

**Appendix A – 1**

**Adopted Zoning Ordinance Text – Waterfront District (WF)**



## **ARTICLE VII, Special Districts**

### **§ 300-41. WF Waterfront District. [Amended 12-14-1987; 11-13-1990]**

- A. Purpose. The City of Peekskill waterfront is a unique natural setting that provides water-related recreation opportunities, both passive and active, majestic views, habitat for wildlife, a transportation center and an opportunity for commercial and residential development. The creation of a waterfront district is intended to encourage the creation and/or maintenance of sound development within the city's waterfront area in a manner that optimizes the locational opportunity for appropriate commercial, residential, service and recreation activities, including the possible multiple use of sites, which shall be compatible with adjacent uses so as not to cause nuisance or environmental harm, and at the same time recognizes and protects the unique natural setting and the public investment made in open space and preservation of vistas. Any development in the waterfront shall be reviewed by the Planning Commission and Common Council, as applicable, with the following public objectives which should be evaluated in a comprehensive manner:
- (1) Preservation of open space and recreation opportunities.
  - (2) Preservation and reclamation of views or vistas of Peekskill Bay and the Hudson Highlands.
  - (3) Attractive rehabilitation of existing buildings.
  - (4) Consolidation of transportation uses and services.
  - (5) Provision for and support of water-related services and businesses.
  - (6) Development of residential dwellings where such development advances the purposes set forth herein and in § 300-19 of this chapter.
  - (7) Expansion of public rights-of-way and easements along the water's edge.
- B. Overall district. The Waterfront (WF) Zoning District is hereby amended to include all areas delineated "WF" on the Zoning Map of the City of Peekskill, as amended.
- C. Subareas. The Waterfront District, as established, is hereby divided into three subareas: WF-1, WF-2 and WF-PRD. The Common Council finds that each subarea has a distinct character because of topography and/or location within the waterfront area. These subareas are established as delineated on the Zoning Map of the City of Peekskill.

D. Subarea WF-1. [Amended 12-23-1991; 9-26-1995]

(1) Permitted uses.

(a) Municipal parks.

(2) Special Permit uses.

(a) For all special permit uses in the WF-1, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

(b) The following uses are permitted in the WF-1 Subarea subject to the issuance of a special permit by the Common Council:

[1] Marina, boat club, boat launching and sale or rental of marine supplies and boats.

[2] Fully enclosed structures not to exceed 10,000 feet of floor area for the repair and manufacture of boats, sails and equipment.

[3] Transportation services, including ferry terminal and commercial boat charter.

[4] Restaurant, standard.

[5] Hotels and motels.

(3) Lot area and building requirements.

(a) Height. No structure shall be erected to a height in excess of two stories or 24 feet. This height requirement may be waived by the Planning Commission for structures to be developed at Travis Point, however, such structure may not exceed four stories and the overall height may not exceed 45 feet.

(b) Structures shall be set back 100 feet from the water's edge, except structures which require direct access to the water for their function and which are not more than one story or 12 feet in height.

(c) For hotel/motel uses the following bulk standards shall additionally apply:

- [1] One thousand square feet of lot area shall be provided for each guest room.
- [2] Each guest room shall include a full private bathroom.
- [3] Minimum guest room size, including private bathroom, shall be 400 square feet.
- [4] Maximum floor area ratio (FAR) shall be 0.75.
- [5] Gross floor area designated to permitted ancillary uses shall not exceed 60% of the gross floor area for all site structures.
- [6] Buffering shall be provided as follows: a twenty-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between both the main building and all outdoor recreation areas and all side and rear lot lines; a ten-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between all parking areas and all side and rear lot lines.

(4) Special Permit additional criteria.

(a) Marinas.

- [1] For marina development within the WF-1, the following criteria are requirements for the issuance of a special permit by the Common Council:
  - [a] A traffic analysis must be provided, indicating that peak hour traffic flows can be accommodated at adequate levels by the existing street system and/or proposed improvements to the existing street system.
  - [b] An engineer's report must be provided, certifying that improvements to be constructed in conjunction with the development will not have significant negative impacts on the following:
    - [i] The quality of water in Peekskill Bay, defined herein as the portion of the Hudson River located between the northern and southern boundaries of the City of Peekskill.

- [ii] Boating safety and freedom from boat congestion in Peekskill Bay due to the number of proposed and preexisting slips in Peekskill Bay.
  - [c] Sewerage pump-out stations must be provided and located in convenient locations in accordance with applicable federal, state and local standards and must be available to the general boating public.
  - [d] Garbage stations must be provided and located in convenient locations in accordance with all applicable federal, state and local standards.
  - [e] Upland support facilities, including but not limited to showers, bathrooms and laundromats must be provided for the use of marina patrons for marina developments with 100 or more boat slips.
  - [f] Improved public access to the shoreline through boardwalks or other suitable means must be provided.
  - [g] Not less than 25% of all boat slips must be made available to the public through annual leases.
  - [h] Acceptable and adequate provision for the off-season storage of boats, whether on-site or off-site, must be demonstrated to the satisfaction of the Common Council. Any such storage which, in the determination of the Common Council, results in excessive interference of shore site lines to the river shall be deemed unacceptable.
- [2] The residential use of marinas is strictly prohibited. For the purposes of this Subsection D (4) (a) [2], continuing occupation of any boat by any person for a period of seven days shall be deemed a prohibited residential use.
- (b) Hotels.
- [1] For hotel development within the WF-1, the following criteria are requirements for the issuance of a special permit by the Planning Commission:
    - [a] Minimum of 50 guest rooms shall be provided.

- [b] Occupancy shall be limited to transients who shall reside in the hotel for not more than 180 days a year.
- [c] Minimum rate shall be for a full day; hourly rental rates shall not be permitted.

E. Subarea WF-2. [Amended 11-29-1994; 9-26-1995]

(1) Permitted uses.

- (a) [Amended 7-10-2000 by L.L. No. 2-2000] Commercial uses with a maximum floor area of 4,000 square feet for each structure limited to the following uses:
  - [1] Retail stores to include photocopying services.
  - [2] Arts and crafts studios, art and/or antique galleries or museums.
  - [3] Professional and business offices.
  - [4] Beauty parlors, barbershops, tailors and nail shops.
  - [5] Furniture, cabinetry and musical instrument design, fabrication and repair and small appliance repair, provided that items are offered for sale on the premises.
  - [6] Job printing which includes design and reproduction work.
  - [7] Dance studios and martial arts studios.
  - [8] Dry-cleaning stores, except that no dry cleaning may be performed on the property.
- (b) Municipal parks and playgrounds, including customary recreational, refreshment or service buildings and, without limitation, any other proprietary or governmental use of the City of Peekskill.

(2) Special permit uses.

- (a) For all special permit uses in the WF-2, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an

affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

(b) The following uses are permitted in the WF-2 Subarea subject to the issuance of a special permit by the Common Council:

[1] Residential uses limited to the following:

[a] Dwelling units, whether attached or semi-attached, including townhouse and garden apartment configurations, in accordance with the standards and guidelines of the WF Zoning District.

[2] Nonresidential uses limited to the following:

[a] Restaurant, standard.

[b] Retail stores to include photocopying services.

[c] Business and professional offices with a floor area of greater than 4,000 square feet.

[d] Arts or crafts studios, art galleries and antique galleries, furniture, cabinetry and musical instrument design, fabrication, and repair studios with a floor area greater than 4,000 square feet. [Amended 7-10-2000 by L.L. No. 2-2000]

[e] Public or private parking lots or structures.

[f] Day-care centers and school-age child care as a principal use, subject to the following conditions:

[i] Buffering five feet in width and a six-foot-high opaque fence with the finished side facing out shall be required between all play areas and all lot lines, subject to Planning Commission full or partial waiver of this requirement.

[g] Houses of worship, subject to the following standards in addition to those identified in §§ 300-54 and 300-55 of this chapter:

[i] Minimum dimensional standards for a house of worship shall be as follows: one acre minimum lot size; one-hundred-fifty-foot minimum lot width;



20% maximum building coverage; 50% maximum impervious coverage; and maximum building height of 50 feet.

- [ii] One parking space per four seats.
- [iii] Parking area to be buffered from all side and rear lot lines by a planted area a minimum of 10 feet in width; no parking is permitted in a required front yard.
- [iv] Building setbacks for all structures shall be a minimum of 50 feet from all front lot lines, 15 feet from all side lot lines and 30 feet from all rear lot lines, or 1/2 of the building height from each lot line, whichever is greater.
- [v] Any facility with maximum capacity of 150 persons or more shall prepare a traffic impact analysis, which analysis shall include proposals for any necessary mitigation measures to be undertaken by the applicant, to the satisfaction of the Planning Commission.
- [vi] Maximum site generated light shall not exceed 1.5 footcandles at the property line and the source of all exterior lighting shall not be visible beyond the property line.
- [h] Museums.
- [i] Libraries.
- [j] Bed-and-breakfast facility.
- [k] [Added 7-21-1997] Artist lofts.
  - [i] When an action will result in one building containing three or more artist lofts, the artist loft shall be subject to the issuance of a special permit by the Common Council. If the action results in one building containing not more than two artist lofts, then the artist loft shall be subject to the issuance of a special permit by the Planning Commission.

[ii] Development standards.

- [A] An artist loft may exist on the first floor of the structure if all of the following conditions are satisfied:
- {1} The artist loft is arranged in such a fashion that as to comply with guidelines defined in Design Guidelines, Subsection C(2), such that consistent street wall with street frontage is maintained.
  - {2} The portion of the loft space primarily intended for residential use does not directly face the street.
  - {3} The loft shall maintain a commercial appearance from the street consistent with the retail nature of the surrounding area.
- [B] Each artist loft shall be separated from other artist lofts or other uses within a particular building. Access to artist lofts may be provided from common access areas, halls or corridors.
- [C] Each artist loft must be individually equipped with an enclosed bathroom containing a bathroom sink, water closet, shower and appropriate venting.
- [D] Each artist loft must be individually equipped with a kitchen that contains a four-burner stove and oven, with a range hood vented to the exterior of the unit. Each unit must provide a minimum of five feet of countertop, a kitchen sink and a minimum of 10 feet of storage cabinets. Each unit must be served by a garbage disposal unit.
- [E] Each artist loft must contain a livable floor area of no less than 800 square feet and no greater than 2,000 square feet. The Planning Commission, upon review, may waive the

aforementioned maximum requirement upon a finding that artwork to be created in said space would require greater square feet for production or all of said increased square feet was to be used as work space.

- [F] No more than 49% of the livable floor area of the artist loft may be primarily intended for residential uses. In no event may said residential area exceed 980 square feet. Direct internal access between living and working areas must be provided.
  
  - [G] Sprinkler systems must be provided in all common hallways and areas of any building containing an artist loft if the loft contains only one legal means of egress. Hard-wired smoke detectors with battery back ups must be provided for all units.
- [iii] Other requirements.
- [A] All lofts must comply with New York State Uniform Fire Prevention and Building Code standards for storage of materials.
  
  - [B] The artist loft must be occupied by at least one person who is registered as an artist by one of the following organizations: the Peekskill Arts Council, the Paramount Center for the Arts or the City of Peekskill.
  
  - [C] The artwork that is to be created within the artist loft must be compatible with other uses which occur or are to occur within the building in which the artist loft is to be located.
  
  - [D] No more than two persons per bedroom of residential floor area may reside within an artist loft.
  
  - [E] Only three nonresident employees may be employed within an artist loft. This requirement may be waived for artist lofts

that occur on the first floor of a structure that provide retail space on that first floor.

- [F] Other than in a first-floor retail-oriented area, articles offered for sale within an artist loft must include those produced by the artist occupying said artist loft and may be offered with other like items.
- [G] Air conditioners, clotheslines and other objects or equipment shall be prohibited from projecting from any window that is visible from a public street.
- [H] One flush-mounted nonilluminated sign attached adjacent to or near the street entrance door to the artist loft may be used to identify the artist. Where two or more artist lofts occur within the same building, the signs must be placed in an orderly fashion in relation to each other.
- [I] Work space and accessory residential space shall not be rented separately or used by persons other than those people legally residing within the artist loft.
- [1] Mixed-use development containing only those uses approved for the WF-2 Subarea. Where residential and nonresidential uses are in the same structure, the residential portion of a building shall have separate access. [Amended 7-21-1997]

(3) [Amended 7-21-1997] Lot area and building requirements.

- (a) Height. No building shall be erected to a height greater than three stories or 38 feet.

- [1] This requirement may be waived by the Planning Commission for parcels fronting on Pemart Avenue or east of Route 9 to a height not to exceed 52 feet solely upon an affirmative finding that adequate parking is provided pursuant to § 300-41H of this chapter and that the proposed height will not block upland views to the

Hudson River or produce buildings out of scale with the character of the surrounding neighborhood.

[2] Chimneys, flues, towers, bulkheads, spires parapets, skylights and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part and do not exceed an additional 10 feet above the maximum height set forth in this § 300-41E(3).

- (b) Yards. No side yard or rear yard is required. If a side or rear yard is provided, it must be 10 feet.
- (c) Setbacks. Buildings shall be set back 10 feet from the curb to create a consistent street wall except in the case of South Street, Union Avenue and Depew Street. On these aforementioned streets, buildings may be built up to the road right-of-way in order to maintain the existing street walls. The Planning Commission may vary this requirement to increase or decrease the setback of a building if it is determined by the Planning Commission that the building entry space provided creates a usable open space such as a park or plaza or if such space provides an improved alignment with existing adjacent buildings.
- (d) Residential parking. Parking for residential uses shall not be located within the frontage abutting the street. The Planning Commission may waive this requirement for lots in excess of one acre if the parking scheme is deemed appropriate for said residential space.
- (e) Residential entrances. Main entries to residential uses shall be from the side of the structure that faces the street except in the case of artist lofts where residential entrances may be from the side of the structure that does not face the street.
- (f) Residential unit size. In a multiple-dwelling development containing more than five dwellings, the average size of residential units within a single parcel shall not be less than 1,000 square feet of floor area per unit. In the case of artist lofts, see § 300-41E(2)(b)[2][k][ii][E] and [F] for specific unit size requirements.
- (g) Bonus height. Additional building height may be granted by the Common Council to developments that provide retail uses on the ground floor of residential buildings. This area may be in the form of one additional story, not to exceed 12 additional feet in height.

F. Subarea WF-PRD. [Amended 4-8-1991; 9-26-1995]

(1) Permitted uses.

(a) One-family residential uses as regulated in the R-1B District.

(2) Special permit uses.

(a) For all special permit uses in the WF-PRD, the Design Guidelines for the WF District are hereby deemed additional criteria to be used in evaluating proposals. In reviewing special permit applications, the Planning Commission shall make a report to the Common Council regarding consistency with the Design Guidelines. No special permit shall be granted pursuant to this section unless the Common Council shall have made an affirmative finding that the project is consistent with the Design Guidelines to the maximum extent possible.

(b) The following uses are permitted in the WF-PRD Subarea subject to the issuance of a special permit by the Common Council:

[1] Residential uses limited to the following:

[a] Dwelling units, whether attached or semi-attached, including townhouse, garden apartment, and mid-rise apartment configurations, in accordance with the requirements of the WF Zoning District.

[2] Nonresidential uses limited to the following:

[a] Hotels and motels, subject to the following conditions:

[i] Minimum of 50 guest rooms must be provided.

[ii] The following bulk standards shall apply:

[A] One thousand square feet of lot area shall be provided for each guest room.

[B] Each guest room shall include a full private bathroom.

[C] Minimum guest room size, including private bathroom, shall be four hundred 400 square feet.

- [D] Maximum floor area ratio (FAR) shall be 0.75.
- [E] Gross floor area designated to permitted ancillary uses shall not exceed 60% of the gross floor area for all site structures.
- [F] Buffering shall be provided as follows: a twenty-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between both the main building and all outdoor recreation areas and all side and rear lot lines; a ten-foot-wide buffer, planted and maintained to the satisfaction of the Director of Planning and Development, shall be provided between all parking areas and all side and rear lot lines.

[iii] Occupancy shall be limited to transients who shall reside in the hotel for not more than 180 days a year.

[iv] Minimum rate shall be for a full day; hourly rental rates shall not be permitted.

[b] Convents.

(3) Lot area and building requirements.

(a) Height. Except as provided in Subsection F(3)(a)[1] and [2] below, no building shall be erected to a height greater than three stories or 38 feet.

[1] This limitation may be waived by the Planning Commission to a height not to exceed 52 feet for buildings located adjacent to the existing convent building within an area 325 feet in width, the center line of which begins due south of the center line of the existing convent building, continuing in a southerly direction a distance of 400 linear feet.

[2] Chimneys, flues, towers, bulkheads, spires and other decorative features shall be exempt from the provisions of this subsection, provided that they occupy not more than 20% of the area of the roof of the building of which they are a part and do not exceed an additional 10 feet above the maximum height set forth in § 300-41F(3)(a) herein.

- (b) Steep slopes. In general, development of areas with a slope of 20% or greater shall be avoided, except for those areas of less than 5,000 square feet used for roads.
- (c) Density. The standards set forth in the table below are maximum design densities for various housing types. The overall gross density of any site or site assemblage shall not exceed nine dwelling units per acre; provided, however, that upon award of bonus density pursuant to § 300-41F(3)(d) hereof, such density may be increased not to exceed 11 units per acre.

[1] Subject to the density limitation in Subsection F(3)(c) above, the following is the maximum density allowed within a given development for each housing configuration:

Configuration	Density (units per acre)
Townhouses	7
Garden apartments	15
Mid-rise apartments	22

- (d) Bonus density.

[1] In the WF-PRD Zone Subarea, an increase in residential density may be granted by the Common Council upon a finding by the Common Council that the project will provide additional parkland to the city or will otherwise substantially increase public access or beneficial use of the waterfront. In making such a finding, the Common Council may, in its sole discretion, consider off-site improvements to be made by the applicant.

[2] The bonus density granted pursuant to Subsection F(3)(d)[1] shall not exceed one residential unit per acre.

[3] In addition to Subsection F(3)(d)[2] above, an increase in residential density not to exceed one additional unit per acre may be granted by the Common Council upon a finding by the Common Council that the proposed project will result in the rehabilitation and preservation of a building or buildings which the Common Council finds to be of special historic, architectural or design importance to the history and character of the City of Peekskill.



- (4) Special Permit additional criteria.
- (a) For special permit applications within WF-PRD, the following criteria are requirements for the issuance of a special permit by the Common Council. No special permit shall be granted pursuant to this section unless the applicant has submitted evidence which, as determined by the Common Council, adequately demonstrates compliance with all of the criteria set forth in this Subsection F(4)(a) and (b).
- [1] A traffic analysis shall be provided, indicating that peak hour traffic flows generated by the proposed development can be handled at adequate levels of service by the existing street system and/or proposed improvements to the street system.
- [2] An engineer's report shall be provided, which certifies that existing systems, together with improvements to be constructed in conjunction with the development, will have sufficient capacity to provide the following:
- [a] Water fire flows sufficient to meet fire and safety standards for the scale and type of development proposed.
- [b] Sanitary sewer service connected to the existing city system which complies with city and county regulations.
- [c] A drainage system which will not adversely impact existing development within the same drainage basin.
- [3] For all common property not dedicated to the City of Peekskill or other public agency, the owner shall provide for and establish an organization that will provide for the continued ownership and maintenance thereof, consistent with all applicable state laws and in accordance with § 300-28I herein.
- [4] All electrical, telephone, cable television and similar equipment shall be installed underground in accordance with the New York State Public Service Commission regulations.
- [5] The right-of-way and pavement widths for internal roads serving multifamily dwellings shall be sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and access by fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 24 feet wide. All streets to be dedicated shall be subject to all other applicable city ordinances and standards.

[6] The developer shall provide all necessary on-site water and sewer facilities, storm drainage, paved service streets, curbing, sidewalks, parking and loading facilities, lighting, fire alarm and other necessary support systems, which shall be connected to public utility systems at the nearest feasible point.

(b) Recreational uses and nonresidential uses, including but not limited to parking and loading areas, must be located so as to be compatible with nearby residential uses. All such uses must be adequately screened and buffered where adjacent to residential development.

G. [Amended 9-26-1995; 7-21-1997] Accessory uses. Accessory uses are limited to the following:

(1) Residential uses.

(a) Customary home occupations, provided that:

[1] No display of goods or signs is visible from the street.

[2] Such occupation is incidental to the residential use of the premises and is carried on in the main building by a resident thereof with no more than two assistants or employees who do not reside on the premises.

[3] Only customary household appliances and equipment are used.

[4] Such occupation is conducted in an area not exceeding 30% of the total floor area of the residence.

(b) The keeping of not more than three customary household pets over six months old, but excluding the commercial breeding or keeping of the same.

(c) Fences or garden walls, limited to four feet in height, measured above finished grade. This height restriction may be waived by the Planning Commission for side and rear yard fences or garden walls to a height not to exceed 6 1/2 feet if the Planning Commission determines that such height will not block views of the Hudson River.

(d) Swimming pools.

(e) Off-street parking, including private garages.

- (2) Nonresidential uses:
  - (a) Off-street parking.
  - (b) Enclosed storage.
  - (c) Signs, in accordance with the Peekskill Sign Ordinance.
  - (d) Accessory recreation, such as swimming pools and tennis courts for use of residents, members or patrons of the principal use.
  - (e) Fabrication of craft items, such as jewelry, pottery or woodcraft, provided that retail sales of such items are provided on the premises.
  - (f) Artist lots may have artist galleries or fabrication spaces to be used by artist loft occupants, with this space limited in size not to exceed 2,500 square feet.
  - (g) Cemetery, accessory to convent, for the residents thereof.

H. [Amended 9-26-1995; 7-21-1997] Off-street parking.

(1) Except for the WF-PRD Subarea and for artist lofts in the WF-2 Subarea, all parking must be at the side or rear of the building it is provided for. Artist loft parking areas may be defined by the Planning Commission pursuant to a recommendation of the Architectural Review Board.

(2) Minimum requirements.

(a) The following minimum off-street parking requirements shall apply:

Use	Required Spaces
Retail	1 per 300 square feet of floor area
Restaurant	1 per 100 square feet of patron use area
Marina	1 for each 2 boat slips
Office	Same as § 300-32G
Bed-and-breakfast	1 per guest room plus 2 for the required manager's dwelling unit

facility	
Artist loft	1 parking space per artist loft, except in the case of artist lofts above 2,000 square feet where 2 spaces are required
Day-care center or school-age child care	As a principal use, 1 parking space per 10 on the maximum shift plus 1 parking space per employee on the maximum shift
Hotel	1 per room, plus 2 for the live-in manager-caretaker (if any), plus 1 per employee on the maximum shift, plus 1 per 300 square feet of gross retail or service floor area, plus 1 per 100 square feet of restaurant patron area, plus the number of parking spaces determined by the Planning Commission to be appropriate for any use not specifically identified above. The Planning Commission may waive a portion of the parking requirement if, in its sole authority, the Commission determines, based upon a showing by the applicant, that such a waiver is warranted due to variation in the probable times of maximum use by employees and guests or such other evidence as is provided by the applicant to the satisfaction of the Planning Commission.
Libraries	1 for each 500 square feet of gross floor area plus 1 per employee on the maximum shift
Museum	1 for each 1,000 square feet of gross floor area plus 1 per employee on the maximum shift
Residential	

1-bedroom	1.5
2-bedroom	1.75
3-bedroom or more	2.0

When boat slips are provided as part of the development, an additional .5 parking space shall be provided per boat slip

Uses not As determined by the listed Planning Commission to be needed to discourage long-term on-street parking

(b) All or portions of the off-street parking requirements may be waived by the Planning Commission upon an affirmative finding that the following conditions have been satisfied:

- [1] The proposed use is within 500 feet for residential or 1,000 feet for other uses of a municipally operated off-street parking facility, such distance to be measured from the midpoint of the front street lot line.
- [2] The Planning Commission shall, at the time of site plan approval, certify on such plan that the municipally operated off-street parking facility has adequate capacity for storage of passenger vehicles generated by activities proposed to be conducted on the subject lot in addition to those generated by any other uses already serviced or programmed by such off-street parking facility.
- [3] On parcels less than 10,000 square feet, if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is available within 1,000 feet, a payment in lieu of providing off-street parking shall be made to the city in amounts set by the Common Council for each required space that is waived. This payment will be deposited in a special parking fund, to be used solely for the purpose of providing off-street parking in the Waterfront District.
- [4] On parcels 10,000 square feet or greater, if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is available within 500 feet for residential or 1,000 feet for other uses, a maximum of 20% of the required parking can be waived upon payment of a fee in amounts set by the Common Council for each required space that is waived.

- [5] Where two or more uses exist on the same lot, the total amount of parking space to be provided shall be the sum of the requirements for each individual use on the lot. However, the total parking requirement may be reduced if a shared parking analysis demonstrates to the Planning Commission's satisfaction that such shared parking will be adequate to service all uses within the site.
- [6] The Common Council may waive the above fee requirements if parking adequate to meet the standards of this chapter, as determined by the Planning Commission, is provided within 500 feet for a residential use or 1,000 feet for other uses or if other appropriate arrangements, as determined by the Planning Commission, can be made for private off-site parking within 500 feet for residential use or 1,000 feet for other uses.

- I. Off-street loading requirements. All off-street loading shall take place on the lot of the principal use. Loading units shall be provided in accordance with § 300-21F, None of the loading areas may front on the street, This requirement may be reduced or waived by the Planning Commission where it determines that, as a result of the size of trucks, number of trucks and frequency of deliveries associated with the use, such waiver will have no negative impact upon traffic, parking and pedestrian safety.
- J. Special design district. This district shall constitute a special design district under § 300-54B(1)(d).
- K. Site plan review. The Design Guidelines for the Waterfront District are hereby deemed additional criteria for the evaluation of applications for site plan approval. In reviewing site plans which do not require a special permit, pursuant to this section, the Planning Commission shall consider the design guidelines for the WF District, and no site plan shall be approved unless the Planning Commission first makes an affirmative finding that a site plan is consistent with the Design Guidelines to the maximum extent possible.
- L. Special permit and site plan application procedures.
- (1) The applicant shall submit a preliminary site plan map at a minimum scale of one inch equals 30 feet to the Director of Planning and Development. The preliminary site plan, which shall be accompanied by a special permit application, shall clearly show the following:
- (a) The disposition of various land uses and the area covered by each, in acres.
- (b) The general outline of the interior road system and all existing and proposed rights-of-way and easements, whether public or private.
- (c) Calculation and delineation of areas covered by bodies of water, slopes of 20% and over and rock outcroppings as defined in § 300-27E(4)(b).

- (d) Delineating of the various residential areas, indicating the number of dwelling units by each housing type: attached dwellings, garden apartments and mid-rise apartments, plus a calculation of the parcel density in dwelling units per gross parcel acreage.
  - (e) The interior common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the planned residential development and how it is to be owned and maintained.
  - (f) Appropriate site plan elements as specified in § 300-54E.
  - (g) Evidence and documentation demonstrating compliance with the goals and standards of the WF Zoning District.
- (2) The Director of Planning and Development (DPD) shall review the preliminary site plan and all related documents and, within 30 days of its submission, shall certify as to whether the application is complete and whether the proposal meets all the general requirements herein. If the application is not complete or does not meet these general requirements, it shall be returned to the applicant with the deficiencies noted.
- (3) Following certification as outlined in Subsection L(2) above, the DPD shall forward the application to the Common Council. The Common Council shall refer the application to the Planning Commission for a recommendation on the special permit and review of the preliminary plan. The Planning Commission shall render and issue a report recommending either approval, denial or approval with conditions within 45 days of the date of referral by the Common Council. Upon request of the Planning Commission, the Common Council may extend the time for a report for an additional 45 days.
- (a) Findings. The report shall, at a minimum, include the following findings:
- [1] That the proposal conforms to the Comprehensive Master Plan, as amended, duly adopted by the Peekskill Planning Commission.
  - [2] That the proposal meets all of the general requirements of Subsection L and is consistent to the maximum extent possible with the Design Guidelines.
  - [3] That the proposal is conceptually sound in that it meets community needs in the layout of the proposed functional roadway system, in its land use configuration, open space and drainage systems and in the scale of the elements, both absolute and as they relate to one another.

- (b) A report recommending denial shall state clearly the reasons therefore.
- (4) Application for final site plan and, where appropriate, plat approval shall conform to the requirements described in § 300-27E(11), (12), (13) and (14).



## **Design Guidelines for the Waterfront District**

### **A. Introduction.**

- (1) The purpose of these Design Guidelines is to set the visual and urban design parameters for development in the Waterfront District. They are referred to under the new zoning regulations for the Waterfront District (§ 300-41) and are intended to be flexible and allow for responsiveness to the unique features of individual parcels, while providing a context within which rational and cohesive development can occur.
- (2) The Design Guidelines should be used by developers when beginning the design phase of development and will be referred to by the Planning Board or other reviewing body when assessing projects under the site plan review process.
- (3) This document consists of a Design Guidelines map, typical street sections for the major streets within the waterfront and text describing the rules which govern separate areas of the waterfront.
- (4) The map shows important view corridors, existing structures, open space and environmentally sensitive areas which should be preserved, as well as the preferred parking areas, building entries and new rights-of-way.
- (5) The typical street sections were developed to show ideal building heights and setbacks from the curb, as well as sidewalk widths, landscaping, parking and lighting locations.
- (6) For each project type and/or discreet parcel within the subareas, specific rules govern the orientation of buildings; their massing and setback from the street, permitted building materials and criteria for parking that promote the quality of design that responds to the unique historical and topographical features of the Peekskill waterfront.
- (7) For land use, dimensional and height regulations for specific subareas within the Waterfront District, refer to Chapter 300, Zoning, from the Code of the City of Peekskill.

### **B. Design guidelines for development in Subarea WF-1.**

- (1) **Orientation.**
  - (a) Uses on this site should take advantage of the riverfront views without significantly altering existing topography on Travis Point such that the vegetation and tree growth is destroyed.

- (2) Building mass and form.
  - (a) Buildings should step down in mass and form so as not to appear monolithic, particularly in the case of a hotel building.
  - (b) The facade should include punched windows, bay windows and balconies.
  - (c) No strip windows are permitted.
  - (d) The roof should be sloped a minimum of 30° and be articulated with dormers.
- (3) Setback.
  - (a) Buildings should be set back at least 100 feet from the water's edge, except a restaurant, clubhouse or marina structure which requires direct water access may be closer, depending upon its use.
- (4) Materials.
  - (a) The building exterior should be constructed of brick, clapboard or stucco. Prefabricated cladding is not allowed.
  - (b) Use of reflective materials is not permitted as the dominant building material.
- (5) Parking.
  - (a) Surface parking or a deck should be placed between any structure and the railroad tracks so that it is not visible from the waterfront.
  - (b) Surface parking should be set back from the water and screened by vegetation so as not to dominate the landscape.

C. [Amended 7-21-1997] Guidelines for development in Subarea WF-2.

- (1) Residential.
  - (a) Orientation.
    - [1] Dwellings should be oriented toward the street and related open spaces in order to take advantage of the views towards the Hudson River.
  - (b) Setback.
    - [1] Buildings should generally be set back 15 feet from the curb. This includes a zone of five feet that allows for porches, balconies and bay windows.
  - (c) Massing and building form.
    - [1] Buildings should relate directly to the street so that the public space is clearly defined by the building mass.

[2] Buildings should maintain a parallel alignment with the street and not zigzag with minor setbacks at each unit.

[3] Buildings should reflect the residential nature of the development and include porches, balconies, bay windows and a sloped roof of 30° to 45° with dormers. Sloped roofs of greater than 50° are not permitted.

[4] Building entries should be from the main street on which the building fronts.

[5] A richness of facade texture should be encouraged through the use of punched windows, deep reveals and marked roof profiles.

(d) Materials.

[1] The exterior should consist of brick and/or clapboard. Prefabricated exterior cladding is not permitted.

[2] Use of metallic or reflective materials is not desired as the dominant building material.

(e) Parking guidelines.

[1] Surface parking should not be visible from the street. Parking may occur behind the building mass or partially under the building (at grade) if it is accessed from the side or the back.

[2] No garage doors are permitted to face onto the street.

(2) Nonresidential; mixed use.

(a) Orientation.

[1] Nonresidential and mixed-use development should be oriented towards the street and/or public space with entries and display area facing the sidewalk.

(b) Setback.

[1] Setbacks should generally be 10 feet from the curb. However, if outdoor eating terraces are proposed, a further setback as necessary is permitted. (Also see § 300-41E (3) (c) for setback requirements.)

(c) Massing and building form.

- [1] Building footprints should reflect a village-like character as depicted in the master plan.
- [2] Each store should have its main entry on the street or public space.
- [3] Buildings located on corners should be articulated with special features such as towers or fenestration.
- [4] The building exterior should be constructed of stone, brick, masonry and/or clapboard.
- [5] The use of reflective materials is not permitted as the dominant building material.
- [6] In general, no prefabricated exterior cladding is allowed. Upon recommendation of the Architectural Review Board, the Planning Commission can waive this requirement.

(d) Parking.

- [1] Parking lots within public spaces such as the proposed green at Central Avenue and Water Street should be appropriately screened from the green acres and should be set back from the street.
- [2] Surface parking lots should be screened from the street low walls and/or hedges in a landscaped buffer five to 10 feet wide.

D. Guidelines for development in subarea WF-PRD.

(1) Orientation.

- (a) The main convent building and chapel should be retained and rehabilitated for the existing convent, housing or hotel use.
- (b) New housing should restrict itself to the flatter parts of the site such that the vegetation and steep slopes are not disturbed.

(2) Setback.

- (a) The sloped area to the north of the convent chapel should be preserved as a grassy lawn.
- (b) Housing along South Street should maintain a setback of 50 feet from the road with vegetation and trees preserved as buffer.

- (3) Massing and building form.
  - (a) The existing convent building to be rehabilitated may be modified with bay windows, balconies and other elements in keeping with its scale and style.
  - (b) It should, however, remain as the most dominant building on the site in terms of height and mass.
  - (c) New buildings on the old orphanage site east of the existing convent building should present an attractive front towards the grassy lawn and Railroad Avenue below.
  - (d) Any parking deck should be built into the slope of the land such that it is not prominently visible from Railroad Avenue.
- (4) Materials.
  - (a) Exterior materials that are typical to the historic character of the Hudson Valley are favored. The preferred materials for buildings on the site are brick and/or clapboard or stucco. Aluminum or vinyl siding shall not be utilized.
  - (b) Use of metallic or reflective materials is not permitted as the dominant building material.
- (5) Parking.
  - (a) Large areas of the site should not be cleared for surface parking.
  - (b) All parking should be accommodated as close to the units as possible or within the building envelope.
  - (c) Deck parking should be kept low (i.e., one level) and unobtrusive.
  - (d) Surface or deck parking on the convent property should not be visible from the Waterfront Park or Travis Point.

