21 **Car washes.**

...

F. Off-street parking shall be provided in accordance with § **223-26**.

...

Section 4. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-22, entitled “Nursing homes,” Subsection D(1) is hereby amended as follows:

§ 223-22 **Nursing homes.**

...

D. Off-street parking.

(1) Off-street parking shall be provided in accordance with § 223-26.

...

Section 5. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-25, entitled “Site development plan approval,” Subsection A is hereby amended as follows:

§ 223-25 **Site development plan approval.**

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26D hereof, shall be permitted, other than one-family dwellings, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

...

Section 6. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.3, entitled “Waterfront Park (WP) Zone,” Subsection J(11) is hereby amended and Subsections J(11)(b), (c), (d) and (f) are deleted as follows:

§ 223-41.3 **Waterfront Park (WP) Zone.**

...

J. Waterfront Park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:

...

(11) Off-street parking and loading shall be provided in accordance with § 223-26.

...

Section 7. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.4, entitled “Waterfront Development (WD) Zone,” Subsection J(11) is hereby amended and Subsections J(11)(b), (c), (d), (e) and (f) are deleted as follows:

§ 223-41.4 **Waterfront Development (WD) Zone.**

...

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

...

(11) Off-street parking and loading shall be provided in accordance with § **223-26**.

...

Section 8. Chapter 223 of the City Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) Zone, Section 223-41.13, entitled “Uses; plan review; design standards,” Subsection I(11)(b) is hereby amended and Subsections I(11)(c), (d), and (e) are deleted as follows:

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

...

I. Fishkill Creek development design standards.

...

(11) Off-street parking and loading.

...

(b) The FCD District parking shall be in accordance with § **223-26** of this chapter.

...

Section 9. Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G are hereby amended and Subsections G(3), (4), and (5) are deleted as follows:

§ 223-41.18 **Regulations.**

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § **223-41.18**, all such uses require site development plan review and approval. Site development 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 maximum number of off-street parking spaces required for the new use in § **223-41.18G(2)** is not more than 25% greater than the maximum standard for the existing use in § **223-26D** herein.

...

G. Parking location and quantity.

...

(2) Parking shall be in accordance with § **223-26**.

...

Section 10. Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsections A and F are hereby amended and Subsections F(3),(4), and (5) are deleted as follows:

§ 223-41.21 **Regulations.**

A. Uses by right. Uses listed below in this Subsection **A** are permitted by right subject to site plan review, except as otherwise noted in this § **223-41.21**. 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 maximum number of off-street parking spaces for the new use in § **223-41.21F(2)** is not more than 25% greater than the maximum standard for the existing use in § **223-26D** herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

F. Parking location and quantity.

...

(2) Parking shall be in accordance with § **223-26**.

...

Section 11. Chapter 223 of the City Code of the City of Beacon, Article IVF, Senior Affordable Housing Overlay (SAHO) District, Section 223-41.22, entitled “Specific requirements and regulations,” Subsection E(1) is hereby amended as follows:

§ 223-41.22 **Specific requirements and regulations.**

...

E. Supplementary site regulations.

(1) **Parking.** Off-street parking shall be in accordance with § **223-26**.

...

Section 12. Chapter 223 of the City Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 223-63, entitled “Definitions,” is hereby amended as follows:

...

LOADING SPACE

Any off-street space available for the loading or unloading of goods and complying with the provisions specified in § **223-26** of this chapter.

...

PARKING SPACE

An off-street space available for the parking of one motor vehicle on a transient basis and complying with the provisions specified in § **223-26** of this chapter.

...

Section 13. Applicability.

This local law shall apply to all land use applications received on or after the effective date of this local law as set forth in Section 17 below. Notwithstanding the aforementioned, this local law shall also apply to pending and/or approved land use applications on the effective date of this local law unless a final certificate of occupancy is issued within one calendar year of the effective date of this local law as set forth in Section 17 below.

Section 14. Planning Board Report.

The Planning Board is requested to provide a summary of the effects of implementation of this local law to the City Council within one, two, and three years of adoption, and to provide information, including, but not limited to: (a) the number of applications in each zoning district, (b) the required number of parking spaces provided for in each application, (c) the

number of parking spaces such application would have been required to provide prior to this local law, (d) any other information the Planning Board deems relevant and/or any other information that the City Council may subsequently request.

Section 15. Ratification, Readoption and Confirmation.

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

Section 16. Numbering for Codification.

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 17. Severability.

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

Section 18. Effective Date.

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