

Local Law Filing

(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 Bethel
- Town
- Village

**FILED
STATE RECORDS**

APR 04 2011

Local Law No. 1 of the year 20 11

DEPARTMENT OF STATE

A local law to amend the Town of Bethel Code Chapter 345 - Zoning section 345-28.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

- County
- City of Bethel as follows:
- Town
- Village

(See Attached)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF BETHEL
LOCAL LAW No. 1 of 2011**

A local law amending the Chapter 345 “Zoning” of the Town Code of the Town of Bethel.

BE IT ENACTED by the Town Board of the Town of Bethel, Sullivan County, as follows:

Section 1. Purpose

The Town Board of the Town of Bethel believes that Chapter 345 of the Town of Bethel Code (Zoning) does not consistently address the siting of telecommunications facilities within the Town of Bethel and these proposed amendments rectify these inconsistencies.

Section 2. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending section 345-5 (Definitions), as follows:

The definition for the term “Essential Services” shall be deleted and replaced with the following definition:

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, CATV, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety and general welfare. “Essential services” shall also include firehouses, first-aid and emergency-aid squads, whether provided by a municipal or non-profit agency. The term “Essential Services”, however, shall not include the term “Telecommunications Facility” which is separately defined herein and regulated by section 345-28 of this Chapter.

The following definitions shall be added to the Definitions appearing at section 345-5:

ABANDONMENT OF USE - Shall mean that the telecommunications facility equipment or structure has not received or transmitted telecommunication or radio signals for one (1) year.

ANTENNA - A device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single poles known as whips.

TELECOMMUNICATIONS FACILITY - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Town from regulating.

TELECOMMUNICATIONS EQUIPMENT BUILDING - The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

TOWER - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

No other changes to section 345-5 are intended and the balance of the existing definitions shall remain unchanged.

Section 3. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by deleting section 345-13 (Height and length regulations) and replacing it with the following:

Section 345-13 Height and length regulations

A. Height - general application. No building or structure shall have a greater number of feet than is permitted in the district where such building is located, except for telecommunications facilities which shall be regulated in accordance with the requirements set forth in section 345-28 of this Chapter.

B. Height - permitted exceptions. Height limitations stipulated elsewhere in this Chapter shall not apply to open amusement uses, church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials; nor to parapet walls, except that no parapet wall may extend more than four (4) feet above the limiting height of the building; nor to farm buildings or structures on farms, provided that these farm buildings are at least one hundred (100) feet from every lot line; to tourist and vacation uses detailed in section 345-19A, provided that they are set back fifty (50) feet from any adjacent property line for each ten (10) feet in height. Height limitations for telecommunications facilities shall be regulated in accordance with the requirements set forth in section 345-28 of this Chapter.

C. Length regulations. No residential building or structure shall be longer than one-hundred and sixty (160) feet in length and shall be provided with a minimum five-foot offset at a minimum of every forty (40) feet of length. This offset shall include the roof lines.

Section 4. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by deleting section 345-15 (Accessory structures) and replacing it with the following:

Section 345-15 Accessory structures

The location, limitation and coverage of accessory buildings shall be as follows:

A. No accessory building permitted by this Chapter shall be placed in any required side or front yard except as specified hereinafter in this Article.

B. The aggregate ground area covered by any accessory buildings in any rear yards shall not exceed fifty percent (50%) of the rear yard area.

C. Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following restrictions:

(1) No accessory structure shall be located closer than ten (10) feet to the side and rear lot lines.

(2) No accessory structure shall be located closer to the street than the street wall of the principal structure, except in the case of farm buildings.

(3) No accessory structure shall be located closer to a principal structure than ten (10) feet, except for telecommunication facilities which shall be regulated in accordance with the requirements set forth in section 345-28 of this Chapter.

D. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Chapter applicable to the principal buildings.

Section 5. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by deleting section 345-28 (Telecommunication Facilities) and replacing it with the following:

Section 345-28 Telecommunication Facilities

A. Design and location standards. The following design and location standards shall apply to all telecommunications facilities:

(1) An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.

(2) An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence and existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(3) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/TIA/EIA-222-G manual, as amended.

(4) A soil report prepared by a professional engineer licensed in the State of New York shall be submitted to the Planning Board to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.

(5) Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour or in accordance with applicable standards of the American National

Standards Institute, ANSI/TIA/EIA-222-G manual, whichever standard is more restrictive.

(6) An antenna may not be located on a building or structure that is listed on a historic register or within five hundred (500) feet of such a structure.

(7) Telecommunications facilities shall be permitted as a sole use on any lot in the FC, RD, AG, PA and AD zoning districts. In addition, telecommunications facilities shall be permitted as a sole use on any lot in the RS zoning district upon receipt of a telecommunications facility permit from the Town of Bethel Town Board in accordance with section 345-28.D hereof. All telecommunications facilities shall be subject to Special Use Procedures and the following:

(a) Minimum lot size. Five (5) acres. Minimum lot size requirements may be reduced by the Planning Board pursuant to § 345-28.C where an antenna is to be mounted on an existing structure and said antenna has little or no visual impact and poses no unreasonable structural health or safety risk.

(b) Minimum yard requirements. Two-hundred (200) feet. Minimum yard requirements may be reduced by the Planning Board pursuant to § 345-28.C where an antenna is to be mounted on an existing structure and said antenna has little or no visual impact and poses no unreasonable structural health or safety risk. Where a lot upon which a tower is to be sited is contiguous to an existing residential use or any approved residential lot, the Planning Board may require that the minimum front, side and rear yards be increased by not more than 50% of the yard requirements established in this section.

(c) Maximum height. Tower - Two-hundred (200) feet
Equipment building - Thirty (30) feet

(8) A telecommunications facility shall be permitted on real property with an existing use and located in the zoning districts as set forth in section 345-28(A)(7) and shall be subject to the requirements and limitations of said section and the following additional conditions:

(a) The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.

(b) Minimum setbacks. The minimum yard requirements set forth in section 345-28(A)(7) shall apply, provided the principal use on the lot shall also continue to comply with the minimum yard requirements for the district in question.

(c) Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

(9) Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following conditions:

(a) Maximum height. Fifty (50) feet above the existing building or structure, unless said structure is a tower, in which case the antenna shall not cause the structure to exceed the maximum allowable height of the tower (200 feet).

(b) If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the minimum setback requirements for the subject zoning district, an eight (8) foot high security fence shall surround the building, a buffer yard or area shall be planted as required by section 345-28.B(2) and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.

(c) Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.

(10) When preparing the site plan to meet the Special Use requirements, the applicant shall specify on the site plan the designated fall zone for any tower. Notwithstanding minimum yard requirements provided for above, any tower shall be set back from all property lines a distance that is at least equal to the height of the tower. The tower shall also be set back from any active recreation facilities or fields a distance that is at least equal to the height of the tower.

B. Special Use review criteria. Telecommunications facilities shall be subject to applicable review requirements for Special Uses, as set forth at section 345-30 of this Chapter, and the following:

(1) The applicant shall demonstrate that the tower for the telecommunications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.

(2) The applicant shall present documentation that the tower is designed in accordance with the standards of this Chapter for telecommunications facilities.

(3) The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.

(4) The need for additional buffer yard or area treatment beyond that required by section 345-28.B(2) shall be evaluated. Proximity of the telecommunications facility to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.

- (5) The applicant shall provide visual depictions or studies to indicate how the telecommunications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers. The Planning Board may require the applicant to complete a Visual Assessment Form. Modifications for purposes of changing appearances to blend in with the natural landscape may be required where necessary.
- (6) Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility. In all cases, a road and parking shall be constructed and maintained to assure adequate emergency and service access.
- (7) Free-standing pole-type towers shall be given preference over towers supported by guy wires.
- (8) All telecommunications facilities shall be lighted for safety in a manner consistent with industry best practices, and where lighting is to be installed, additional setbacks may be imposed by the Planning Board to shield adjacent properties from the effects of such lighting.
- (9) All property owners and adjacent municipalities within five hundred (500) feet of the outside perimeter of the telecommunications facility, including guy wires, shall be notified by certified mail at least ten (10) days prior to the public hearing on an application for Special Use approval for such facility. This responsibility shall be the applicant's and such applicant shall provide proof of notification to the Planning Board.
- (10) The owner or operator of any telecommunications facility, or owner of the land on which any telecommunications facility is located, shall promptly remove the same within sixty (60) days from the abandonment of use of any such telecommunications facility. Upon expiration of the sixty day period set forth herein, the Town may remove the telecommunications facility and charge back the cost of removal to the owner of the telecommunications facility or owner of the land in question, after due notice and an opportunity to be heard. The Town may also file a municipal lien against the land to recover its costs of removal of any telecommunications facility as well as any reasonable attorney's fees incurred. The terms and conditions of this paragraph shall be incorporated into every Special Use permit issued under this section.
- (11) Mounting antennas on existing structures where the visual impact is slight and the health and safety risk relating to structural integrity is small, or shared use of existing towers for telecommunications facilities shall be preferred. An applicant intending to use a structure or share use of an existing tower for a telecommunications facility shall be required to document agreement from the owner thereof to allow the proposed use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement,

preventing transmission or receiver interference, additional site screening and other changes including real property acquisition or lease costs required to accommodate shared use.

An applicant for approval of a telecommunications facility shall include with the application evidence of written contact with tower owners and/or all wireless service providers who supply service within the Town for the purpose of assessing the feasibility of shared or co-located facilities. In the case of a wireless telecommunication facility to be placed on an existing tower, co-location may not be required if the owner of the telecommunication facility tower provides engineering evidence that for structural, safety and operational reasons the tower cannot accommodate additional users. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount any antenna on an existing building or structure, including proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new tower may be permitted.

An applicant for any proposed new wireless telecommunication facility tower over sixty (60) feet in height shall have such tower designed structurally, electrically, mechanically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. New towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

C. Authority of the Planning Board. The Planning Board, in its sole discretion, may upon the request of the applicant waive or vary any of the requirements set forth in section 345-28 where it finds that such waiver, if granted, (a) would be consistent with the purposes of this Chapter, (b) is necessary to avoid undue hardship on the applicant and (c) will not be detrimental to the health, safety general welfare or environment, including the visual and scenic characteristics of the area. Notwithstanding the foregoing, the Planning Board may not permit telecommunications facilities to be sited in any zoning district except those set forth in section 345-28(A)(7) and section 345-28(A)(8). The applicant is encouraged to seek a pre-application meeting with the Planning Board and/or its staff or consultants to discuss the details of any waiver request.

D. Telecommunications Facilities Permit. An applicant seeking to site a telecommunications facility in the RS zoning district must first apply for and receive a telecommunications facility permit from the Town of Bethel Town Board before completing Planning Board review.

(1) If a telecommunications facility permit is issued to an applicant under this section, said applicant must still meet all requirements for the issuance of a special use permit under section 345-28.B.

(2) If a telecommunications facility permit application is denied under this section, the applicant is precluded from locating a telecommunications facility in the RS zoning district.

(3) Application for Permit. The application for a permit issued under this section shall provide the following information:

- (a) The name, address, and telephone number of the applicant;
- (b) The location of the proposed telecommunications facility including the applicable section, block and lot number and street address;
- (c) In the case of a tower, a sketch drawing showing the boundary lines of the parcel in question, the location of the tower, and the proposed designated fall zone;
- (d) A description of telecommunications facility including the reasons supporting the need for an issuance of a permit under this section;
- (e) A description of any abatement measures to be taken with respect to any anticipated impacts, including visual impacts;
- (f) Any other such information as reasonably requested by the Town Board;
and
- (g) Evidence that notification of the application for the permit has been given to each property owner within 500 feet of the boundary line of the parcel upon which the telecommunications facility is proposed to be located, the content of such notification, and the manner in which such notification has been given. Such notice must be given by certified mail, return receipt requested, personal service, or such other manner of service expressly authorized by the Town Board. The notification shall state that any person objecting to the granting of such permit may appear at the next Town Board meeting at which the application will be addressed or, if a public hearing as been scheduled, at the public hearing. The notification shall provide the time and date of the applicable Town Board meeting or public hearing, if known at the time of service.

(4) Permit applications made pursuant to this section 345-28.D shall be made to the Building Department which shall forward each application to the Town Board for review and consideration. The issuance of a permit shall be discretionary and shall be issued only where the Town Board determines that (i) the permit application is complete, including the payment of any application fee, and (ii) such permit is reasonable and necessary and will allow an activity that is consistent with the general findings of this Chapter.

(5) For each permit application, the Town Board shall consider the proximity of residences, the density and type of surrounding uses, traffic impacts, visual impacts, the opportunity to locate an antenna or tower at or on an existing telecommunications facility, and any other impacts that may reasonably affect the general health, safety and welfare of the public. The Town Board may conduct a public hearing prior to any determination to issue or deny a permit. The Town Board may include any reasonable

conditions in the permit in order to insure the general health, safety and welfare of the public. If the Town Board fails to rule within sixty (60) days of the submission of a complete application to the Building Department, the application shall be deemed denied, unless the time period is extended with the consent of the applicant.

(6) A copy of any decision by the Town Board to grant or deny a telecommunications facility permit under this section shall be provided to the Town Building Department.

(7) Each permit applicant shall pay a nonrefundable application fee at the time of making the permit application in an amount established from time to time by resolution of the Town Board.

Section 6. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Code of the Town of Bethel as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed,

Section 7: INCLUSION IN CODE

It is the intention of the Bethel Town Board and it is hereby enacted that the provisions of this local law shall be included in the Code of the Town of Bethel: that the sections and subsections of this local law may be renumbered or re-lettered to accomplish such intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

Section 8: RENUMBERING

The location and numerical designation of this local law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber this local law and sections as are necessary to accommodate these amendments.

Section 9: CODIFIER'S CHANGES

This local law shall be included in the Code of the Town of Bethel. The codifier shall make no substantive changes to this local law, but may renumber, rearrange and edit it without first submitting it to the Bethel Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

Section 10: SEPARABILITY

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 11: EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

(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. 1 of 20 11 of the (County)(City)(Town)(Village) of Bethel was duly passed by the Town Board on March 24 20 11, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*~~

~~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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local *(Elective Chief Executive Officer*)* 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 chairperson 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.)~~

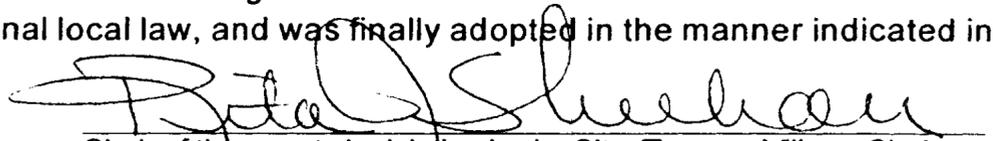
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 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.



~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~

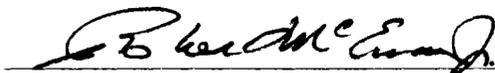
Date: March 25, 2011

(Seal)

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

STATE OF NEW YORK
COUNTY OF Sullivan

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.



Signature
Attorney for the Town

Title

County
City of Bethel

Town
Village

Date: 3/28/11

Town of Bethel, New York

Schedule 1 - Table of Use and Bulk Requirements

Revised February 9, 2011 bjq

District Intent	AD - Airport Development District P - Permitted Use SP - Special Permit Use	Use Type	Minimum Lot Area	Width	Depth	Required Setbacks in Feet			Max. Bldg. Coverage	Maximum Height in Feet	Notes	Accessory Uses	
						Front	Rear	Side, 1					Side, Both
This district is intended to provide an area in & around the Sullivan County International Airport to both protect the airport & collateral uses from intrusions & surrounding properties from negative impacts from airport related & industrial activities.	A. Business Uses	Eating & drinking places	2	150	200	50	50	25	50	30%	30'	Garages, parking & loading areas Signs, not including billboards Other accessory uses customarily appurtenant to a permitted use See Sec 345-28 for Bulk Requirements	
		Hotels and motels	6	400	400	100	100	50	100	30%	35'		
		B. Industrial Uses	Airports	100	1,200	1,800	500	500	250	500	30%		35'
			Light Industry	2	150	200	50	50	25	50	30%		30'
			Manufacturing	2	150	200	50	50	25	50	30%		30'
			Primary Offices for all Industrial Users	2	150	200	50	50	25	50	30%		30'
			Research and Development	2	150	200	50	50	25	50	30%		30'
			Telecommunications Facilities										
			Warehousing	2	150	200	50	50	25	50	30%		30'
	* Subject to Site Plan Approval												

Town of Bethel, New York

Schedule J - Table of Use and Bulk Requirements

6 FC - Forest Conservation	P - Permitted Use	SP - Special Permit Use	Use Type	Minimum Lot Area	Width	Depth	Required Front	Required Rear	Required Side, 1	Required Side, Both	Max. Bldg. Coverage	Bldg. Height in Feet	Notes	Accessory Uses	
This creation of the Forest Conservation District was recommended in Section 3.1.4 (A) of the Town's Comprehensive Plan. The district is intended to preserve a very low density development pattern in the southern portion of the Town while ensuring that natural features in this portion of the Town are conserved.	Lot area, minimum (acres)														
	A. Residential Uses														
	One-family detached dwelling														Accessory farm buildings
	B. Community Facilities														Boathouses and boat docks
	Cemeteries														Farmstands (roadside for sale of farm products)
	Community buildings														Garages, parking & loading areas
	Essential services														Home occupations, professions and trades
	Fraternal organizations														Signs, not including billboards
	Golf Course														Other accessory uses customarily appurtenant to a permitted use
	Recreational facility, commercial-outdoor														
	Recreational facility, commercial-indoor														
	Shooting Range														
	Telecommunications Facilities														
	C. Agricultural Uses														
	Agribusiness														
Farm operations, buildings and activities															
Greenhouses - commercial															
Keeping Non-Domesticated Animals														See § 345-34	
Nurseries															
D. Business Uses															
Bed & breakfast															
Campgrounds & RV parks														Subject to Chap 120 of Town Code	
Eating and drinking places															
Hotels and motels															
Kennels														See Local Law	
E. Other															
Conservation Subdivision														See § 345-24	
Subject to Site Plan Approval															

See Sec 345-28 for Bulk Requirements

Town of Bethel, New York

Schedule 1 - Table of Use and Bulk Requirements

District Intent	11 RD - Rural Development P - Permitted Use SP - Special Permit Use	Use Type	Minimum Lot Area	Width	Depth	Required Setbacks in Feet						Max. Bldg. Coverage	Maximum Height in Feet	Notes	Accessory Uses	
						Front	Rear	Side, 1	Side, Both							
A. Residential Uses	One-family detached dwelling	P	2	150	200	50	50	25	50	25	50	25%	35'		Accessory farm buildings Boathouses and boat docks Farmstands (roadside for sale of farm products) Garages, parking & loading areas Home occupations, professions and trades Signs, not including billboards Other accessory uses customarily appurtenant to a permitted use	
	Manufactured home	P	2	150	200	50	50	25	50	25	50	25%	35'	§345-26 B		
	Manufactured home parks	SP	25	600	600	200	200	100	200	100	200	25%	35'	§345-26 C		
	B. Community Facilities															
	Cemetery	P*	5	300	300	75	75	50	50	100	100	10%	35'			
	Community buildings	P*	4	300	300	75	75	50	50	100	100	25%	35'			
	Essential services	SP	4	300	300	75	75	50	50	100	100	25%	35'			
	Institutional uses	SP	10	400	400	100	100	75	75	150	150	25%	35'			
	Parks & playgrounds	P*	4	300	300	75	75	50	50	100	100	25%	35'			
	Private & public schools	SP	4	300	300	75	75	50	50	100	100	25%	35'			
	Recreational facility, commercial-outdoor	SP	25	600	600	100	100	100	100	200	200	25%	35'			
	Recreational facility, commercial-indoor	SP	10	400	400	100	100	75	75	150	150	25%	35'			
	Shooting Range	SP	25	600	600	200	200	200	200	200	200	10%	35'		See §345-17D	
	Telecommunications Facilities	SP														
	C. Agricultural Uses															
Agribusiness	P	3	200	200	75	75	50	25	75	75	25%	35'				
Farm operations, buildings and activities	P	3	200	200	75	75	50	25	75	75	25%	35'		See § 345-33		
Greenhouses - commercial	P*	3	200	200	75	75	50	25	75	75	40%	35'				
Keeping Non-Domesticated Animals	P	3													See § 345-34	
Nurseries	P*	3	200	200	75	75	50	25	75	75	25%	35'				
On-site processing of agricultural products	SP	3	200	200	75	75	50	25	75	75	20%	35'				
D. Business Uses																
Adult-oriented business	SP	3	200	200	75	75	50	25	75	75	20%	35'			See §345-32	
Automotive repair, service and filling stations	SP	2	150	200	50	50	25	25	50	50	25%	35'				
Bed & breakfast	P*	2	150	200	50	50	25	25	50	50	25%	35'				
Campgrounds & RV Parks	SP	25	600	600	200	200	150	150	300	300	25%	35'		Subject to Chap 120 of Town Code		
Eating and drinking places	P*	2	150	200	50	50	25	25	50	50	25%	35'				
Equipment sales	P*	6	400	400	100	100	50	50	100	100	25%	35'				
Kennels	SP	10	400	400	100	100	75	75	150	150	25%	35'			See Local Law	
Home-based business	SP	3	200	200	75	75	50	25	75	75	20%	35'			See §345-20	
Hotels and motels	SP	6	400	400	100	100	50	50	100	100	20%	35'				
Neighborhood stores [$< 5,000$ s.f.]	P*	2	150	200	50	50	25	25	50	50	25%	35'			See §345-22H	
Summer camps	SP	25	600	600	200	200	150	150	300	300	25%	35'				
E. Industrial Uses																
Light industrial uses	SP	6	400	400	100	100	100	100	200	200	20%	35'				
Mining	SP	25	600	600	200	200	200	200	400	400	25%	35'			NYSDEC Regs also apply.	
Subject to Site Plan Approval																