



TOWN OF BETHLEHEM
Chapter 128. Zoning Code

DRAFT 1/24/2024

Residential District

Framework

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REVIEW GUIDE & CONTEXT

As stated in Section 5 of the Code Assessment, there are many interconnected sections to the zoning code, but they cannot all be addressed at the same time. **At this stage in the process, we are focusing on Part 2 (District & Use Regulations) to establish the basic direction for each of the Town’s zoning districts.**

The following information is intended to serve as a guide for the review of preliminary code update draft material, providing context for the other regulatory elements that will be addressed during future conversations.

SITE PLAN REVIEW VS. SPECIAL USE PERMITS

One of the primary differences between the Town’s current district regulations and the preliminary districts is the removal of site plan review as a way to permit a use. This does **not** mean that site plan review would not be required of any use. Rather, the trigger for site plan review would be tied to physical building or site alterations. The reason for this is that the site plan review process, by NYS Law, is not intended to be a way to deny a use. It is a method of development review focused on the physical characteristics of a site, ensuring that the provision of parking, screening, landscaping, design, etc. is consistent with the Town’s guidelines.

Special use permits, however, are intended to be used for the evaluation of the appropriateness of a use in context. Review criteria specifically consider neighborhood impacts and in some cases, where such impacts may not be mitigated or the use is not appropriate, the special use permit process can be used to deny a use.

Under the proposed approach, the application of site plan review and special use permits would be triggered by two separate things. Site plan review would be triggered by a “development action,” while special use permits would be triggered by the district use tables. Examples below.

SPECIAL USE PERMIT – Indicated by SUP in a district use table.

LAND USE	RLL	CR	LDR	MDR
RESIDENTIAL USES				
<i>Single-Family Dwelling, attached or detached</i>	P	P	P	P
<i>Two-Family Dwelling</i>	-	-	P	P
<i>Multi-Family Dwelling, 3-4 units</i>	-	-	SUP	P

SITE PLAN REVIEW – Indicated by development action is a site plan review table.

ACTION	EXEMPT	MINOR	MAJOR
CONSTRUCTION/EXPANSION/ALTERATION			
Primary Use or Structure			
<i>Single- or Two-Family Dwelling</i>	•		
<i>Multi-Family Dwelling or Nonresidential Use, Up to 1,000 sf</i>		•	
<i>Multi-Family Dwelling or Nonresidential Use, Over 1,000 sf</i>			•
Accessory Use or Structure^{1,2}			
<i>Single- or Two-Family Use, Up to 250 sf</i>	•		
<i>Single- or Two-Family Use, Over 250 sf</i>		•	
<i>Multi-Family Dwelling or Nonresidential Use</i>		•	
<i>Accessory Dwelling Unit</i>		•	
Landscaping, Exterior Lighting, Mechanical Equipment, or Stormwater Infrastructure			
<i>Single- or Two-Family Dwelling</i>	•		
<i>Multi-Family Dwelling or Nonresidential Use</i>		•	

NOTE: This is an excerpt from another community for demonstrative purposes only.

When reviewing the preliminary district use lists, please consider the following: In general, is this use appropriate or desirable? Does it support the overall purpose of the district and vision of the Comprehensive Plan?

1. If yes, the use should be permitted by-right.
2. If no, the use should be prohibited.
3. If the answer is maybe, it depends on the context, the use should be subject to a special use permit and/or additional use regulations.

Site plan review triggers for Bethlehem will be discussed when we get to Part 4, as outlined in the Code Assessment. References to future review procedure sections are identified by the following placeholder: **Article XX**

ADDITIONAL USE REGULATIONS

Currently the Town has additional use regulations that apply to certain uses that may require additional controls or constraints to ensure they are compatible with the neighborhood. For example, home occupations have additional regulations that limit the number of employees or clients that may report to the site to be sure the use does not negatively impact the residential nature of the neighborhood.

In the draft district use tables, uses that may currently or are anticipated to have additional use regulations applied are noted as described below.

Existing Regulations – To be reviewed and revised, as necessary.

New Regulations – To be developed.

LAND USE	RLL	CR	LDR	MDR	ADDITIONAL REGULATIONS
<i>Accessory Dwelling Unit</i>	P	P	P	P	§ 128-73
<i>Assisted Living Facility</i>	-	-	SUP	SUP	
<i>Home Occupation</i>	P	P	P	P	§ 128-50
<i>Bed and Breakfast</i>	P	P	P	P	§ 128-45
<i>Short-Term Rental</i>	P	P	P	P	§ XX

Should you have any concerns or thoughts on the nature of additional use regulations to be applied, please share those so we can incorporate them in future drafts.

DESIGN STANDARDS

Design and development regulations play a significant role in making sure future uses and investment address specific building and site needs and positively contribute to community character. These regulations include things like landscaping, screening, parking, pedestrian/bicyclist circulation, building design, site design, signage, and exterior lighting. These regulations will be addressed in Part 3, as outlined in the Code Assessment.

When reviewing the draft districts, please note that the specifics of these regulations will be addressed when we get to Part 3 (as outlined in the Code Assessment).

References to these future sections are identified by the following placeholder: **Article XX**

KEY CHANGES

RESIDENTIAL DISTRICTS

DISTRICT COMPARISONS

The following table demonstrates how the Town’s existing residential districts were adapted and renamed. This new framework allows the districts to better address existing land use development patterns and the recommendations of the Comprehensive Plan.

Existing Zoning Districts	Proposed Zoning Districts	Relevant Comprehensive Plan Land Use Area
Residential Large Lot (RLL)	Residential Large Lot (RLL)	Neighborhood Residential
Residential A (RA) Residential B (RB)	Low-Density Residential (LDR)	Neighborhood Residential
Core Residential (CR)	Core Residential (CR)	Neighborhood Residential
Residential C (RC) Multi-Family (MF)	Mixed-Density Residential (MDR)	Mixed Residential Multifamily

NOTE: The comparison or alignment of the above is based on the overall district purpose and intent with respect to use, bulk, and dimensional requirements. This comparison is not intended to signify any correlation with zoning district boundaries. Zoning district boundary changes will be made in accordance with the Comprehensive Plan’s future land use plan.

USE REGULATIONS

Changes in the permitted and specially permitted uses were made to accomplish the following:

- Simplify the use lists by combining similar use types under a broader category (e.g. business office and professional office were combined to “Office, Administrative or Professional”).
- Implement the recommendations of the Comprehensive Plan to support increased housing opportunities.
- Prohibit or apply additional restrictions on uses that may not be appropriate.
- Add new or modern uses not yet addressed in the Town’s code.

BULK & DIMENSIONAL REQUIREMENTS

Changes in the bulk and dimensional requirements for each district were made to accomplish the following:

- Simplify the table of requirements for ease of use and application.
- Reduce the number of nonconformities of existing properties (e.g. many Residential A District parcels do not meet the current minimum lot size or lot width requirements).
- Ensure the regulations support the desired future development pattern.
- Allow the regulations to be more context sensitive for infill and redevelopment opportunities.
- Allow for more variety in residential density as directed by the Comprehensive Plan.

ARTICLE 20

RESIDENTIAL DISTRICTS

§ 128-20.1 RESIDENTIAL DISTRICTS ESTABLISHED

The residential districts of the Town of Bethlehem are listed in the following table.

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
<i>Residential Large Lot</i>	RLL
<i>Core Residential</i>	CR
<i>Low-Density Residential</i>	LDR
<i>Mixed-Density Residential</i>	MDR

§ 128-20.2 PURPOSE STATEMENTS

- A. Residential Large Lot (RLL).** The RLL District is generally characterized by semirural, large lots having a minimum size of two acres, often located between lightly developed rural and natural areas and more intensively developed residential areas. RLL areas will often have environmental constraints or attributes that support less intensive development.
- B. Core Residential (CR).** The CR District is characterized by the Town’s oldest single family neighborhoods concentrated around the hamlets of Delmar, Elsmere, Slingerlands, and Selkirk. CR District areas should maintain the traditional, walkable character of these neighborhoods by continuing to provide tree-lined streets, sidewalks, and an interconnected street grid. The general development pattern of the CR District consists of smaller lot sizes with modest homes in close proximity to local goods and services.
- C. Low-Density Residential (LDR).** The LDR District is intended to maintain and provide low density housing including single family, two-family, and three-family homes in a compatible development pattern on varied lot sizes. Infill and redevelopment opportunities should continue to implement strong neighborhood design elements to create visually interesting, connected, and walkable environments for residents. The establishment of this District is meant to help advance the Town’s Comprehensive plan goal of increasing affordable, middle market housing stock in a manner that compliments existing residential context.
- D. Mixed-Density Residential (MDR).** The purpose of the MDR District is to provide for a mix of residential densities and housing types in accordance with the recommendations of the Town’s Comprehensive Plan. Mixed density supports a more diversified housing market and encourages desirable land use design practices to preserve open space and take advantage of existing infrastructure. Residential uses permitted in this District include single-, two-, and multi-family dwellings, which should be arranged in a manner that provides for an inclusive and connected community. To ensure the future design, layout, and character of the MDR District is cohesive and results in a natural transition from single- and two-family neighborhoods to higher density developments, community resources, and commercial centers, all development proposals shall:
 1. Establish neighborhoods with a variety of housing types in a unique, attractive environment that is oriented toward connecting residents and fostering pedestrian activity.
 2. Locate residential types and densities in a manner that provides a natural transition from single- and two-family neighborhoods to higher density developments, community resources, and commercial centers.
 3. Foster the compatibility of residences and other improvements through their arrangement, bulk, form, character, and landscaping.

4. Develop on- and off-site connections to nearby amenities, roadways, sidewalks, parks, and trails.
5. Design well-configured greens, landscaped streets, greenbelts, and parks that are woven into the pattern of the neighborhood and dedicated to the social interaction, recreation, and visual enjoyment of the residents.
6. Preserve and integrate existing natural features and undisturbed areas into the open space and design of the neighborhood.
7. Create a cohesive and interconnected traditional neighborhood development pattern throughout the entirety of the District, regardless of the sequence of proposals or project phasing.

§ 128-20.3 DEVELOPMENT REVIEWS REQUIRED

- A. Site Plan Review.** Site plan review and approval shall be required for development activities resulting in exterior changes to a building or site, such as new construction, alteration, or demolition of structures. See [Article XX](#) for specific site plan review requirements and procedures.
- B. Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by [Article XX](#) of this Chapter.
- C. Waterfront Area Consistency Review.** Waterfront area consistency review shall be required for all development actions in the Local Waterfront Revitalization Program (LWRP) boundary as provided for by [Chapter 80 \(Local Waterfront Revitalization Program\)](#) of the Town Code.
- D. Flood Damage Prevention.** A floodplain development permit shall be required for all development actions in a special flood hazard area as provided for by [Chapter 69 \(Flood Damage Prevention\)](#) of the Town Code.
- E. Stormwater Pollution Prevention Plan (SWPPP).** A SWPPP shall be required for all development activities as provided for by [Chapter 98 \(Stormwater Management\)](#) of the Town Code.

§ 128-20.4 DESIGN & DEVELOPMENT STANDARDS

All uses and development within the residential districts shall be subject to the design and developments standards of Part 3 of this Chapter, as noted therein. This includes, but is not limited to, Residential Design ([Article XX](#)), Nonresidential Building & Site Design ([Article XX](#)), Circulation, Access, and Parking ([Article XX](#)), Landscaping and Screening ([Article XX](#)), Signage ([Article XX](#)), and Exterior Lighting ([Article XX](#)).

§ 128-20.5 USE LISTS

- A. Permitted.** Uses identified with a “P” are permitted by-right, subject to compliance with all other applicable standards of this zoning code, which may include Planning Board, Town Staff, or Town Board review. Such uses may also be subject to the Additional Use Regulations of [Article XX](#) as noted in the table below and site plan review in accordance with [Article XX](#).
- B. Specially Permitted.** Uses identified with a “SUP” are permitted subject to issuance of a special use permit in accordance with [Article XX](#). Such uses may also be subject to additional use regulations in the sections as noted in the table below and site plan review in accordance with [Article XX](#).
- C. Prohibited.** Uses not listed and those identified with a “-” are expressly prohibited, unless the unlisted use is determined to be consistent with the nature of operation, scale, and intensity of an already listed use.

LAND USE	RLL	CR	LDR	MDR	ADDITIONAL REGULATION S
RESIDENTIAL USES					
<i>Single-Family Dwelling, attached or detached</i>	P	P	P	P	
<i>Two-Family Dwelling</i>	P	P	P	P	
<i>Multi-Family Dwelling, 3-4 units</i>	SUP ¹	SUP ¹	SUP ¹	P ¹	§ XX
<i>Multi-Family Dwelling, 5+ units</i>	-	-	SUP ¹	P ¹	§ XX
<i>Multi-Family Dwelling, by conversion</i>	SUP ¹	SUP ¹	SUP ¹	P ¹	§ XX
<i>Residential Care Facility</i>	-	-	SUP	SUP	§ 128-65
<i>Bed and Breakfast</i>	P	P	P	P	§ 128-45
<i>Short-Term Rental</i>	P	P	P	P	§ XX
NONRESIDENTIAL USES					
<i>Agricultural Use</i>	P	P	P	P	§ 128-43
<i>Day Care Center</i>	P	P ²	P ²	P	
<i>Wellness Center</i>	-	SUP ²	-	-	
<i>Office, Administrative or Professional</i>	-	SUP ²	-	-	
<i>Cultural or Community Facility</i>	SUP	SUP	SUP	SUP	
<i>Municipal or Public Service Use</i>	P	P	P	P	
<i>Social Club</i>	-	P ²	P ²	-	
<i>Religious Institution</i>	SUP	SUP	SUP	SUP	
<i>Educational Institution</i>	P	P ²	P ²	P	
<i>Cemetery</i>	SUP	SUP	SUP	SUP	§ 128-78, 79
<i>Telecommunication facilities, Collocated</i>	P	P	P	P	§ 128-61
<i>Telecommunication facilities, Noncollocated</i>	SUP	SUP	SUP	SUP	§ 128-61
ACCESSORY USES					
<i>Accessory Use or Structure</i>	P	P	P	P	Various
<i>Accessory Dwelling Unit</i>	P	P	P	P	§ 128-73
<i>Keeping of Animals</i>	P	P	P	P	§ 128-43
<i>Home Occupation</i>	P	P	P	P	§ 128-50
<i>Solar PV Systems</i>	P	P	P	P	§ 128-67.2

NOTE: (1) The siting of multi-family dwellings shall follow the density transition provisions of Section XX.
(2) Adaptive reuse of existing residential structure only as defined in §§ 128-27 and 128-30.

§ 128-20.6 DIMENSIONAL REQUIREMENTS

	RLL	CR	LDR	MDR
MIN LOT AREA				
<i>Single-Family Dwelling</i>	2 acres	7,200 sf	10,000 sf	8,500 sf
<i>Two-Family Dwelling</i>	2 acres	8,500 sf	12,000 sf	8,500 sf
<i>Multi-Family Dwelling, 3-4 units</i>	2 acres	5,000 sf/du ¹ (9 du/acre)	6,500 sf/du ¹ (7 du/acre)	3,500 sf/du ¹ (12 du/acre)
<i>Multi-Family Dwelling, 5+ units</i>	-	-	6,500 sf/du ¹ (7 du/acre)	2,500 sf/du ¹ (17 du/acre)
<i>Nonresidential Use</i>	2 acres	15,000 sf	15,000 sf	15,000 sf
MIN LOT WIDTH ²				
<i>Single- or Two-Family Dwelling</i>	100 ft	50 ft	60 ft	50 ft
<i>Multi-Family or Nonresidential Use</i>	100 ft	50 ft	70 ft	60 ft
MIN FRONT SETBACK				
<i>Primary Use</i>	50 ft	25 ft ³	25 ft ³	25 ft ³
MIN SIDE SETBACK				
<i>Single- or Two-Family Dwelling</i>	25 ft	8 ft	10 ft	8 ft
<i>Multi-Family or Nonresidential Use</i>	25 ft	10 ft	15 ft	12 ft
<i>Accessory Use</i>	5 ft / 25 ft ⁴	5 ft / 8 ft ⁴	5 ft / 10 ft ⁴	5 ft / 8 ft ⁴
MIN REAR SETBACK				
<i>Single- or Two-Family Dwelling</i>	50 ft	25 ft	25 ft	25 ft
<i>Multi-Family Dwelling or Other Use</i>	50 ft	35 ft	35 ft	35 ft
<i>Accessory Use</i>	5 ft / 10 ft ⁴	5 ft / 10 ft ⁴	5 ft / 10 ft ⁴	5 ft / 10 ft ⁴

- NOTES:** (1) Minimum requirement defined as square feet per dwelling unit (sf / du).
 (2) Or the most common lot width on the block within +/- 3 feet, whichever is less. Minimum lot width may be subject to increases depending on site grading needs.
 (3) Where 30% of the lots on a block are developed, the most common front setback shall be the minimum so as to establish a consistent building line.
 (4) The larger setback requirement shall apply to accessory dwelling units.

§ 128-20.7 BULK REQUIREMENTS

	RLL	CR	LDR	MDR
MAX BUILDING HEIGHT				
<i>Single-Family or Two-Family Dwelling</i>	35 ft	35 ft	35 ft	35 ft
<i>Multi-Family Dwelling</i>	35 ft	35 ft	35 ft	45 ft ¹
<i>Accessory Use</i>	25 ft	18 ft	18 ft	18 ft
MAX BUILDING COVERAGE				
	20%	20%	20%	30%
MAX LOT COVERAGE ²				
<i>Dwelling, up to 4 units</i>	-	-	-	-
<i>Multi-Family Dwelling, 5+ units</i>	-	-	30%	35%
<i>Nonresidential Use</i>	30%	30%	30%	35%

- NOTES:** (1) Building height may be further restricted depending on surrounding neighborhood context, per Section XX.
 (2) Measured by the gross impervious surface of the lot.