

CITY OF BEACON



Iola C. Taylor  
City Clerk  
One Municipal Plaza, Suite One  
Beacon, New York 12508

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Telephone (845) 838-5003  
Facsimile (845) 838-5032

I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 09 of 2018 entitled:

**A LOCAL LAW TO AMEND CHAPTER 223, CONCERNING CALCULATION OF THE LOT AREA PER DWELLING UNIT IN THE R1, RD, AND FISHKILL CREEK DEVELOPMENT DISTRICTS**

adopted by the Beacon City Council at a regular meeting held on May 21, 2018. Council Member McCredo made the motion to adopt the proposed local law. The motion was seconded by Council Member Nelson. On roll call Council Members Nelson, McCredo, Kyriacou, Rembert and Grant voted in favor (5). Council Members Mansfield and Mayor Casale were opposed (2).

Motion Carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 22<sup>nd</sup> day of May, 2018.

Signed

Iola C. Taylor  
Iola C. Taylor, City Clerk

SEAL

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 09 of 2018 of the City of Beacon was duly passed by the City Council on May 22, 2018 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of Beacon was duly passed by the City Council on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \* \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of Beacon was duly passed by the City Council on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \* \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the \_\_\_\_\_ was duly passed by \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \* \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_, of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_, of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county considered as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Yvonne C. Taylor*

Deputy Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: May 22, 2018

(Certification to execute by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Richard W. ...*  
Signature

City Attorney

Title

City of Beacon

Date: May 22, 2018

**Local Law Filing**

New York State Department of State  
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County \_\_\_\_\_  
City of.....Beacon.....  
Town \_\_\_\_\_  
Village \_\_\_\_\_  
Local Law No....09...of the year....2018.....

FILED  
STATE RECORDS

MAY 29 2018

DEPARTMENT OF STATE

**A LOCAL LAW TO AMEND CHAPTER 223, CONCERNING CALCULATION OF THE LOT AREA PER DWELLING UNIT IN THE R1, RD, AND FISHKILL CREEK DEVELOPMENT DISTRICTS**

BE IT ENACTED by the City Council of the City of Beacon as follows:

**Section 1.** Chapter 223, Attachment 1 of the Code of the City of Beacon entitled “§ 223-1.7C, Schedule of Regulations For Residential Districts” is hereby amended to add the following footnote “q” after “Lot Area per Dwelling Unit” and in the attached “Notes” list:

q. For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.

**Section 2.** Chapter 223 of the City Code, Article IVC entitled "Fishkill Creek Development District" § 223-41.14B is hereby amended as follows:

B. Development Potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

**Section 3.** Chapter 223 of the City Code, Article VI entitled "§ 223-63, Definitions" is hereby amended as follows:

**VERY STEEP SLOPE**

An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet

**Section 4.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5.** Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 6.** Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.