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MEMORANDUM

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TO: Mayor Randy Casale and Beacon City Council Members

FROM: Keane & Beane, P.C.

RE: Zoning Enforcement Local Law

DATE: July 18, 2019

Currently, enforcement of an approved Site Plan and/or Approval Resolution is predicated on the fact that a building permit and certificate of occupancy would be issued prior to the enforcement action. (See, Section 223-51 of the City of Beacon Zoning Code). Such enforcement reflects the typical case whereby approval for construction is issued, the applicant satisfies certain conditions, obtains a building permit, constructs the improvement, and receives a certificate of occupancy to close out the building permit.

However, in some cases, implementation of an approved Site Plan does not require the issuance of a building permit or certificate of occupancy. In these cases, the Building Inspector does not have a clear and unequivocal enforcement tool upon which to issue violations returnable in the Beacon City Court.

The proposed local law to amend Section 223-7 of the City of Beacon Zoning Code is intended to provide a broad tool for use by the Building Inspector where a property is not in conformance with an approved Site Plan or Approval Resolution, regardless of whether a building permit or certificate of occupancy is required for the approved improvements or uses.

To move forward with the local law, the City Council is required to refer the local law to the Beacon Planning Board and to the Dutchess County Planning Department. A public hearing on the local law will also be required.