

**VILLAGE OF ATHENS
LOCAL LAW # 2 OF 2021
AMENDING THE ZONING LAW CONCERNING THE MIXED USE/WATERFRONT
DISTRICT (MU/W)**

Be it enacted by the village board of the Village of Athens as follows:

Section 1. Purpose

The Village of Athens Board of Trustees has recently studied, developed and adopted a new Village Comprehensive Plan which, among other things, reflects the Village's recognition that the waterfront along the Hudson River and its tributaries are essential to every positive aspect of the Village including but not limited to economic viability and growth, tourism, cultural and recreational assets, and environmental health of the Village. In order to protect those assets, the Village hereby endeavors to implement the visions and goals found in the new Comprehensive Plan by amending the Village Zoning as is set forth hereinafter.

Section 2. Amendments

A. §250-1. Purpose. I. and J. shall read as follows:

"I. To protect the historic structures and traditional small town and to protect and preserve the waterfront cultural, artistic, recreational and tourism community character of Athens.

J. To protect, preserve, enhance and expand the Hudson River and the Hudson River Estuary and associated natural, scenic, and recreational resources."

B. §250-5 Regulations. This section shall be and hereby is amended to include the following sentence at the thereof: "Any use not specifically permitted by right or by special permit herein, is not permitted."

C. §250-14 MU/W Mixed Use/Waterfront District. This section shall read as follows:

A. The MU/W District, adjacent to the Commercial District, provides for the continuation of commercial and industrial activities in areas already containing this type of activity and provides for expanded residential or commercial water-enhanced uses consistent with the Local Waterfront Revitalization Program for the Village of Athens. Proximity to Route No. 385 and the Hudson River make these districts amenable to future growth. Uses which require a waterfront location shall be encouraged.

B. Permitted uses shall be as follows:

(1) No uses in the MU/W District are permitted by right; all require site plan and special use approvals by the Planning Board.

C. Uses requiring a special use permit, pursuant to §§ 250-32 and 250-33, shall be as

follows:

- (1) Retail store and shop, oriented to and/or supportive of water-related activities and designed primarily to serve the needs of pedestrian and marine visitors to the riverfront.
- (2) Office, professional and business.
- (3) Service business oriented to and/or supportive of water-related activities.
- (4) Hotel.
- (5) Restaurant, no drive through.
- (6) Research and development facility.
- (7) Wholesale business.
- (8) Townhouse dwelling.
- (9) Multiple-family dwelling.
- (10) Mixed-use structure.

D. All uses in the MU/W District shall be subject to site plan review pursuant to § 250-34.

E. All uses in the MU/W District shall provide for some form of water-related recreation use as an accessory use on the site.

F. Minimum lot sizes shall be as follows:

- (1) Area: 20,000 square feet.
- (2) Width: 100 feet.

G. Maximum height of buildings shall be 35 feet.

H. Minimum front yard depth shall be 25 feet.

I. Minimum side yard depth shall be 25 feet.

J. Minimum rear yard depth shall be 25 feet from the mean high waterline of the Hudson River.

K. Exceptions to setbacks.

- (1) Setback can be modified as part of the site plan review.
- (2) Fences shall not be subject to setback regulations.

L. Performance standards. No land or building in any MU/W District shall be used or occupied in such manner as to create any dangerous, injurious, noxious or other hazard due to odor, fire, noise, explosion, vibration, smoke, dust or other form of air pollution, glare, electrical or other disturbance. The determination of

potentially dangerous or objectionable elements shall be made at locations as follows:

- (1) At the point of origin for fire and explosion hazards, for radioactivity and electrical disturbances and for smoke and other forms of air pollution.
- (2) At the property line for noise, vibration, glare, odors and other hazards or nuisances.

M. For the uses permitted in the MU/W District, the Planning Board shall determine, in addition to the standards set forth for review of Special Use Permits, in its judgment that:

- (1) It shall not have a negative impact on the public health, safety and general welfare.
- (2) It is appropriately located and served with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
- (3) Adequate off-street parking spaces are provided to handle the proposed use or uses.
- (4) The neighborhood character and surrounding property values are reasonably safeguarded.
- (5) The use will not cause traffic congestion or create a traffic hazard.
- (6) Adequate design of grades, paving, gutters, drainage and treatment of turf to handle stormwater, prevent erosion and dust is provided.
- (7) Proper design and arrangement of signs and lighting devices with respect to traffic control and adjacent neighborhoods is provided.
- (8) Adequate screen planting, fencing or walls to shield adjacent residential districts from business structures and uses is provided.
- (9) Other conditions of this chapter are satisfied.
- (10) Views to the water should be protected to the maximum extent whenever possible.

N. Site design. The Village of Athens is looking for an attractive, well-planned, distinct riverfront development which serves to strengthen the Hudson River waterfront community image. Development plans shall incorporate traditional patterns and layout provision for walking areas and alleyways. In determining the placement of structures on the site, the Planning Board shall consider the protection and preservation of unique and sensitive environmental and historic features, the maintenance of the general character of the shoreline, scenic views and vistas, and the specific goals established for this district.

D. **§250-18. B. Parking.** This section shall be and hereby is amended and the work “Industrial” is deleted.

E. **Summary of Zoning Regulations Chart, 250 Attachment 1 :5.** The words “Industrial requiring a waterfront location.” are hereby deleted.

Section 3. Severability

If any clause, sentence, paragraph, word, section or part of this law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State's office.