

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND  
CHAPTER 195 OF THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to  
amend Chapter 195 of  
the Code of the City of  
Beacon, concerning  
Lot Line Adjustments.

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

**SECTION 1.** Chapter 195, Article I, of the Code of the City of Beacon is hereby amended as follows to create Section 3.1 entitled “Lot line adjustments”:

§ 195-3.1 Lot line adjustments.

- A. Exemption. A lot line adjustment shall not be considered a subdivision and is therefore exempt from the procedural requirements otherwise imposed upon a subdivision. A lot line adjustment, however, must be determined to be exempt by the Building Inspector based upon the lot line adjustment criteria set forth herein.
- B. Criteria for classification as a lot line adjustment.
- (1) No new lot is to be created; or
  - (2) The action is intended to adjust, relocate or correct an existing lot line; or
  - (3) The intended conveyance will involve a part of one lot being added to an adjoining lot; and
  - (4) Neither of the lots involved will become nonconforming in any respect under Chapter 223, Zoning, as a result of the lot line adjustment.
  - (5) Notwithstanding any of the foregoing, a lot line adjustment involving a legal nonconforming lot, where the lots involved in the lot line adjustment are improved, may be permitted if such lot line adjustment does not increase any dimensional nonconformity by more than 7%.

C. Application process.

- (1) An application for a lot line adjustment exemption shall be submitted to the Building Department and shall be on a form approved by the Building Inspector.
- (2) The application shall be accompanied by the required application fee, payable to the City of Beacon, in the amount set forth in the City of Beacon Fee Schedule, which is on file in the City Clerk's Office.
- (3) The application shall contain:
  - (a) The name, address and telephone number of each lot owner involved in the lot line adjustment.
  - (b) The address and Tax Map number of each lot involved.
  - (c) An explanation of the intended adjustment and the reason(s) therefore.
  - (d) A map, acceptable to the Building Inspector, drawn to scale depicting the existing lot line as well as the proposed new lot line.
  - (e) Any other documentation and/or information required by the Building Inspector.

D. In the event that the exemption is denied, the Building Inspector shall specify the reason(s) therefor in the written notice.

E. The Building Inspector may include in an approval of an application for lot line adjustment such terms and conditions as the Building Inspector deems necessary or appropriate to ensure the safety or further the purpose and intent of this Chapter or any other applicable law.

**SECTION 2.** The following definitions set forth in Chapter 195, Article II, Section 10 of the Code of the City of Beacon entitled "Definitions" are hereby amended or added as follows:

**LOT LINE ADJUSTMENT**

Any conveyance of real property between adjacent landowners which does not result in additional buildable lot(s) nor creates a zoning deficiency in any existing zoning compliant lot. A lot line adjustment is not considered a subdivision for purposes of this chapter.

**RESUBDIVISION**

Any change in a subdivision plat or resubdivision in the of existing property lines or of property lines shown on a plat approved by the Planning Board and filed in the

office of the Dutchess County Clerk, which change affects any street and/or lot layout shown on such plat or affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

## **SUBDIVISION**

The division of any parcel of land, regardless of use, into two or more lots, plots, blocks, sites or parcels, with or without the creation of new streets or private roads, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include resubdivision as defined herein. Subdivision does not include lot line adjustments as defined in this chapter.

## **SECTION 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 195 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **SECTION 4. 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 5. Effective Date**

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