



**APPENDIX E**

## **ARTICLE II. DEFINITIONS AND WORD USAGE**

**Section 210-5** shall be amended by addition of the following definition:

**MARINA:** A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, service and retail facilities for owners, crews, and guests.

The following amendments are proposed to the Zoning Ordinance of the Town of Poughkeepsie in order to implement the policies and purposes of the Town of Poughkeepsie's Draft LWRP.

## **ARTICLE III. ZONING ORDINANCE AND ZONING MAP**

**Section 210-6** shall be amended by the addition of:

Waterfront District 1	WD1
Waterfront District 2	WD2

The Zoning Map, established under Section 210-7, shall be amended to delineate the WD1 and WD2 Districts, as shown on the attached Maps.

## **ARTICLE IV. DISTRICT REGULATIONS**

This article shall be amended by the addition of two new districts, the WD1 and WD2 Districts, as Sections 210-40.A,B,C and D for the following reason:

The land and water area of the Hudson River waterfront represents a unique mix of natural and man-made resources. It has historically played an important role in the development and economy of the Town and the region. Much of the coastal zone has already been developed and the Town is fortunate that it does not possess extensive deteriorated or abandoned riverfront facilities. The waterfront comprises a blend of open lands, and low and high intensity uses, including residential, industrial, institutional, and recreational uses. The area plays a vital role in the local economy, supporting major water dependent uses. A need has been recognized for increased beneficial use of the waterfront through the development of water dependent uses and increased opportunities for public access to and use of the river. The Hudson River waterfront in the Town can be divided into two categories which are reflected by two separate zoning districts.

- (i) Areas adjacent to relatively low intensity uses (such as recreational, residential, cemetery, educational and institutional use) are to be designated Waterfront District 1 (WD1).

- (ii) Areas devoted or adjacent to intensive commercial activity (such as manufacturing, quarrying and lumber yards) are to be designated Waterfront District 2 (WD2).

#### **§ 210-40.A. - Waterfront District 1 (WD1) Use Regulations**

**A. Purpose:** The Waterfront District 1 (WD1) covers the areas of waterfront adjacent to low intensity uses. It is the purpose of the WD1 District to promote compatible, well-designed water dependent uses; achieve public access to the coastal area; control development; protect and enhance the corridor's natural, scenic and cultural resources; provide opportunities for permanent public views and access to the Hudson River; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

**B. Permitted Uses.** (Note: "\*" designates a use which is subject to site Plan approval by the Planning Board)

Permitted uses shall be as follows:

- (1). \* Public and/or private recreation facilities, including membership clubs, which utilize the waterfront for active or passive recreation use, including public parks, trails, docks and piers, playgrounds, beaches and swimming facilities.
- (2). \* Community centers when part of coastal public access or public recreational access.
- (3). \* Scientific, cultural, historic, artistic, and educational activities and uses which by their nature, require access to coastal waters.
- (4). \* Mariculture and aquaculture activities.
- (5). \* Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 1 and upland locations.
- (6). \* Support facilities and temporary or moveable structures necessary for successful functioning of above uses. To the extent possible, such facilities will be sited inland of the principle use.
- (7). \* Structures needed for flood protection and navigational purposes.
- (8). \* Sewage disposal and water treatment facilities

**C. Special permitted uses are as follows:**

Marinas and related uses such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent. Support facilities necessary for successful

functioning of the above uses. To the extent possible, such support facilities will be sited inland of the principle use. Marina development shall be in accordance with both the requirements of this District and those of §210-72.A.

**D. Site plan approval factors**

In addition to the factors for consideration during site plan review outlined in § 210-141., the Planning Board shall consider the visual impact of site development, so as to mitigate, to the extent reasonably possible, the impact of development which is incompatible with existing views of (i) the Hudson River from upland locations, and (ii) the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and consider both the scenic resource and the community's development objectives and priorities:

- (1) Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
- (2) Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
- (3) Incorporating existing historic structures into the overall development scheme.
- (4) Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
- (5) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.
- (6) Using appropriate materials, in addition to vegetation, to screen unattractive elements.
- (7) Using appropriate scales, colors, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

**§210-40.B WD1 District Bulk Regulations**

Bulk Regulations for the WD1 Waterfront District shall be as follows:

**A. Height**

Maximum building or structure height shall be 30 feet.

## Height Exceptions

- (1). A maximum 10 foot height increase may be granted by the Planning Board if dedicated meaningful, permanent public access to the shoreline is provided. Meaningful, permanent public access is defined as safe and unobstructed access to and along the dry, non-tidal or non-submerged shore areas for all members of the public. It is the Town's objective to attempt to provide a continuous public access system to and along the waterfront and/or public rights of way. Such access shall be in the form of a permanent easement or the granting of fee title to the Town of Poughkeepsie. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final site plan approval. Because of the nature of the Town's shoreline, the Planning Board shall have the discretion to determine the dimensions of the access provided under this incentive. Where feasible, the access shall be at least twelve (12) feet wide from the street to the shoreline, and at least fifteen (15) feet wide along the shoreline for the entire width of the property in the WD1. A surface suitable for pedestrian use, at least ten (10) feet wide, where feasible, shall be provided for the entire length of the access easement and to a standard approved by the Town of Poughkeepsie Engineer.
- (2). As part of site plan approval the Planning Board may allow one or more elements of a proposed land use to be in excess of the height limitation if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgement, is reasonably necessary for the beneficial operation of the permitted use or special permit use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation

### B. Lot area, river frontage and setback

There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the water's edge than 20 feet from mean high water. Water dependent uses which require a location on or adjacent to the water are exempt from this setback requirement.

### C. Maximum lot coverage

The total coverage of all buildings, structures or impervious surfaces on that portion of any lot located within the WD1 District shall not exceed more than 50%.

### D. Off street parking

Off street parking facilities will be provided as set forth in §210-83 except that:

- (1). Marinas shall provide at least a minimum of 0.6 spaces for each slip, berth or mooring plus whatever additional spaces are deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises

- (2). Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.
- (3). Parking requirements for a use in the WD1 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.
- (4). All sites with an area of one acre or more shall comply with DEC regulations

#### **E. Screening and landscaping**

- (1). Screening and landscaping of new development shall be provided as required by the Planning Board during site plan review to mitigate visual impacts, protect neighboring properties and improve the scenic quality of the Hudson River waterfront.
- (2). To the extent feasible, natural vegetation, especially trees greater than 4 inches in diameter at 4 feet above the ground will be maintained and augmented by plantings of species native to the region.

#### **§210-40.C. - Waterfront District 2 - (WD2) Use Regulations**

**A. Purpose:** The Waterfront District 2 (WD2) covers the areas of waterfront adjacent to intensive industrial and commercial activity. It is the purpose of the WD2 District to promote well-designed water or rail dependent or enhanced commercial and industrial uses; promote revitalization and redevelopment of deteriorated and underutilized areas; ensure appropriate development; protect and enhance the corridor's natural, scenic and cultural resources; and to implement the policies and purposes of the Town of Poughkeepsie's Local Waterfront Revitalization Program.

**B. Permitted Uses.** (Note: "\*" designates a use which is subject to site plan approval by the Planning Board.)

Permitted Uses shall be as follows:

- (1). \* Uses which utilize water transportation and/or rail transportation for transfer of goods, products or raw materials.
- (2). \* Infrastructure and facilities to provide access across the railroad tracks between the Waterfront District 2 and upland locations.
- (3). \* Uses, facilities and infrastructure, accessory to adjoining upland uses which are dependent on or enhanced by access to the waterfront for effective operation.
- (4). \* Facilities which support or are accessory to one of the above uses and which by their nature must be close to the use shall be sited inland of the principle use, to the extent reasonably possible.

- (5). \* All permitted uses allowed in the Waterfront District 1, as specified in §210-40.A.
- (6). \* Marinas and related uses such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent. Support facilities necessary for successful functioning of above uses. To the extent possible, such support facilities will be sited inland of the principle use. Marina development shall be in accordance with both the requirements of this District and those of §210-72.A.

### **C. Site plan approval factors**

In addition to the factors for consideration during site plan review outlined in § 210-41, the Planning Board shall consider the visual impact of site development, so as to mitigate the extent reasonably possible, the impact of development which is incompatible with existing views of (i) the Hudson River from upland locations set forth in Policy 25 of the Town of Poughkeepsie LWRP, and (ii) the waterfront from the Hudson River. The Planning Board will use the following siting and development guidelines to achieve these objectives, recognizing that each development opportunity is unique and that guidelines will have to be applied accordingly and consider both the scenic resource and the community's development objectives and priorities:

- (1). Siting and designing structures to enhance the visual character of and create or maintain views of the Hudson River; siting elements such as power lines, and signs, back from the shoreline or in other inconspicuous locations.
- (2). Clustering or orienting structures to retain views, save open space and provide visual organization to a development.
- (3). Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.
- (4). Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when sensitive clearing creates views of coastal waters.
- (5). Using appropriate materials, in addition to vegetation, to screen unattractive elements.
- (6). Using appropriate scales, colors, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

## **§210-40.D. WD 2 District Bulk Regulations**

Bulk regulations for the WD2 Waterfront District shall be as follows:

### **A. Height**

Maximum building or structure height shall be 30 feet.

#### **Height Exceptions**

1. The height limitation shall not apply to buildings or structures devoted to the processing or conveyance of excavated materials which require a waterside location. However, all such structures shall be the minimum height that will accomplish the intended function.
2. As part of site plan approval the Planning Board may allow one or more elements of a proposed land use to be in excess of this height limitation only if the element is an integral part of the proposed permitted or special permit use, provided that the permitted height shall not exceed that which, in the Planning Board's judgement, is reasonably necessary for the beneficial operation of the permitted use. For example, a crane for transferring boats in and out of the water would be an integral part of a marina operation, or a bridge, trestle or conveyor over the railroad tracks would be an integral part of access to various permitted uses.

### **B. Lot area, river frontage and setback**

There will be no minimum lot size. No lot shall have a river frontage of less than 100 feet. No building, structure or part thereof shall be erected nearer to the waters edge than 20 feet from mean high water. Water or rail dependent uses which require a location on or adjacent to the water are exempt from this requirement. No road frontage is required when upland property in the same ownership is located in a different zoning district and provides such frontage.

### **C. Maximum lot coverage**

The total coverage of all buildings and structures on that portion of any lot located within the WD2 District shall not exceed more than 50% of the lot.

### **D. Off street parking**

Off street parking facilities will be provided as set forth in §210-83 except that:

- (1). Marinas shall provide at 0.6 spaces for each slip, berth or mooring plus additional spaces deemed necessary by the Board of Appeals for employees and for ancillary retail activities on the premises.
- (2). Uses not enclosed in a structure shall provide one space for every four persons at the maximum designed capacity of the facility.

- (3). Parking requirements for a use in the WD2 District may be satisfied if provided on adjoining lands in adjacent districts, on property owned or controlled by the same owner.
- (4). All sites with an area of one acre or more shall comply with DEC regulations

#### **E. Screening and landscaping**

- (1). Screening and landscaping of new development shall be provided as required by the Planning Board during site plan review to mitigate visual impacts to the extent reasonably possible.
- (2). To the extent feasible, natural vegetation, especially trees greater than 4 inches in diameter at 4 feet above the ground will be maintained and augmented by plantings of species native to the region.

### **ARTICLE V. SUPPLEMENTARY REGULATIONS**

A new Section 210-72-A. shall be added as follows:

#### **§210-72.A. Marinas**

The following requirements and standards shall apply to new marina proposals, to projects for the expansion of existing marinas, and to related use proposals, such as sale of marine supplies, services, fuel, equipment, boat yards, boat repairs, manufacture, assembly or repair of marine products such as boats, sails and hardware, charter boats and fishing guide operations, boat rentals or annual membership clubs which are water dependent:

1. All of the requirements listed in the specific zoning district.
2. Structures will be sited inland from the waterfront as much as possible, to increase open space along the waterfront and to minimize exposure to flooding and reduce runoff and non-point source water pollution.
3. In general, all new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, park-like surroundings, toilet facilities, and marine pumpout facilities.
4. Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport, and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.

5. Applicants must demonstrate that there is an adequate water supply to serve all of the project's needs.
6. Sewage pumpout facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pumpout station for every 100 boats accommodated, or fraction thereof.
7. Adequate restroom facilities for property users will be required to discourage any overboard discharge of sewage from boats in order to protect water quality and to provide a development amenity. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.
9. The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.
10. An ample number of signs must be provided to identify the location of public restrooms and of pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities.
11. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks.

**EFFECTIVE DATE:**

1. This local law shall take effect immediately after the following have both occurred.
  - (a) Filing of the local law in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, and
  - (b) Approval of the Town of Poughkeepsie LWRP by the Secretary of State in accordance with Article 42 of the Executive Law of New York State.

Dated: November 18, 1998  
 Moved by: P. Hinkley  
 Seconded by: Z. Tracey  
 Ayes 6 Nays 0