City of Newburgh, NY

Article XV of the Zoning Ordinance Form-Based Code: Downtown Districts and Waterfront

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§ 300-126 PURPOSE AND INTENT OF FORM-BASED CODE

§ 300-127 DISTRICTS DEFINED

§ 300-128 EXISTING CONTEXT

§ 300-129 SCHEDULE OF PERMITTED USES

In order to promote a more urban, walkable, and vibrant downtown, the City of Newburgh has chosen to utilize a Form-Based Zoning approach for its four downtown districts. The regulations in this Article supplement those regulations found in the rest of this Chapter and provide specific details on the form of development that is encouraged and allowed in this important section of the City.

This Form-Based Code will:

- Focus on the importance of building types and the relationship of one building to another
- Allow flexibility and variety with respect to uses within buildings and within a zoning district
- Help ensure new development is compatible with the existing urban fabric of downtown Newburgh
- Provide guidelines for the redevelopment of the waterfront
- Provide clarity to developers about what is desired and allowed
- Speed the application and approval process for projects meeting the requirements of this Article

Organization

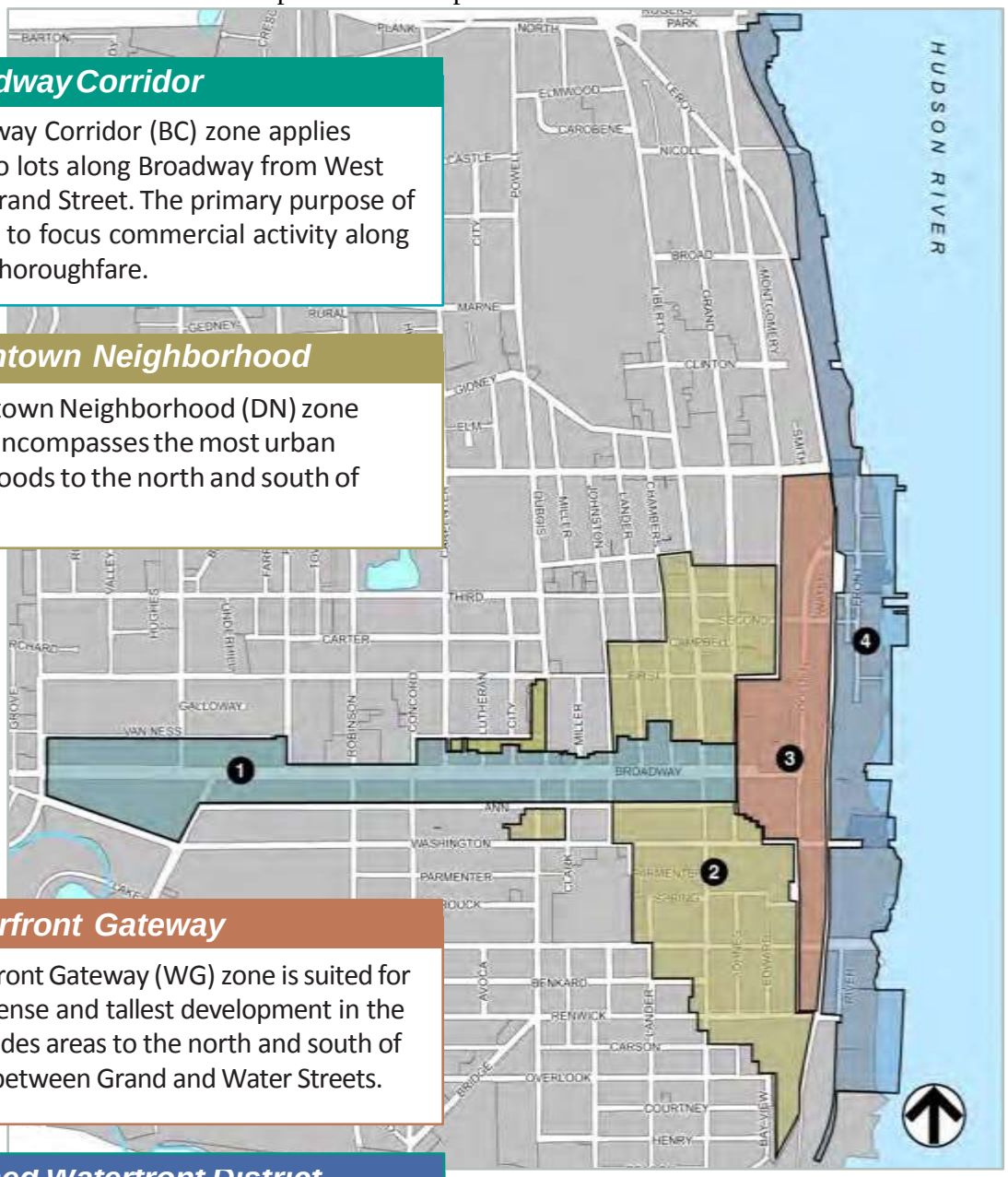
This Form-Based Code (FBC) is a fully binding and enforceable component of the City's Zoning Code. It is also designed as a 'stand-alone' resource for the development regulations for Newburgh's downtown.

The Form-Based Code is organized as follows.

- Part 1: Introduction – This section describes the purpose and intent of the Form-Based districts and includes the schedule of permitted uses within the districts.
- Part 2: District Regulations and Guidelines – This section defines the development standards for each of the four downtown districts.
- Part 3: Supplementary Standards – This section provides detailed standards on building design, streetscape, and parking within the Form-Based districts.

The following four zoning districts, shown on the official Zoning Map of the City of Newburgh, are regulated through this Form-Based Code. The regulations in this form-based code regulate the use, bulk, area, and design of new construction within these four zoning districts.

which are at the time of adoption undeveloped



Form-Based Code Districts

1 Broadway Corridor

The Broadway Corridor (BC) zone applies generally to lots along Broadway from West Street to Grand Street. The primary purpose of the zone is to focus commercial activity along this main thoroughfare.

2 Downtown Neighborhood

The Downtown Neighborhood (DN) zone generally encompasses the most urban neighborhoods to the north and south of Broadway.

3 Waterfront Gateway

The Waterfront Gateway (WG) zone is suited for the most dense and tallest development in the City. It includes areas to the north and south of Broadway between Grand and Water Streets.

4 Planned Waterfront District

The Planned Waterfront District (PWD) is the area of downtown generally between Water Street and the Hudson River. It is the historic heart of Newburgh and has been, and is expected to be, the catalyst for the revitalization of the City.

The following images on these two pages characterize some of the existing form within the downtown districts and show the diversity of existing building types and uses within the FBC districts. They are presented for informational purposes only.

BROADWAY CORRIDOR

Shopfront Building Type

- Shopfront building type used for residential use
- Entrance should be accentuated more

Shopfront Building Type

- Mixed-use buildings on Broadway
- Zero front and side yard setback
- Complementary, but not identical, architectural features
- Infill opportunities on vacant and underdeveloped lots

Civic Building Type

- Former Armory
- Distinctive architecture and building form
- Respects street wall

DOWNTOWN NEIGHBORHOOD

Rowhouse Building Type

- Façade breaks for every lot
- Stoop type entrance feature
- All houses are built with entrance feature right to front lot line

Shopfront Building Type

- Liberty/Grand Street commercial corridor
- High degree of transparency on the first floor
- Architectural feature (bay window) allowed to encroach onto public right of way to add visual interest

Rowhouse Building Type

- Porch type entrance feature
- Architectural accents, including bay windows, to maximize visual interest
- All houses are built with entrance feature to front lot line

WATERFRONT GATEWAY

Civic Building Type

- Institutional uses and civic buildings anchor Waterfront Gateway District
- Higher building to capitalize on Hudson River views and site topography

PLANNED WATERFRONT DISTRICT

Shopfront Building Type

- Front Street on the waterfront
- Ground-floor commercial and retail
- Awnings provide visual interest
- Setback should be used for public amenities

- Waterfront walkway between Hudson River and buildings
- Pedestrian path provided with lighting, seating, and other amenities

The Form-Based Code allows a mix of uses, both within lots and within buildings. The following uses are permitted within the Form-Based districts.

Permitted by Right and Permitted by Site Plan

The following uses, as shown on the Schedule of Use Regulations, are allowed as-of-right within the Broadway Corridor and Downtown Neighborhood Districts and require Site Plan approval within the Waterfront Gateway and Planned Waterfront Districts. Uses marked with an '*' require site plan approval within the BC and DN districts.

Residential Uses

- Multi-family dwellings above ground-floor commercial/ retail uses
- Apartment buildings
- Residential Care Facility
- Cooperative House
- Family Day Care
- Detached dwelling +
- Attached dwellings ++

+ Only allowed in portions of the Downtown Neighborhood District, see Part 2

++Not allowed on Broadway, on the south side of Front Street, or in the Broadway Corridor District, see Part 2

Commercial and Other Uses

- Activity Facility
- Adult Day Care
- Bank (no drive thru)
- Bar, Brew Pub
- Bed and Breakfast
- Bowling Alley*
- Business or Professional Offices
- Cabaret
- Cottage Industry
- Day Care Center
- Funeral Home*
- Home Occupation
- Hotel or motel
- Marina*
- Museum *
- Nursing Home*
- Personal Services (hair salon, nail salon, dressmaker)
- Billiard Parlor
- Restaurant (no drive thru)
- Retail Store
- Tattoo Parlors
- Parks and open space
- Buildings, Uses, or Facilities of any governmental unit*

Uses by Special Permit of the Planning Board

The following uses are allowed in the BC, DN, WG and PWD districts by special permit from the Planning Board.

- Amusement Center
- Animal Day Care, Kennel or Shelter
- Assembly Hall/Banquet Hall
- Boarding House
- Boat Repair
- Car Rental
- House of Worship
- Membership Clubs
- Movie or Professional Theater, Indoor Concert Venue
- Supermarket
- Off-Street Community Parking Area
- Private Recreation Facilities
- Public Libraries
- Rooming House
- School of General Instruction
- Technical School

Architectural Review Commission

Lots within the East End Historic District must also comply with the requirements of Article VI.

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PART 2: DISTRICT REGULATIONS AND GUIDELINES

§300-136 – Broadway Corridor
§300-137 – Downtown Neighborhood
§300-138 – Waterfront Gateway
§300-139 – Planned Waterfront District

§300-136 BROADWAY CORRIDOR

The Broadway Corridor is characterized by a wide street with shopfront type buildings fronting on the lot line. Current form encourages pedestrian activity and serves as the central commercial corridor in the City.

PURPOSE & INTENT

The purpose and intent of the Broadway Corridor is to:

- Promote a vibrant, pedestrian oriented Broadway;
- Focus new commercial development along Broadway;
- Provide for a mix of uses that serves the needs of the residents of, and visitors to, the City.

Within this district, the preferred form for new development is the shopfront form, also known as the Main Street form. This form generally features ground-floor retail with residential or commercial uses on the upper floors. Buildings with residential use only are allowed, but must follow the design guidelines for the district.

A transit oriented development is planned for the western end of the district. The area is bound by Broadway to the north and West Street and Lake Street to the west and east. This 'sub-district' will feature the same general form as the rest of the corridor, but will allow slightly higher and more dense new development that will capitalize on transit investments made by the City and County.

Lot Standards

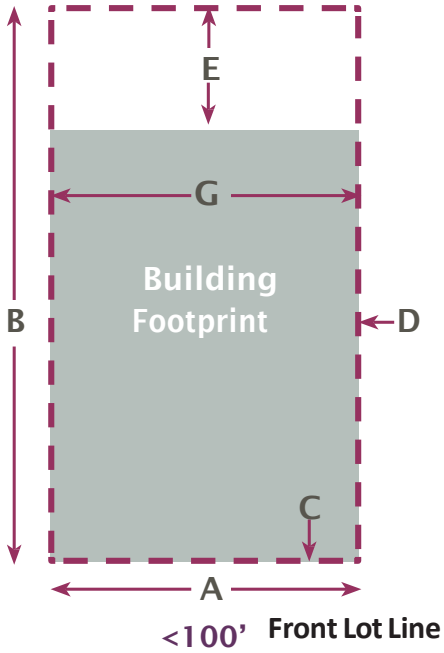
Buildings within the Broadway Corridor District shall comply with the following lot, building height, and building frontage requirements.

	MIN (feet)	MAX (feet)
(A) Lot Width	20	-
(B) Lot Depth	75	-
(C) Front Setback[1]	0	0/10
(D) Side Setback[2]	0	0
(E) Rear Setback[3, 4, 5]	20	-
(F) Landscaped Area[6]	10%	-
(G) Frontage Occupancy	80%	-
(H) Height[7]		
Broadway Corridor	3 stories/35 feet	5 stories /65 feet
TOD 'sub-district' *(south of Broadway between Lake and West Streets)*	4 stories /45 feet	6 stories /75 feet

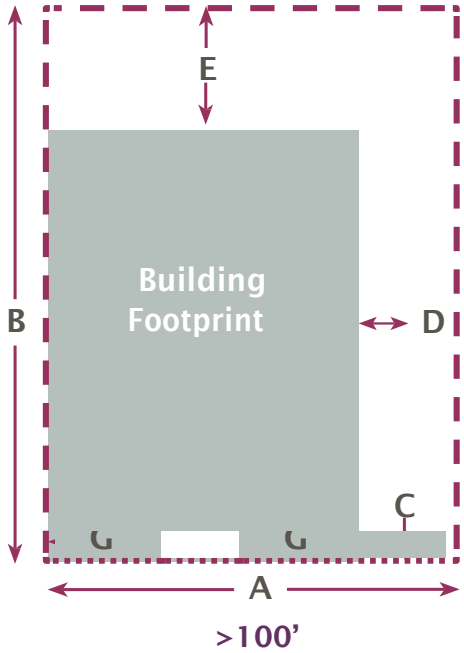
1. *A maximum of 10 feet may be allowed only if the front yard has no parking and is landscaped and used in a manner that enhances the street life by such means as pocket parks or plazas, outdoor dining areas, or public art. No outdoor display of items for sale shall be permitted in the front yard.*
2. *Lots 100 feet wide or greater may have, but are not required to have, one side yard of 12 feet.*
3. *If the rear yard is dedicated to the City of Newburgh as all or part of a public parking lot or structure, the minimum setback shall be 5 feet with landscaping within the setback to screen from adjacent uses.*
4. *Lots fronting on Broadway and within the TOD sub-district are not required to have a rear yard.*
5. *Private service alleys are permitted within the rear yard.*
6. *Lots fronting on Broadway, and all those lots south of Broadway between West and Lake Streets, are not required to have a minimum landscaped area.*
7. *A 6th story is only allowed if set back from the front façade at least 15 feet.*

Building Placement Examples

Rear Lot Line



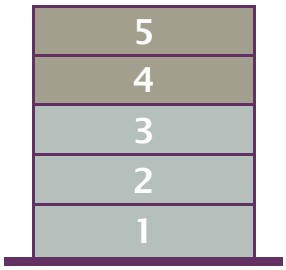
- *Building placed at front lot line for continuous street wall*
- *Lot width <100 feet so no side yard allowed*



- *Recessed entrance allowed because 80% of façade is at lot line*
- *One side yard of 12 feet is allowed because lot width is greater than 100 feet*

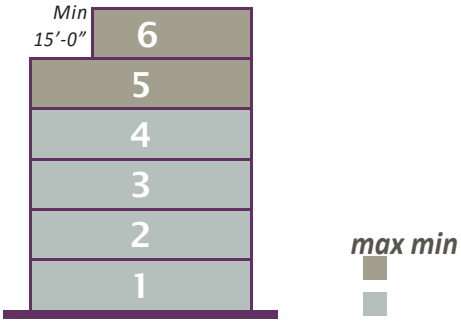
Building Height Diagrams

Broadway Corridor



- *Minimum 3 stories (35 feet)*
- *Maximum 5 stories (65 feet)*

TOD 'Sub-District'



- *Minimum 4 stories (45 feet)*
- *Maximum 6 stories (75 feet)*
- *6th story must be setback 15 feet*

Building & Sign Types

Buildings within the Broadway Corridor District must be of the Shopfront or Civic building type as defined in 3.1. Midrise buildings are also allowed in certain areas of the district. The table below illustrates the allowable sign types, as defined and regulated in 3.3, for each building type.

Building Type / *Sign Type*	SHOPFRONT	MIDRISE*			CIVIC
BAND	■	■			■
BLADE	■	■			■
SHINGLE	■	■			
AWNING	■	■			■
YARD					■
MARQUEE					■

** Not allowed for buildings that front Broadway or are within the TOD sub-district.*

The Downtown Neighborhood is characterized by residential blocks featuring rowhouses, the Liberty/ Grand Street commercial corridor with a mix of uses and building façades, and mixed-use blocks of residential with shopfronts on the corner.

PURPOSE & INTENT

The primary intent of this zone is to protect and promote the quality of the downtown residential neighborhoods immediately north and south of Broadway and the smaller scale mixed-use shop front buildings located primarily on Liberty and Grand Streets. This zone also includes the Liberty/Grand Street Heritage Corridor and contains a number of historically significant properties.

Several building forms are in this district. New infill development shall respect the pattern and scale of the existing urban development. Compact detached houses with small side yards are allowed except on lots fronting Liberty or Grand Streets. Within the more commercial areas of the district, such as Liberty or Grand Streets, the Shopfront and Midrise are the preferred building types.

These commercial, mixed-use, and higher density residential structures will reflect the historic development pattern of the area and capitalize on the cultural assets within the district.

Lot Standards

Buildings within the Downtown Neighborhood District shall comply with the following lot, building height, and building frontage requirements.

	MIN (feet)	MAX (feet)
(A) Lot Width	20	-
(B) Lot Depth	75	-
(C) Front Setback[1]	-	0/10
(D) Side Setback[2,3,4]	-	0
(E) Rear Setback[5,6]	20	-
(F) Landscaped Area	15%	-
(G) Frontage Occupancy	80%	-
(H) Height[7]		
Rowhouse & Compact Detached House	2 stories/25 feet	4 stories/50 feet
Shopfront & Midrise	3 stories/35 feet	6 stories /75 feet

1. A maximum of 10 feet may be allowed only if:

a) For Shopfront, primarily commercially used Midrise, and Civic buildings – the front yard has no parking and is landscaped and used in a manner that enhances the street life by such means as pocket parks or plazas, outdoor dining areas, or public art. No outdoor display of items for sale shall be permitted in the front yard; OR,

b) For Rowhouses, primarily residential Midrises, and Compact Detached Houses – the entrance feature connects the house to the sidewalk.

2. Lots 100 feet wide or greater may have, but are not required to have, one side yard of 12 feet

3. Compact Detached Houses may have two side yards that are no more than 20 feet combined, no one of which is greater than 15 feet.

4. Rowhouses are allowed to have one side yard no greater than 12 feet and no less than 5 feet.

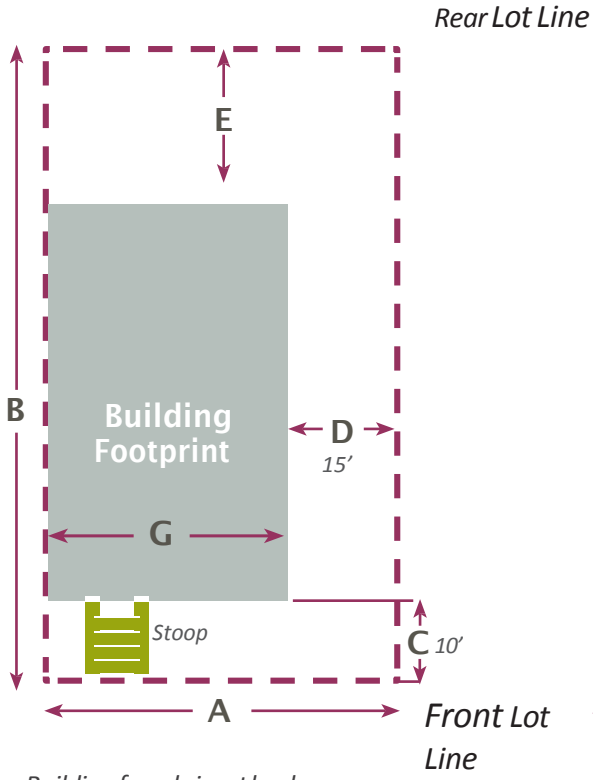
5. If the rear yard is dedicated to the City of Newburgh as all or part of a public parking lot or structure, the minimum setback shall be 5 feet with landscaping within the setback to screen from adjacent uses.

6. Private service alleys are permitted within the rear yard.

7. A 6th story is only allowed if set back from the front façade at least 15 feet.

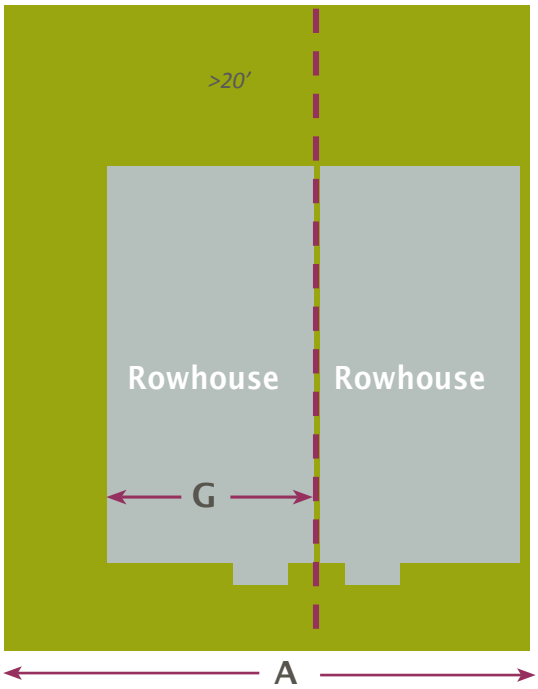
Building Placement Examples

Compact Detached House Placement Example



- *Building façade is set back no more than 10 feet from front lot line*
- *Stoop continues to front lot line*
- *One side yard of 15 feet provided*

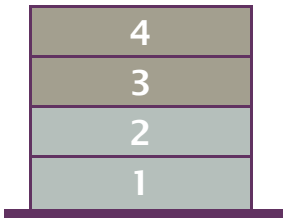
Rowhouse Building Placement Example



- *Building façade is set back no more than 10 feet from front lot line*
- *Stoop connects to sidewalk*
- *Where possible, building facade aligns with adjoining building*
- *One side yard on end building of 12 feet allowed*

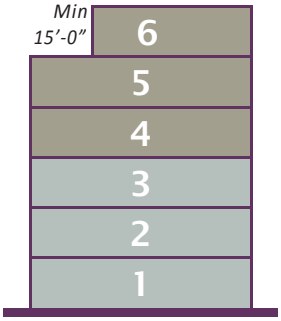
Building Height Diagrams

Rowhouse/Compact Detached House



- *Minimum 2 stories (25 feet)*
- *Maximum 4 stories (50 feet)*

Shopfront/Midrise



- *Minimum 3 stories (35 feet)*
- *Maximum 6 stories (75 feet)*
- *6th story must be setback 15 feet*

Building & Sign Types

Building Type / Sign Type	SHOPFRONT	MIDRISE	ROWHOUSE	COMPACT* DETACHED	CIVIC
BAND	■	■			■
BLADE	■	■			■
SHINGLE	■	■	■	■	
AWNING	■	■			■
YARD			■	■	■
MARQUEE**					■

** Not allowed on lots fronting Liberty or Grand Streets*
*** Only allowed on the Liberty and Grand Street building frontage.*

§300-138 WATERFRONT GATEWAY

The Waterfront Gateway is anchored by institutional uses and civic buildings. Much of the rest of the district is characterized by large undeveloped and under-developed properties, many of which are City-owned.

PURPOSE & INTENT

The primary intent of the Waterfront Gateway District is to maximize the residential and commercial density of new development. New projects in this zone should capitalize on the dramatic views of the Hudson River Valley, while protecting the views of the river from upland as defined in Article XI. It is anticipated that marquis buildings will anchor this district along Broadway and a mix of uses north and south of Broadway will create a center of activity within the City.

This district forms a transition between the Waterfront, the Broadway Corridor, and the Downtown Neighborhood districts. Development should provide inviting public spaces that encourage pedestrian activity. The physical form of buildings is intended to vary within the district. Mid to high-rise buildings are encouraged along Broadway and its surrounding blocks, with shopfronts on the first floor to encourage pedestrian activity. Higher density residential, mixed-use, and commercial buildings are encouraged in the rest of the district. Creative responses to the opportunities presented by the district's vacant and underutilized blocks are strongly encouraged.

Lot Standards

Buildings within the Waterfront Gateway District shall comply with the following lot, building height, and building frontage requirements.

	MIN (feet)	MAX (feet)
(A) Lot Width	20	-
(B) Lot Depth	75	-
(C) Front Setback[1]	-	0/10
(D) Side Setback[2,3]	-	0
(E) Rear Setback[4,5]	20	-
(F) Landscaped Area[6]	10%	-
(G) Frontage Occupancy	80%	-
(H) Height[7]		
Rowhouse	3 stories/30 feet	4 stories/50 feet
Shopfront & Midrise	5 stories/50 feet	8 stories/95 feet

1. A maximum of 10 feet may be allowed only if:

a) For Shopfront, Midrise, and Civic buildings – the front yard has no parking and is landscaped and used in a manner that enhances the street life by such means as pocket parks or plazas, outdoor dining areas, or public art. No outdoor display of items for sale shall be permitted; OR,

b) For Rowhouses – the entrance feature connects the house to the sidewalk allowed.

2. Lots 100 feet wide or greater may have, but are not required to have, one side yard of 12 feet.

3. Rowhouses are allowed to have one side yard no greater than 12 feet and no less than 5 feet.

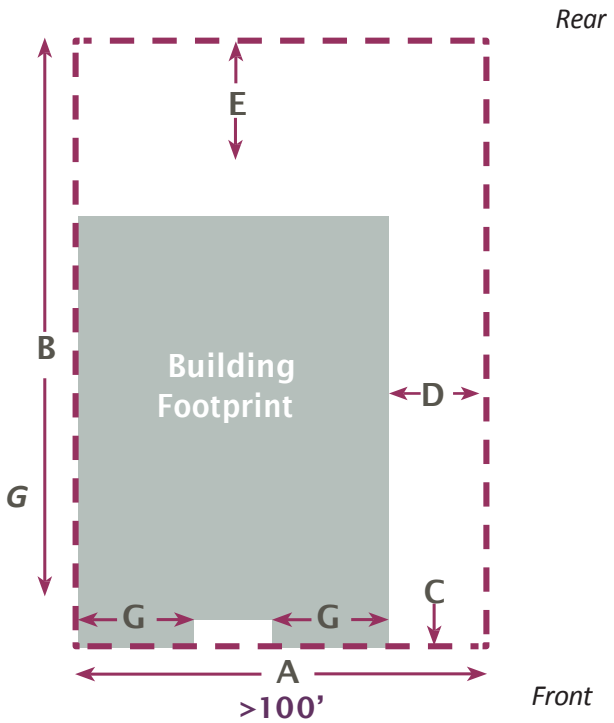
4. If the rear yard is dedicated to the City of Newburgh as all or part of a public parking lot or structure, the minimum setback shall be 5 feet with landscaping within the setback to screen from adjacent uses.

5. Private service alleys are permitted within the rear yard.

6. Lots fronting on Broadway are not required to have a minimum landscaped area.

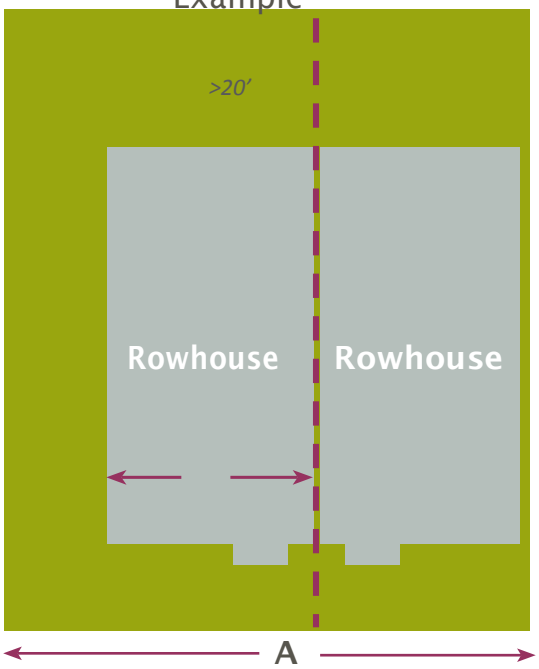
7. An 8th story including parking stories is allowed for buildings set into the hillside only if the story is set back from the front façade at least 15 feet. The building cannot block any viewshed as defined in Article VII.

Building Placement Examples



- *Recessed entrance allowed because 80% of building façade is at lot line*
- *One side yard of 12 feet is allowed because lot width is greater than 100 feet*

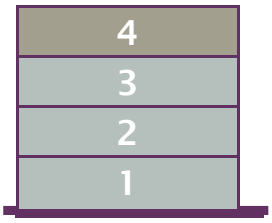
Rowhouse Building Placement Example



- *Building façade is set back no more than 10 feet from front lot line*
- *Stoop connects to sidewalk*
- *Where possible, building facade aligns with adjoining building*
- *One side yard on end building of 12 feet allowed*

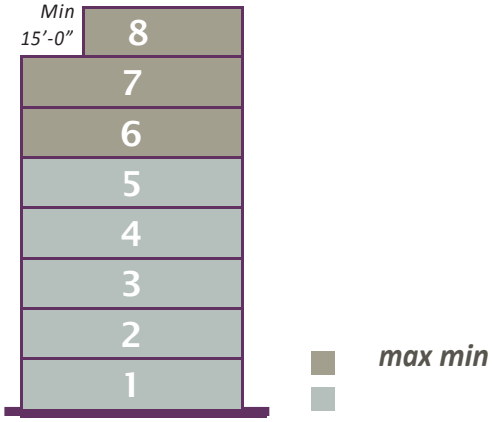
Building Height Diagrams

Rowhouse/Compact Detached House



- *Minimum 3 stories (30 feet)*
- *Maximum 4 stories (50 feet)*

Shopfront/Midrise



- *Minimum 5 stories (50 feet)*
- *Maximum 8 stories (95 feet)*
- *8th story must be setback 15 feet*

Building & Sign Types

Building Type / Sign Type	SHOPFRONT	MIDRISE*	ROWHOUSE*		CIVIC
BAND	■	■			■
BLADE	■	■			■
SHINGLE	■	■	■		
AWNING	■	■			■
YARD			■		■
MARQUEE**	■	■			■

*Not allowed for buildings that front Broadway
** Only allowed on the Broadway frontage of buildings.

§300-139 PLANNED WATERFRONT DISTRICT

The waterfront district is currently characterized by large amounts of surface parking, thriving restaurants and marinas, and retail uses. A waterfront walkway has been started and links to a City Park offering beautiful views of the Hudson. The district also contains large undeveloped parcels.

PURPOSE & INTENT

The PWD is established with the goal of revitalizing the waterfront and establishing the City as a regional destination along the Hudson River. Within this district, water-dependent and water-enhanced uses are encouraged. A broad mix of uses, including housing, commercial, cultural, and open space uses are allowed.

Because of the importance of this district to the overall development of the City and because of the large number of vacant and underutilized parcels within the district, all new construction must obtain Site Plan Approval from the Planning Board in accordance with Article XII. Development must also meet open space standards as well as provide public access to the waterfront.

The physical form and orientation of the buildings within the PWD should reflect the importance of the Hudson River to the successful redevelopment of the waterfront and should encourage activation of the waterfront through increased pedestrian utilization. Shopfront buildings and Rowhouses, along with Civic buildings, are permitted within this district. Parking lots, both structured and surface, should be primarily located adjacent to the railroad tracks. This will allow the parking to be screened from vantage points to the east and west.

Lot Standards

Buildings within the Planned Waterfront District shall comply with the following lot, building height, and building frontage requirements.

	MIN (feet)	MAX (feet)
(A) Lot Width	20	-
(B) Lot Depth	75	-
(C) Front Setback[1]	-	0/10
(D) Side Setback[2]	-	15
(E) Rear Setback	-	-
(EE) Hudson River Setback*	40	-
(F) Landscaped Area[3]	15%	-
(G) Frontage Occupancy	80%	-
(H) Height[4]		
Rowhouse	2 stories/25 feet	4 stories/50 feet
Shopfront & Midrise	5 stories/50 feet	6 stories/65 feet

1. A maximum of 10 feet may be allowed only if:

a) For Shopfront, Midrise, and Civic buildings – the front yard has no parking and is landscaped and used in a manner that enhances the street life by such means as pocket parks or plazas, outdoor dining areas, or public art. No outdoor display of items for sale shall be permitted in the front yard; OR,

b) For Rowhouses – the entrance feature connects the house to the sidewalk.

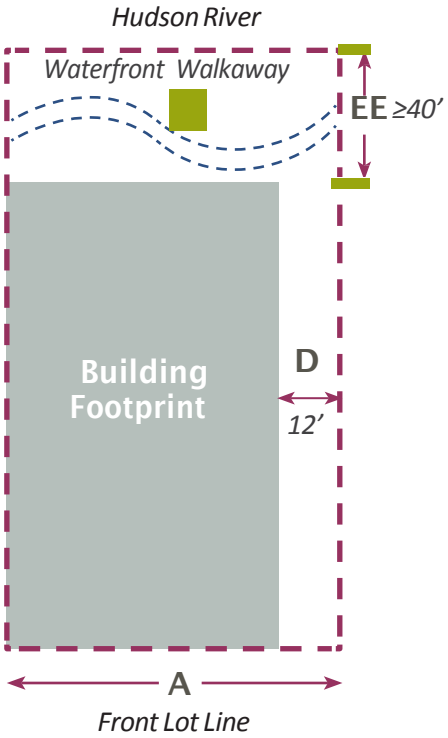
2. If a side yard is provided, it shall be no less than 8 feet and no more than 15 feet.

3. Lots fronting on Broadway and lots on the north side of Front Street between Broadway and South Street are not required to have a minimum landscaped area.

4. A 6th story is allowed if set back from the front façade at least 15 feet.

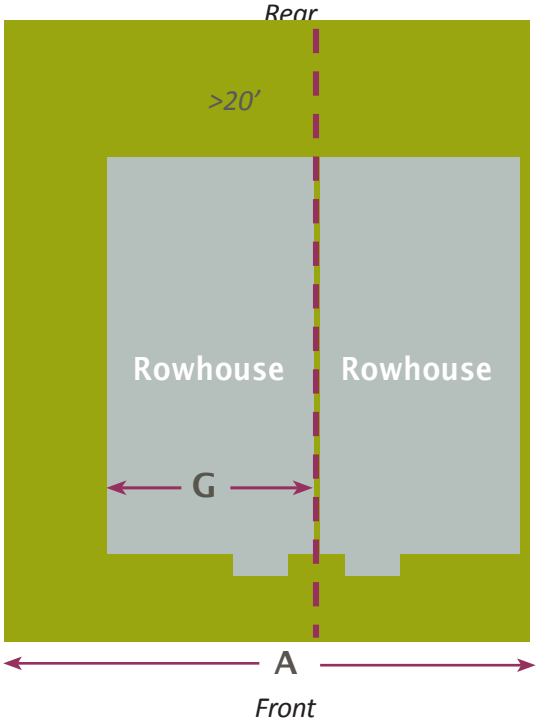
** Hudson River Setback is measured from each point along the shoreline, bulkhead, or stabilized shore, landward. Accessory swimming pools, parking, balconies, and porches are not allowed in the Hudson River Setback. Water-dependent uses and structures may be located in the Hudson River Setback with approval from the Planning Board.*

Building Placement Examples



- *Hudson River Setback of at least 40 feet*
- *Waterfront walkway provided in Hudson River setback*

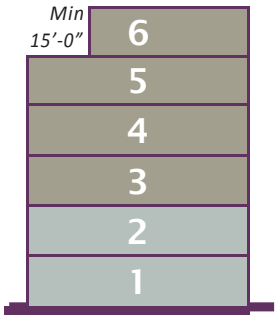
Rowhouse Building Placement Example



- *Building façade is set back no more than 10 feet from front lot line*
- *Stoop connects to sidewalk*
- *Where possible, building facade aligns with adjoining building*

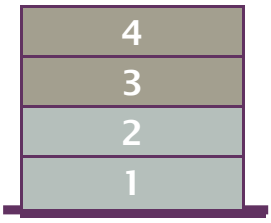
Building Height Diagrams

Shopfront/Midrise



- *Minimum 2 stories (25 feet)*
- *Maximum 6 stories (65 feet)*
- *6th story should be setback 15 feet*

Rowhouse



- *Minimum 2 stories (25 feet)*
- *Maximum 4 stories (50 feet)*

Building & Sign Types

Building Type / Sign Type	SHOPFRONT	MIDRISE	ROWHOUSE*		CIVIC
BAND	■	■			■
BLADE	■	■			■
SHINGLE	■	■	■		
AWNING	■	■			■
YARD			■		■
MARQUEE**	■	■			■

** Not allowed on Broadway or on the south side of Front Street.*
*** Only allowed on the Broadway frontage of buildings.*

Massing – In order to protect the view corridors to the Hudson River and to reduce the scale of waterfront buildings, an individual building may occupy no more than 100 feet of the dimension of the lot measured parallel to Front Street. Buildings to the north of Broadway and west of Front Street are exempted from this supplementary massing requirement.

Parking – Whenever possible, parking (both surface and structured) should be placed adjacent to the railroad tracks. In this manner, the visibility of the parking can be minimized both from points to the east (downtown) and from pedestrians within the waterfront. Limited on-street parking may be allowed at the discretion of the Planning Board and in consultation with the Department of Public Works. In addition, no parking shall be allowed within the Hudson River Setback.

Open Space

All lots greater than 50,000 square feet in area shall provide maintained open space(s) for the benefit of the residents, clients, and/or general public.

The amount of maintained open space shall equal no less than 10% of the area of all lands not underwater.

The nature, location, and maintenance plans for such open spaces shall be approved by the Planning Board during Site Plan review.

A lot's *Waterfront Area*, may account for no more than 25% of a Site's required Open Space.

On-site open space can be used for passive or active recreation and/or to create, enhance, or preserve important views both into and from the City.

Public Access

This 'Public Access' section summarizes the detailed requirements in Part 3.

Physical Access

Public access to the river's edge shall be provided for all lots having the Hudson River as part of its boundary.

Public access shall consist of:

- *A Waterfront Area* that is open to the public and has a minimum width of 20 feet
- *A Waterfront Walkway* within the *Waterfront Area* that is a minimum of 12 feet wide

Visual Access:

All new construction within the PWD shall preserve views of the Hudson River created by the public streets grid.

All applications for Site Plan Approval shall be evaluated for their impacts to the following scenic views:

- Montgomery and South Streets
- Washington's Headquarters
- Broadway and Colden Street
- Newburgh Public Library
- First and Montgomery Streets
- Bay View Terrace

PART 3: SUPPLEMENTARY STANDARDS

§300-151 – Building Types
§300-152 – Design Standards
§300-153 – Signs and Awnings
§300-154 – Streetscape Standards
§300-155 – Landscape Standards
§300-156 – Hudson River Waterfront Access
§300-157 – Parking

The building types defined in this Section are allowed within the BC, DN, WG, and PWD districts. The design standards and regulations that apply to each building type are in addition to those required within each zoning district.

Shopfront Building Type

The façade of the shopfront building type is placed at or close to the front lot line with an entrance generally at sidewalk grade. Pedestrian-oriented retail or office uses are generally located on the ground-floor with upper floor typically designed for residential, hospitality, or employment uses. The shopfront building type is characterized by:

- A high percentage of glazing on the first floor
- A prominent entrance
- First floor architectural articulation, such as a shopfront with cornice, or architecturally emphasized entrance

Shopfront Building Type
Built to front lot line
High degree of transparency on first floor
Architectural articulation between 1st and 2nd floor
Roof line architectural features
Evenly placed windows

Standards

Massing

- Maximum length of building wall along a street shall be 200 feet
- Buildings must have a break in façade at least every 50 feet from the previous break or the end of the building. A façade break may be met through the use of architectural features (such as bay windows, porches, porticos, recessed doorways, etc.), through changes in building material or finish or by other similar means.

Windows

- Street level primary façades
  - Minimum of 60% window coverage
  - Transparent with views into the business
  - Bottom of window shall be between 24 and 32 inches above the sidewalk
- Floors above street level and secondary façades
  - Minimum 30% window coverage for commercial uses
  - Minimum 15% window coverage for residential uses
  - Individual window proportions shall be greater in height than width
- Exterior window guards (e.g. security guards) shall be integrated with the design of the building
- Windows shall be placed in a consistent pattern within the first floor, floors two through the penultimate floor, and the top floor

Entrances

- Main building entrances shall be accentuated – permitted accents include: recessed, canopy, awning, portico, or overhang
- All primary entrances shall be illuminated from above. No up facing lighting is permitted.
- Security door guards shall be integrated with the design of the building

Corner Articulation

- Main entrances to buildings on corner lots should be oriented to the corner and public street fronts
- Main building entrance should be on the primary street
- Massing and architecture of the building should reflect the importance of a corner site and relate to both street frontages

Midrise Building Type

The midrise building is a key characteristic of an urban downtown providing higher density buildings where the building line generally meets the lot line. Midrise buildings may include a vertical mix of uses (such as ground-floor retail or service with upper floors residential, service, or offices), or single-use building (such as residential or office).

Midrise Building Type
Building pulled to front lot line
Some transparency on first floor
Evenly spaced window openings
Primary entrances should be accentuated

Standards

Massing

- Maximum length of building wall along a street shall be 200 feet
- Buildings must have a break in façade at least every 50 feet from the previous break or the end of the building. A façade break may be met through the use of architectural features (such as bay windows, porches, porticos, recessed doorways, etc.), through changes in building material or finish, or by other similar means.

Windows

- Minimum 30% window coverage on first floor
- Minimum 15% window coverage above the first floor
- Individual window proportions shall be greater in height than width
- Exterior window guards (e.g. security guards) shall be integrated with the design of the building
- Windows shall be placed in a consistent pattern within the first floor, floors two through the penultimate floor, and the top floor.

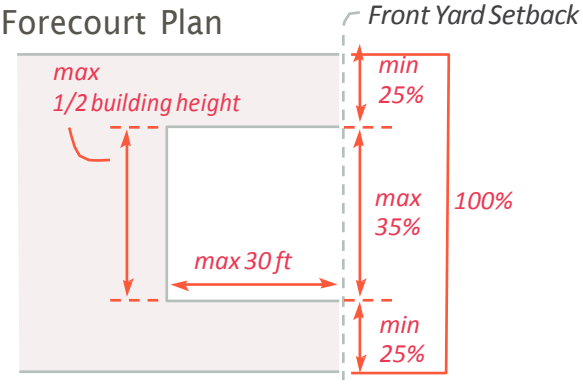
Entrances

- Main building entrances shall be accentuated – permitted accents include: recessed, awning, canopy, portico, or overhang
- Main building entrances should be designed to reflect the primary use of the building. If primarily a residential use, midrises are encouraged to use a stoop, lightwell, or dooryard entrance type (as defined in the 'rowhouse' building type)
- A midrise building may also have a forecourt entrance. A forecourt entrance is when a small courtyard is placed on the front lot line of the building. A forecourt may occupy no more than 35% of the length of the front façade and must be placed in the middle of the building's front façade such that no less than 25% of the length of the front façade is located on either side of the forecourt. The forecourt shall be no more than 30 feet deep and no wider than half of the building's height.

Corner Articulation

- Main entrances to buildings on corner lots should be oriented to the corner and public street fronts
- Main building entrances should be on the primary street
- Massing and architecture of the building should reflect the importance of a corner site and relate to both street frontages

Forecourt Plan



Rowhouse Building Type

- The Rowhouse Building Type is a residential structure typically located on a narrow lot, that shares a party wall with a structure on an adjoining lot. Rowhouses typically range from 2 to 4 stories and are also called townhouses and attached houses. Rowhouses are prominent in the Downtown Neighborhood District in particular, and help provide a broad choice of housing types within the City.
- Rowhouses shall be no more than 30 feet wide and the front façade shall be located near the front lot line

Rowhouse Building Type
Rowhouses with stoop and dooryard entrance type features
All entrance features reach the front lot line
Pedestrian clear width provided next to lot line with streetscape zone closest to curb

Standards

Windows

- Individual window proportions shall be greater in height than width
- Exterior window guards (e.g. security guards) shall be integrated with the design of the building
- Windows shall be placed in a consistent pattern within the first floor, floors two through the penultimate floor, and the top floor

Entrances

- Rowhouses shall have one of the four entrance types defined below
- Rowhouses shall have their primary entrance on the front façade

Entrance Types

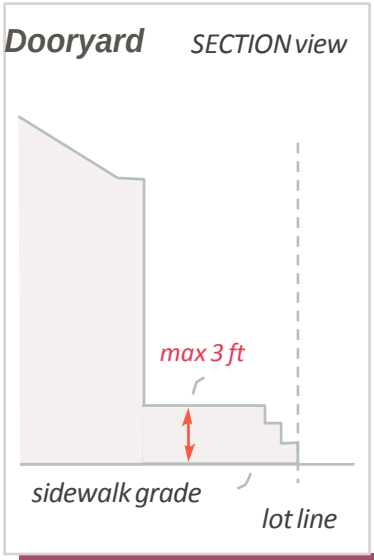
STOOP

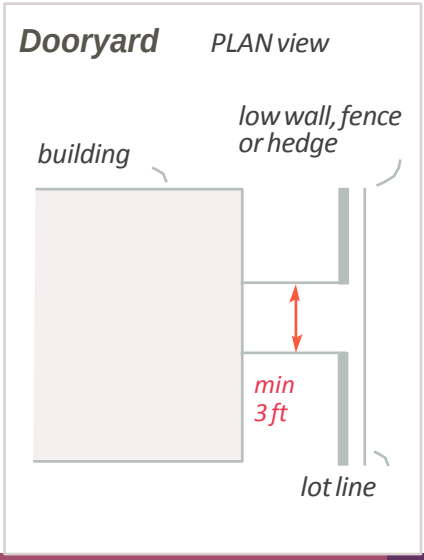
Stoop Entrance Type

Frontage Line defined by low wall, hedge, or fence

- The elevated stoop serves to engage the sidewalk and ensure privacy within the building
- The stairs of the stoop align with, or near to, the lot line
- The stairs to the stoop may be perpendicular or parallel to the sidewalk
- The stoop may have an awning, porch, or portico
- A low wall, fence, or hedge may be provided to define the frontage line

DOORYARD

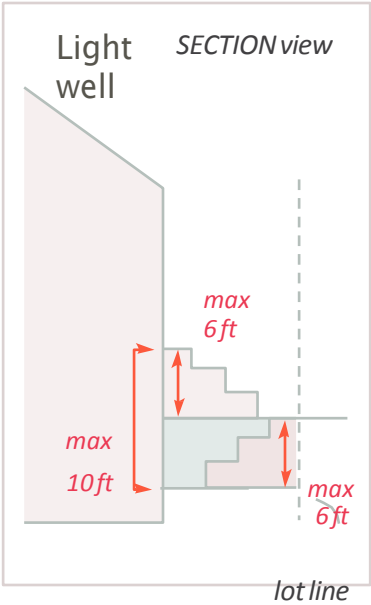




- In the Dooryard Entrance Type:
  - A low wall, fence, or hedge is provided to define the frontage line; and,
  - The main entrance is provided at the same grade as the 'dooryard' that is created.
- Dooryards must be within three vertical feet of the grade of the adjacent sidewalk
- Any stairs that are provided must align with, or near to, the frontage line

LIGHTWELL

Lightwell providing an entrance to the ground floor and basement level.



- In the Lightwell Entrance Type, the setback of the main building façade features either an elevated terrace or recessed lightwell
- The Lightwell Entrance Type allows natural sunlight to enter the floor below grade and often serves to allow an outside entrance from the ground floor and the one immediately below
- Neither the top of the terrace or the bottom of the lightwell shall be more than 6 feet in vertical distance from the sidewalk. In no instance shall the distance between the top of the terrace and the bottom of the lightwell be more than 10 feet.

PORCH

Porch open on two sides and engages building on other two sides

Porch feature shared between multiple rowhouses

- Porches must be a minimum of 18 inches above the sidewalk grade
- Porches must maintain a clear path of travel that is at least three feet wide

Compact Detached House

A compact detached dwelling is located on an urban lot no wider than 56 feet. The maximum individual side yard is 15 feet and two side yards combined may be no more than 20 feet.

Windows

- Individual window proportions shall be greater in height than width
- Exterior window guards (e.g. security guards) shall be integrated with the design of the building
- Windows shall be placed in a consistent pattern within the first floor, floors two through the penultimate floor, and the top floor

Entrances

- Main building entrance shall face the street
- Secondary entrance may be provided on the side or rear of the building if facing a side yard at least 5 feet wide or greater, or a rear yard
- Compact Detached Houses shall have one of the four Entrance types allowed for Rowhouses (e.g. Stoop, Dooryard, Lightwell, or Porch)

Massing

- Compact Detached Houses shall be no more than 36 feet wide
- Where possible, the front building façade shall align with neighboring structures

Civic

Owing to its special and public or quasi-public use, the Civic Building Type is designed to stand out from the form of the adjacent area. Civic buildings are often architecturally distinctive buildings that occupy prominent spaces in the community. The Civic Building Type requires a special use permit and site plan approval from the Planning Board in all districts. Civic Buildings do not need to be institutionally or government owned. For example, Civic Buildings could include theaters.

Civic
Orange County Community College building
Civic building with unique architecture and site design
Capitalizes on site location, orientation to the Hudson River
Prioritizes pedestrian movements

Design Standards

The following design standards shall apply to all of the downtown districts. They are intended to:

- Preserve and enhance the architectural character of the City
- Promote pedestrian access and activity
- Maintain the role of streets as civic and social spaces

Topography

When topography is altered during construction, the site shall be graded to avoid:

- The creation of retaining walls or blank walls taller than four feet in height along any street frontage
- Mass grading of a site that results in buildings not reflecting the topography of the site

Appropriate mass grading of a site allows narrow footprint buildings to step up and follow the site topography.

Appropriate grading for large footprint buildings addresses the street along the entire frontage and does not create large blank retaining walls or building facades.

Projections and Encroachments

- Architectural building elements, such as balconies, bay windows, open porches, and cornices may encroach up to three feet beyond the front lot line if the bottom of the encroaching element is at least 10 feet above the grade of the sidewalk
- Window or projected air conditioners are not permitted on the front façade
- Flags attached to a building façade are permitted to encroach up to three feet beyond the front lot line if the base of the pole is at least six feet above the grade of the sidewalk and is angled upward.

Architectural Features

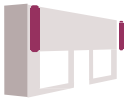
- Windows may not be placed on a building façade that is within 2 feet of an adjacent lot
- Architectural features, such as balconies and bay windows, are encouraged for all building types
- All building types should include a top floor cornice or comparable architectural feature. If the top floor is required to be set back from the front façade of the fl immediately below, the penultimate floor shall also have a cornice or similar architectural feature.
- Architectural features and windows should be continued on all sides of the building that are visible from a street or public parking area. Blank walls should be avoided.
- Mechanical equipment and refuse containers shall be concealed from public view either by being placed to the rear of the building or screened with appropriate landscaping or walls or architecturally compatible rooftop masking

Building Materials

- Building materials for finishes include wood, brick, stucco, stone, or fiber-cement siding and trim
- Vinyl, aluminum, or sheet metal siding or trim and concrete blocks or walls are not allowed as finish material in any district

Primary Façade

- If a building is on the corner, the primary façade of a building is that which faces the primary street
- The primary street is the one on which the primary use of the building is concentrated
- For Shopfront Building Types, the primary street will usually be either Broadway, Liberty, Grand, or Front Streets

	Quantity per Façade	Maximum Area (square foot)	Maximum Height	Maximum Width (feet)
			(h)	(w)
BAND	1	16	minimum 1 ft; maximum 3 ft	90% of façade
BLADE	1	8	4	4
SHINGLE	1	6	3	2
AWNING	1 per ground-fl door or window	90% of canopy	n/a	Full span of façade
YARD	1	9	3	3
 MARQUEE	1	36	12	3

Signage

The purpose of these requirements is to promote high-quality, well-designed signs that:

- Clearly advertise the tenant or user
- Enhance the architectural, structural or landscape features of the associated facility
- Enliven the resident and visitor experience
- Contribute to the improvement of the visual environment, expression of local character
- Minimize sign clutter

All new signs erected in the Form-Based Districts shall comply with the regulations in this Section. The regulations in this section are in addition to the signage regulations found in Part 2 of this Article and Chapter 250 of the City Code. Where the regulations in this Chapter confl t with any other signage regulation, the regulations of this Article shall prevail.

General Standards

Historical markers and tablets, memorial signs and plaques, dates of building erection, and emblems installed by governmental agencies are all exempt from these regulations if they are 12 square feet or less.

Changeable Copy signs are permitted on Civic Buildings, schools, Houses of Worship, and buildings occupied by not-for-profi organizations. (Changeable copy signs are those designed to hold copy (letters, numbers, graphics) that can be readily and periodically modified.)

Signs shall be compatible with building design in terms of relative scale, overall size, materials and colors. Signs shall not dominate a building façade or streetscape

Legibility

- Signs shall avoid hard-to-read intricate type- faces, and limit the number of letter styles
- The area of the sign devoted to text shall be limited. Lettering and logos shall not occupy more than seventy-five percent (75%) of the sign face.
- Signs may use symbols and logos
- Signs shall avoid large contiguous areas of blank space

Minimum Ground Clearance (feet)	Depth (Projection from façade) (feet)	Width of Sign	Maximum Text and Graphics Height (inches)	Maximum Projection into ROW (feet)
(cl)	(d)		(t)	(p)
8	1	n/a	18	1
8	4' or 1/3 width of sidewalk, whichever is less	n/a	8	4' or 1/3 width of sidewalk, whichever is less
8	2	n/a	8	2
10	4 feet minimum	n/a	2 ft max text height ; 75% of the awning width max	maximum projection 2 feet from curb
1	n/a	5 inches maximum	75% of sign height max	not allowed
12	3	12 inches maximum	75% of sign width max	3

Location and Size

- Signs shall be designed to relate to the architectural features of the building and to create visual continuity with other shopfronts in the same or adjacent buildings
- When possible, signs shall be placed at or near the public building entrance to indicate accesses
- For the purposes of this sign regulation section only, façade shall mean either a building façade, or that portion of a building façade that is occupied by a single tenant space having a public entrance on the building façade ("Business Façade"). For spaces located interior to a building that do not have direct access to the building façade, the elevation at which public access is provided shall be considered the business façade.

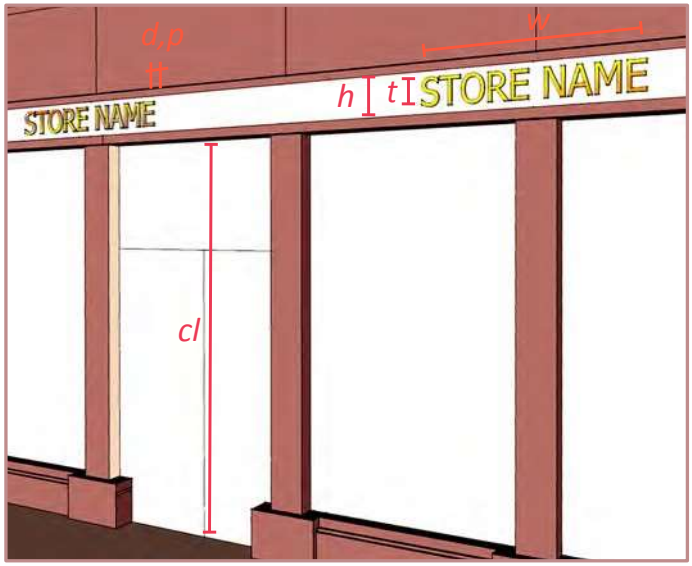
Illumination

- Utilization of a direct source of light (e.g. spotlight) is permitted. The light shall be focused on the sign and shielded to prevent glare.
- Back-lit, solid letters are encouraged
- Individually illuminated letters, either internally illuminated or back-lit (reverse channel), are permitted
- Signs using internally illuminated cabinet with translucent panels ("box signs") are not permitted
- Signs that use blinking or flashing lights shall be prohibited
- Neon signs and electronic reader board signs are prohibited

Materials

- Sign materials shall be selected with consideration for the architectural design of the building's façade. Permitted materials include wood or PVC that is carved, sandblasted, etched, properly sealed and painted, or stained or metal that is formed, etched, cast, engraved, and properly primed and painted or factory coated to protect against corrosion. Acrylic is also permitted.

BAND



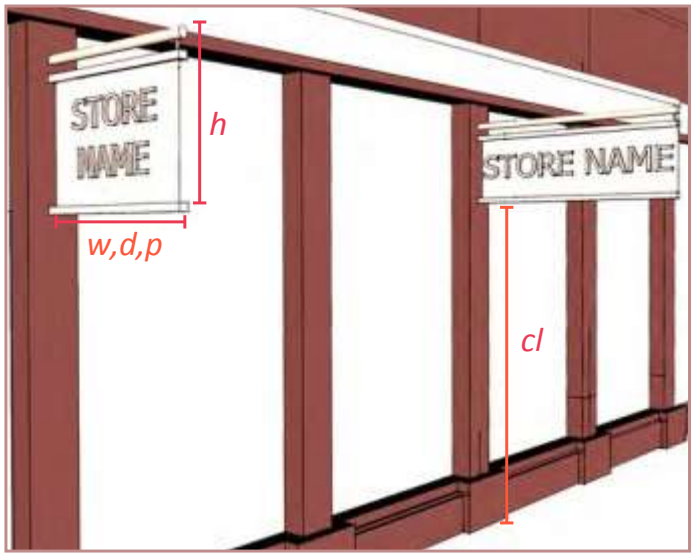
Description

- Individual cut letters placed directly against the façade or placed on a solid background attached to the façade
- The display surface is parallel to the plane of the building façade
- The sign projects no more than 12 inches from the building façade

General Provisions

- Sign is mounted, not be painted directly on the façade
- No portion of the band sign may extend above the roof line or above a parapet wall of a building with a flat roof
- No portion of a band sign may extend above the lower eave line of a building with a pitched roof
- A band sign cannot cover windows or architectural details

BLADE



Description

- Mounted perpendicular to primary street facing façade
- Pedestrian-scale lettering, not auto-scaled

General Provisions

- Must be located at least 25 feet from any other blade or projecting sign
- Top of sign may not be higher than the top of the first floor
- May be mounted only below the second floor
- Shall not have more than two faces

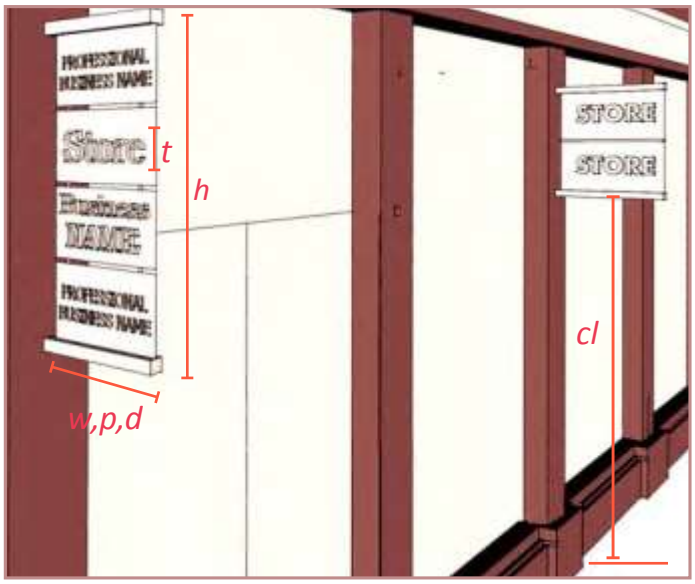
SHINGLE

Description

- Small projecting sign that hangs from a bracket or support perpendicular to façade
- Located adjacent to, or over, the building entrance
- Pedestrian scale lettering, not auto-scaled.

General Provisions

- Hanging bracket must be an integral part of the sign design
- Must be located below the window sills of the second floor
- May not be illuminated



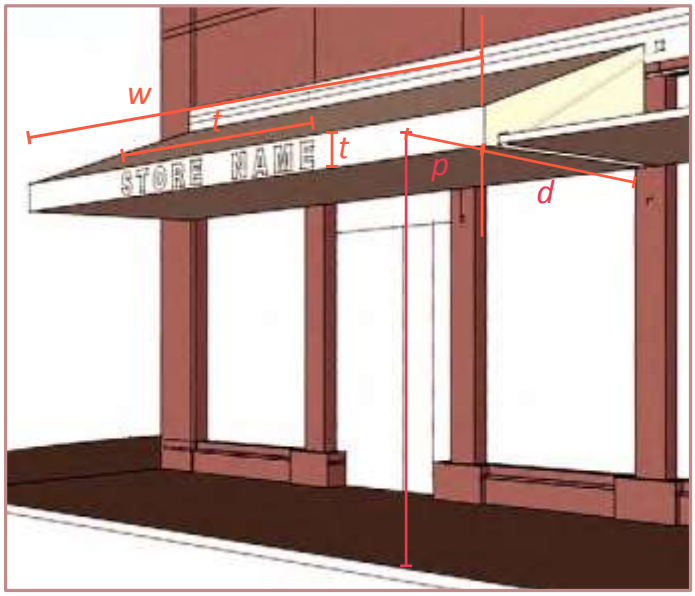
AWNING

Description

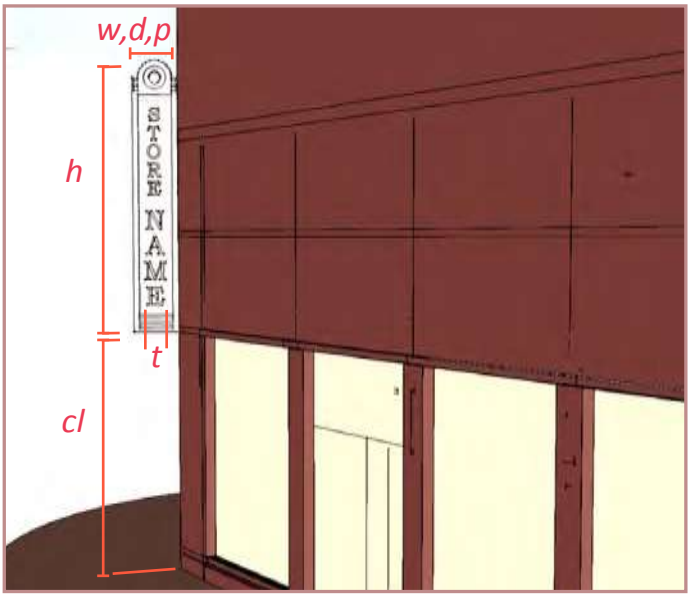
- Lettering, graphics or symbols adhered to awning

General Provisions

- Must be flush with the awning or canopy
- Only awnings or canopies over ground story doors and windows may contain signs
- A maximum of one sign is allowed per vertical awning face
- Internal lighting or back lighting of awning signs is prohibited



MARQUEE



Description

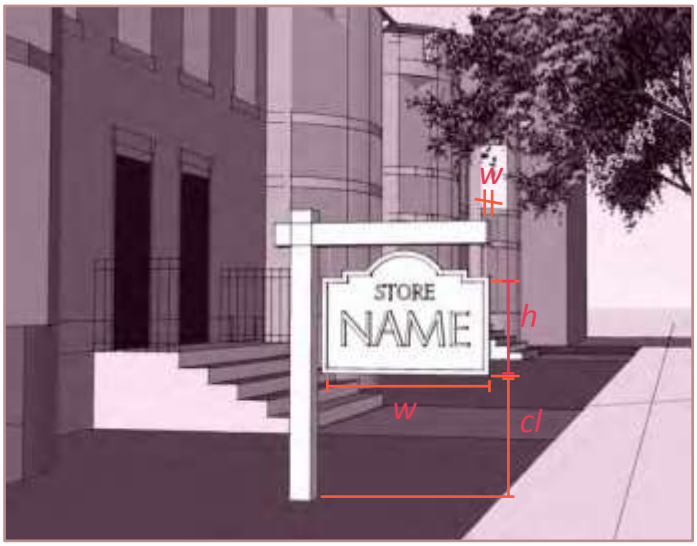
- Large projecting sign
- May be placed at second story or above
- Oriented perpendicular to the façade or at a 45 degree angle to the corner of a building

General Provisions

- Top of sign may not be higher than the top of the building

YARD

Description

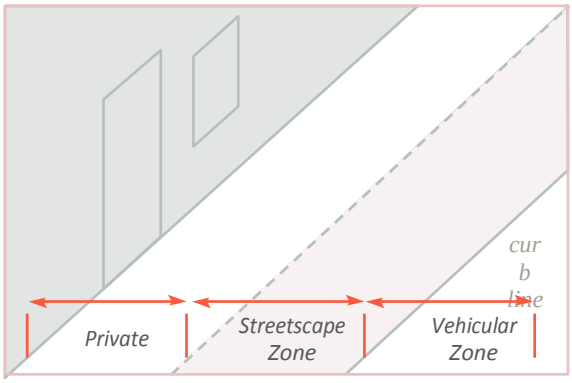


- Freestanding sign attached to the ground by one or more support structures
- Structure may be no higher than 5 feet, measured to top from the ground
- Sign hangs from the bracket or support

- Must be located at least 25 feet from any other yard sign
- Hanging bracket must be an integral part of the sign design

STREETSCAPE STANDARDS

This section addresses the design of the streetscape zone. The streetscape zone is the space between the curbline and property line. The purpose of these regulations is to provide a high quality and consistent pedestrian environment.



STREETSCAPE ZONE

The Streetscape Zone is comprised of three separate areas: the Pedestrian Walkway; the Street Tree/Utility Zone; and the Amenity Zone.

Pedestrian Walkway

The Pedestrian Walkway is that portion of the Streetscape Zone that is devoted to pedestrian movement. The pedestrian walkway is clear of all temporary or permanent obstructions which may impede the fl w or circulation of pedestrians. The minimum width and relative location of the pedestrian walkway within the Streetscape Zone varies throughout the Form-Based Districts with the absolute minimum width being 5 feet.

Street Tree and Utility Zone

The street tree and utility zone is the area within the Streetscape zone located immediately adjacent to the curb line.

Wherever possible, canopy trees will be planted within a continuous bed no less than 5 feet wide and 10 feet long. The exposed surface below the tree shall be planted with ground cover or surfaced with permeable pavers or tree grates.

Where large areas of pervious surface treatments are not possible, structural soils shall be utilized to provide beneficial root zone conditions to improve tree health and long term survival.

Permitted elements placed within the street tree and utility zone include:

- Street trees
- Directional signage
- Traffic/ parking signage
- Fire hydrants, manholes
- Other public utilities
- Municipal garbage and recycling containers
- Bike racks
- Bus Shelter
- Wayfinding signage

Amenity Zone

The Amenity Zone is that portion of the Streetscape Zone that is accessible to the public, but may also be utilized by private property owners for temporary and incidental amenities that promote the overall pedestrian-orientated goals of the Form-Based Code Districts. When the Amenity Zone is located immediately adjacent to the building façade, a minimum 5 foot wide path shall be provided to each building entrance that is clear of all obstructions.

Permitted elements placed within the amenity zone on a temporary basis:

- Benches or other seating
- Small above ground planters or planted containers
- Foundation planting (i.e. shrubs and ground cover)
- Decorative entry pavers
- Café seating
- Place-making public art
- Bike racks

DESIGN STANDARDS FOR STREETSCAPE ZONE

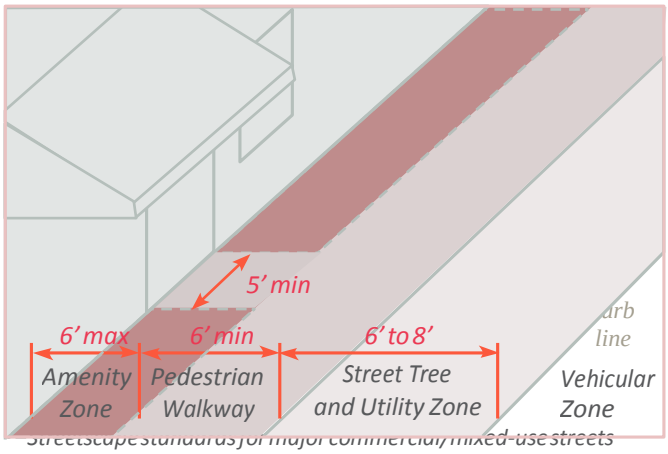
The required width and relative location of the areas within the Streetscape Zone vary by the type of street. There are two main types of streets in the Form-Based Districts, which are characterized by their usage and physical dimensions. They are Commercial/Mixed-Use Streets and Residential Streets.

Commercial / Mixed-Use Streets

Major Commercial/ Mixed-use Streets

Major Commercial/ Mixed-use Streets are characterized by:

- Width of Public Right-of-Way (property line to property line): +/- 130 feet
- Width of Vehicular Roadway (curb to curb): +/- 90 feet
- Width of Streetscape Zone (curb to property line): +/- 20 feet
- Example: Broadway

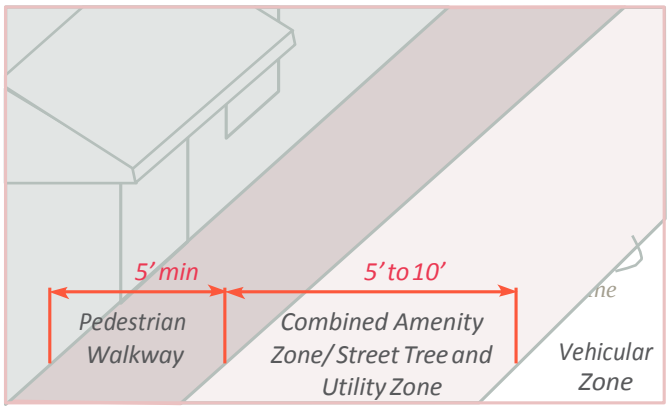


Streetscape standards for major commercial/mixed-use streets

Minor Commercial/ Mixed-use Streets

Minor Commercial/ Mixed-use Streets are characterized by:

- Width of Public Right-of-Way (property line to property line): 60 feet to 70 feet
- Width of Vehicular Roadway (curb to curb): 30 feet to 40 feet
- Width of Streepscape Zone (curb to property line): 10 feet to 20 feet
- Example: Liberty Street or Ann Street



Streetscape standards for minor commercial/mixed-use streets

Residential Streets

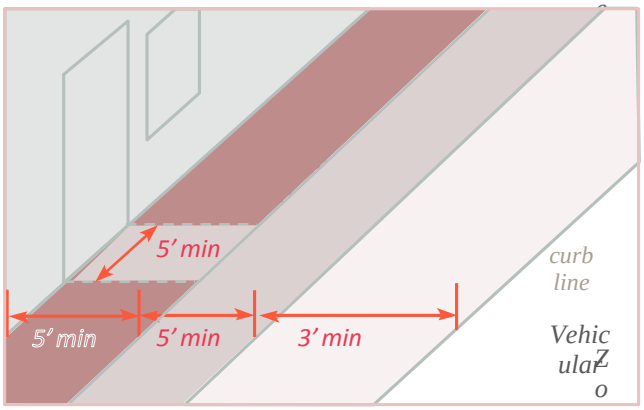
Residential streets within the FBC typically have the following characteristics

- Width of Public Right-of-Way (property line to property line): 36 feet to 60 feet
- Width of Streetscape zone (curb to curb): 20 feet to 36 feet
- Width of Pedestrian Zone (curb to property line): 8 feet to 15 feet
- Example: First Street, Parmenter Street

The following Streetscape Standards apply to residential streets within the Form-Based Districts.

These streetscape standards apply to residential streets that primarily feature buildings that are set back from the property line where the Streetscape Zone is approximately 10-15 feet wide. An Amenity Zone is not allowed on this type of Streetscape.

These streetscape standards apply to primarily residential streets where the building façade aligns with, or near to, the lot line and the Streetscape Zone is approximately 8 feet wide. An Amenity Zone is not allowed on this type of Streetscape.



These streetscape standards apply to primarily residential streets where the building façade aligns with, or near to, the lot line and the Streetscape Zone is greater than 10 feet wide. An amenity Zone no wider than 5 feet is permitted adjacent to the building façade, provided the minimum Pedestrian Walkway and Street Tree / Utility Zone dimensions are met and that a minimum 5 foot wide unobstructed path is provided to each building entrance.

Landscape Standards

The following landscape standards apply primarily to the public realm and to projects within the Form-Based Code districts that require a Sidewalk Permit in accordance with Chapter 263 of the City Code. When possible, they should be followed by other projects within the Form-Based Districts.

Landscape Materials

1. All plant species must be native to the region or regionally appropriate as determined by the Conservation Advisory Council.
2. All invasive species, as identified by the United States Forest Service, Cornell Cooperative Extension, or the NYSDEC are prohibited from being planted in the Form-Based districts.
3. Replacement of invasive species with desirable hardwood species is encouraged.
4. All tree and other landscape materials shall meet the American Standard for Nursery Stock standards as published by the American Association of Nurserymen.
5. Tree and other landscape material selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
6. Large and medium canopy tree species shall be a minimum of 12 feet in height and have a caliper of at least 2.5 inches at time of planting.
7. Small canopy tree species should be a minimum of 4 feet in height and have a caliper of at least $^{9}/_{16}$ inches and fi e or more branches at time of planting.
8. Shrubs shall be a minimum of 18 inches in height and width at time of planting.

Landscape Installation and Maintenance

1. Tree and landscape materials shall be installed according to standards established by the American National Standards Institute (ANSI).
2. Structural soil shall be installed in and around all tree wells to provide adequate underground volume for root growth. The structural soil should tie into adjacent landscaped areas to provide tree roots access to open soil.
3. Large and medium trees shall not be planted underneath or directly adjacent to overhead powerlines.
4. All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI.
5. All plantings that die or are destroyed must be replaced during the next suitable planting season.
6. Attaching lights, signage, fence rails, and any other items to trees that may result in damage to the tree is prohibited.

Design Requirements for Street Trees

1. Street trees shall help define the boundary between automobile-zones and the streetscape zone.
2. All street trees planted in the streetscape zone are to be limbed up to a minimum of 6 feet.
3. Selection of tree species shall be based upon height, canopy diameter, disease resistance and transparency.
4. Large canopy street trees should be planted approximately every 30 feet.
5. A minimum soil volume of 400 cubic feet per tree is required.
6. To provide adequate underground volume for root growth, structural soil shall be installed under the paved areas around all tree pits of a dimension no less than 5' x 10'.
7. Wherever possible trees shall be planted in continuous tree pits or planting beds to provide optimal environment for root growth
8. Where continuous open-surface planting beds are not possible, structural soil should be used to provide a subsurface connection between tree pits to provide optimal conditions for tree root growth.

Parking and Loading Area Landscaping

These requirements apply to surface parking lots.

1. All parking and loading areas that are visible from the public right-of-way shall be screened with vegetation to minimize the visual impact of parked vehicles.
2. Shrubs and trees shall be installed in all parking lot medians to provide for semi-continuous plantings.
3. Within a surface parking lot each landscape island shall contain a minimum of 1 large canopy tree.

Lot Landscaping and Foundation Plantings

1. All permeable ground surfaces of lots in environments altered from their natural, predevelopment state and not provided for circulation of vehicles, bicycles or pedestrians shall be planted with vegetation or otherwise landscaped.
2. Except when a build-to line or minimum setback makes the provision of foundation plantings impractical, a foundation planting area shall be maintained around all structures. The foundation planting shall incorporate a mixture of trees, shrubs, and ground covers in order to soften the building façade. Foundation plantings shall not be required along any building elevation or portion thereof that contains only service and/or delivery areas that are not visible from any roadway.

List of Recommended Street Trees *(adapted from NYC DPR "Tree Planting Standards", April 2008)*

Large Trees-Mature Height Greater Than 50 Feet

Scientifi Name	Common Name	Comments
Ginkgo biloba	Ginkgo	Male Only - Does Not Bear Fruit
Quercus spp. 'Fastigiata'	Fastigiata Oak	
Liquidambar styracifl a	Sweetgum	Plant Spring Only, lawn pits only
Metasequoia glyptostroboides	Dawn Redwood	
Taxodium distichum	Baldcypress	Ideal For Wet Soils
Tilia cordata	Littleleaf Linden	
Gymnocladus dioicus	Coffee	Needs Lots of Space
Gleditsia triacanthos var. inermis	Honeylocust	Tolerates Tough Conditions
Liriodendron tulipifera	Tulip Tree	Tree Does Best in Lawn Pits
Quercus rubra	Northern Red Oak	Plant Spring Only
Quercus bicolor	Swamp White Oak	Plant Spring Only
Quercus imbricaria	Shingle Oak	Plant Spring Only
Quercus palustris	Pin Oak	Needs Large Tree Pit
Quercus phellos	Willow Oak	Plant Spring Only
Tilia americana	American Linden	Partial Shade, Fragrant Flowers
Tilia x euchlora	Crimean Linden	Pest Resistant
Tilia tomentosa	Silver Linden	Fragrant Flowers
Zelkova serrata	Japanese Zelkova	

Medium Trees - Mature Height 35-50 Feet

Scientifi Name	Common Name	Comments
Carpinus betulus	European Hornbeam	
Quercus robur	English Oak	Plant Spring Only
Cercidiphyllum japonicum	Katsura Tree	Tree Does Best In Lawn Pits
Corylus colurna	Turkish Filbert	
Nyssa sylvatica	Black Gum	Should only be planted in extremely wet sites
Ostrya virginiana	American Hophornbeam	Plant Spring Only
Quercus acutissima	Sawtooth Oak	Plant Spring Only
Eucommia ulmoides	Hardy Rubber Tree	Tolerates Tough Conditions
Styphnolobium japonicum	Scholar Tree	Tolerates Tough Conditions

Intermediate Trees - Mature Height 25-35 Feet

Scientifi Name	Common Name	Comments
Koelreuteria paniculata	Goldenraintree	Tolerates Tough Conditions
Maackia amurensis	Amur Maackia	

Small Trees - Mature Height Less Than 25 Feet

Scientifi Name	Common Name	Comments
Amelanchier canadensis	Serviceberry	
Cercis canadensis	Eastern Redbud	Does Best in Lawn Pits
Carpinus caroliniana	American Hornbeam	Plant Spring Only
Fraxinus 'Leprechaun'	Leprechaun Green Ash	
Malus spp.	Crabapple	
Crataegus spp.	Hawthorn	
Cornus mas	Cornelian Cherry	
Prunus virginiana 'Schubert'	Schubert Cherry	Tolerates Tough Conditions
Syringa reticulata	Japanese Tree Lilac	
Prunus cerasifera	Purpleleaf Plum	
Prunus 'Okame'	Okame Cherry	
Prunus padus	European Birdcherry	
Prunus sargentii	Sargent Cherry	
Prunus serrulata 'Kwanzan'	Japanese Flowering Cherry	
Prunus x yedoensis	Yoshino Cherry	Tree Does Best in Lawn Pits

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Hudson River Waterfront Public Access

The purpose of this section is to:

- Promote and maintain the physical and visual public access to and along the waterfront;
- Create a desirable relationship between waterfront development, public access areas, and the upland communities;
- Protect the natural resources within this environmentally sensitive area.

The requirements of this section apply to all lots within the PWD.

Physical and Visual access to the Hudson River must be provided within the PWD.

Physical Public Access

- Public Access to the river's edge shall be provided on all lots having the Hudson River as part of its boundary. Public access shall consist of:
  - » A Waterfront Area that is open to the public, in accordance with the section below, that is a minimum of 20 feet wide as measured perpendicular from the Hudson River Shoreline
  - » A publicly accessible Waterfront Walkway within the Waterfront Area that provides a minimum clear width of 12 feet
- Waterfront Areas
  - » Waterfront Areas shall be accessible from a public sidewalk, street, public park, or other public place, or from another publicly accessible Waterfront Area, provided that access is provided to the Waterfront Area no less often than every 400 feet from a public place.
  - » Appropriately designed and scaled down lighting, seating, and trash receptacles shall be placed within the Waterfront Area at adequate intervals, as determined by the Planning Board.
  - » Waterfront Areas shall be free of obstructions, except for landscaping, seating, trash receptacles, works of art, lighting, informational kiosks.
  - » Waterfront Areas shall have signage, located at or near the walkway's connection to a public street, sidewalk, or park, that the walkway is "Open to the Public" and ADA-accessible, as well as the hours of operation (as allowed below) and the name and contact phone number of the person designated to maintain the walkway.
  - » Waterfront Areas shall be open to the public from dawn to dusk, except when the adjacent use is commercial in nature, in which case the walkway shall be open until the business is closed. Waterfront Walkways shall be open every day of the year, with the exception of closures necessary for maintenance and for no more than one day each year in order to preserve the private ownership of the area.
  - » Waterfront Areas, including Waterfront Walkways shall be maintained by the property owner. The Property owner shall be required to post a maintenance bond with the Building Department for 125% of the annual cost of maintaining the walkway, as certified by a registered architect or landscape architect. Such bond shall be replaced every five years with a bond equal to 125% of the current cost of maintaining the walkway for one year.
  - » Vehicle access is prohibited within the Waterfront Areas with the exception of emergency and maintenance vehicles.

- Waterfront Walkways Minimum Design Standards. Waterfront Walkways shall:
  - » Be designed in accordance with the Waterfront Design Guidelines, as adopted by the Conservation Advisory Council or the Planning Board (if such guidelines are available)
  - » Have a minimum clear and unobstructed width of 12 feet
  - » Be accessible to persons with physical disabilities as required by the ADA
  - » Connect to the Waterfront Walkways on adjacent lots

Visual Access and Scenic Viewshed Protection

- Construction within the right-of-way of the following mapped streets is expressly prohibited by this statute. The prohibition applies to the right-of-way width from the eastern most terminus of the following streets to the Hudson River shoreline.
  - » Washington Street
  - » Broadway
  - » Second Street
  - » Third Street
  - » Fourth Street
  - » South Street
- All applications for Site Plan Approval shall be evaluated for their impacts to the following scenic views, in accordance with Article XI:
  - » The Dutch Reformed Church
  - » Montgomery and South Streets
  - » Washington's Headquarters
  - » Broadway and Colden Street
  - » Newburgh Public Library
  - » First and Montgomery Streets
  - » Bay View Terrace

Applicability

This section will apply to any new construction and any application requiring Site Plan Approval within the BC, DN, WG, and PWD districts.

General Provisions

- Off-street parking that is required pursuant to this section shall be the sum total of the parking required for each use on the lot.
- Applicants that wish to provide fewer off-street parking spaces than required by this section may apply to the Planning Board for a Special Parking Permit as described in Article IX.
- Nothing in this section prohibits providing more off-street parking than is required by this section. It is recognized that adequate off-street parking will likely require creative and collaborative solutions.
- Required off-street parking does not need to be provided on the same lot as the use. However, if the parking is not on the same lot, the Applicant must demonstrate that the required parking spaces are available for a period of not less than 10 years for the exclusive use of the Applicant and that the allocated spaces are within 500 feet of the use.
- The size, dimension, and accessibility, including space for maneuvers, of all off-street parking areas shall be approved by the Building Inspector.
- All off-street parking shall be located behind, or to the side, of the principal building, or screened totally from the street.
- The shared use of off-street parking is encouraged by multiple uses, especially when those uses have differing times of peak demand.

Off Street Parking Standards

- Residential and Commercial uses in the BC district. No off-street parking shall be required within the BC district with the exception of Civic buildings or new uses which are parking dependent such as theaters and supermarkets, which during the Special Permit application process, may be required to provide off-street parking in accordance with the "Bulk and Area Table".
- Residential Uses in Other Districts.
  - » No off-street parking shall be required for the residential portion of any building with less than 4 units.
  - » Any building with more than 4 dwelling units must provide off-street parking for those dwelling units at a rate of 1 space for every dwelling unit.
- Non-Residential Uses in the DN, WG, PWD.
  - » Uses Permitted by Right-No Site Plan Required.
    - – Off-street parking shall not be required for the first 5,000 square feet of commercially occupied space (or the first 3,000 square feet of space occupied by a restaurant) within an individual building within the DN, WG, and PWD districts.
    - – Off-street parking for the portion of the occupied space above the 5,000/3,000 square feet limit set above shall be calculated at the rates set in the "Bulk and Area Table" for the Commercial and Industrial District.
  - » Uses requiring site plan or special use permit.
    - – Owing to the unique and nature of these uses and of their locations within the City, the off-street parking standards for uses requiring site plan or special use permit approval shall be determined by the Planning Board.

- In determining the amount of off-street parking required, the Planning Board shall consider:
  - *The amount of off-street parking that the use is likely to require, given its size and location in accordance with §300-32 for similar uses.*
  - *The amount and availability of on-street, municipal, or private parking available in the vicinity of the Site (ie, 500 feet).*
  - *The impact that the provision of off-street parking may have on the visual quality of the zoning district.*

- Off-street loading berths shall be provided according to the schedule and regulations in Article IX.