

LOCAL LAW NO. 7 OF 2023

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTER 223 OF THE ZONING CODE
OF THE CITY OF BEACON**

A LOCAL LAW to amend the zoning code, Chapter 223, of the Beacon City Code, concerning internal lot subdivisions.

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

Section 1. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-25 entitled “Site development plan approval,” Subsection C is hereby amended as follows:

§ 223-25 **Site Development plan approval.**

...

C. Two-phase site plan approval for residential, nonresidential, or mixed-use projects. Notwithstanding the provisions of Subsection B above, where a proposed residential, nonresidential, or mixed-use development project may involve a number of buildings or uses to be developed over a period of time, the Planning Board is authorized to review the site plan in two distinct phases.

(1) The first phase, called conceptual site plan review, shall consider the general parameters of the total proposed development, including total square footage of floor area, range of anticipated uses, traffic access and internal circulation, site buffering, sewer and water demands, parking requirements, and other relevant issues as determined by the Planning Board. The application for conceptual site plan approval shall contain the information set forth in Subsection B, but at a conceptual level. After review, and environmental compliance pursuant to Subsection F below, the Planning Board may grant a conceptual site plan approval, which shall set forth the parameters of the development approved, and any specific conditions or criteria under which future actions, including subdivisions, or project-specific site plans for individual elements of the conceptual site plan, will be undertaken, reviewed, and approved, including requirements for any subsequent SEQR compliance in accordance with Subsection F below. There shall be no vesting granted to any applicant by virtue of the adoption of conceptual site plan approval by the Planning Board.

- (2) The second phase, called the project-specific phase, will include all elements not previously reviewed and approved as part of the conceptual review. These could include, in appropriate cases, but are not limited to details of site grading, architectural review, landscaping, parking compliance, etc.
- (3) Internal Property Subdivisions. Subsequent to conceptual site plan approval by the Planning Board of the overall site area under § 223-25C(1), or subsequent to a single phase site plan approval by the Planning Board for a residential, non-residential, or mixed-use project that may involve a number of buildings to be developed over a period of time, owners may subdivide the site forming lots and/or buildings, provided that sufficient parking in accordance with § 223-26 of this chapter is included on each lot or is made available to support the use on each lot in a manner satisfactory to the Planning Board, and that no development within any lot will be permitted except as shown on a site plan approved by the Planning Board. Provisions satisfactory to the Planning Board for maintenance of all elements of the site plan shall also be a prerequisite for any subdivision of the overall site area. The standards as referred to in § 223-17D shall apply to the overall site area, whether or not the same is or will continue to be under one ownership. To the extent that the provisions of this subsection conflict with the provisions of § 223-12, the provisions of this subsection shall be controlling.

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Section 6. 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 7. Numbering for Codification.

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 8. 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 9. Effective Date.

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