



TOWN OF BETHLEHEM Zoning & Subdivision Updates

CODE ASSESSMENT

NOVEMBER 9, 2023

- 1 | Introduction 3**
 - Existing Code Context 3
 - Project Goals..... 3
 - Public Input 4
- 2 | Comprehensive Plan Context 5**
 - Future Land Use 5
- 3 | Codifying Smart Growth 10**
 - 1. Mixed Land Uses 10
 - 2. Range of Housing Opportunities & Choices 11
 - 3. Development & Redevelopment in Existing Communities 11
 - 4. Distinctive, Attractive Communities with a strong sense of place ... 11
 - 5. Density 12
 - 6. Climate Change 12
 - 7. Clean Energy 13
 - 8. Resiliency 13
 - 9. Green Infrastructure..... 13
 - 10. Variety of Mobility Choices 13
 - 11. Walkable/Bikeable Neighborhood Design 14
 - 12. Well-Planned & Well-Placed Public Spaces 14
 - 13. Social Diversity & Integration 14

This effort directed by the 2022 Comprehensive Plan Update regulatory recommendations.
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14. Regional Planning & Coordination 14

15. Community & Stakeholder Collaboration in Planning 15

4 | Code Issues & Opportunities..... 16

Format & Organization 16

District & Use Regulations 17

Development Standards 19

Application & Review Procedures..... 20

5| Proposed Outline & Approach..... 22

Revised Code Structure 22

Table References..... 22

Update Approach 23

Other Relevant Chapters 23

Appendix A | RFP Task 2B Items

Appendix B | Existing Zoning & Future Land Use Comparison Map

1 | Introduction

This document serves as a formal assessment of the Town of Bethlehem's Zoning Code (Chapter 128) and Subdivision Regulations (Chapter 103) as outlined in Task 4 of the project scope of work (also Task 9 of the NYS DOS work plan). The purpose of this assessment is to:

- Summarize the background and driving factors of this code update effort, including key land use considerations from the 2022 Comprehensive Plan;
- Provide an overview of Smart Growth principles as they relate to land use regulations;
- Foster a common understanding of code issues and potential revisions and alternatives for key code topic areas; and
- Serve as a guide for our approach to reviewing, revising, and restructuring code sections.

The information contained in this assessment is based upon our preliminary review of the codes and Comprehensive Plan and knowledge of regulatory best practices, as well as feedback from Town Staff, stakeholders, and the general public.

EXISTING CODE CONTEXT

The Town of Bethlehem zoning code was originally adopted in 1944 and last amended comprehensively in 2006. The Town's subdivision regulations were originally adopted in 1980 and last amended comprehensively alongside the zoning code by Local Law No. 4-2006. The purpose of these Chapters is rooted in the State Zoning Enabling Act of 1926 to manage future growth and development within the Town for the protection of the public health, safety, and welfare through the separation of uses. Over time, the Town has expanded the objectives of Chapters 128 and 103 to balance development impacts with community economic, environmental, and quality of life goals.

Amendments to the Zoning and Subdivision Chapters since 2006 have served the Town in the interim, addressing some modern land use and development issues, such as adding provisions for accessory apartments, solar photovoltaic systems and clarifying requirements for conservation subdivisions. But the code language is generally still reflective of traditional Euclidean zoning practices that do not align with Smart Growth goals. Furthermore, there are instances in which piecemeal amendments have resulted in inconsistent, conflicting, and overly complex language. The Zoning and Subdivision update process will create an opportunity to revise both chapters to address smart growth principles and make them work together so that the code is more holistic.

PROJECT GOALS

The primary goal of this code update effort is to codify the policies and recommendations of the [Comprehensive Plan Update](#) and Smart Growth principles. This exercise includes analyzing the impacts of proposed zoning code regulations on built form, neighborhood character, access and

connectivity, and community resilience to ensure that the vision of the Comprehensive Plan is achieved.

It is expected that the new land use regulations will appropriately address and guide new development and redevelopment within the community in an environmentally sustainable manner while also meeting the service demands that come with community growth.

Additional goals of this code update effort include:

- Improving format and organization to make the Chapters easier to read and understand.
- Removing overly complicated, conflicting, inconsistent, and outdated language.
- Removing barriers to investment and providing incentives.
- Streamlining application and review procedures.
- Ensuring consistency with NYS Law provisions.
- Addressing nonconforming property issues.

PUBLIC INPUT

At the start of the update effort there were several public outreach activities conducted to obtain feedback on the Town's existing zoning code, its alignment with the Comprehensive Plan, and considerations for future development design and character and environmental regulations. This public input was obtained through a combination of an in-person Public Workshop held on May 31st at Town Hall and two online surveys.

At the Public Workshop a series of activity stations were set up that allowed attendees to review and comment on code topics such as:

- Future Land Use Development Focus Areas
- Large- and Small-Scale Solar Provisions
- Wetland Protection
- Watercourse & Floodplain Protection

These stations were adapted into an online survey as well to expand opportunities for participation after the workshop was held.

The second online survey included a Development Preferences Survey (DPS) that helped to reveal resident and stakeholder preferences regarding different land use types, building and site design characteristics, and regulatory approaches.

Highlights of feedback obtained through these outreach methods are provided in this assessment. To see a comprehensive overview of feedback obtained at this workshop and through the survey, see the Public Input Summary dated July 27, 2023 on the project webpage.

www.townofbethlehem.org/940/Zoning-Update

2 | Comprehensive Plan Context

The Comprehensive Plan is a long-range planning document that provides guidance to development preferences of the community and the vision that the community has for future growth and changes.

The Town of Bethlehem's 2022 Comprehensive Plan Update, "Bethlehem Forward," represents a significant and well-considered planning effort. The Comprehensive Plan establishes a strong vision for the future that is based on a set of values the community expressed during the planning process, centered on community, public services, environment/sustainability, land uses and transportation.

The Comprehensive Plan took the values and vision statement and created six principles for future growth. Each Principle has multiple goals and recommendations, many of which are based on and align with Smart Growth practices (see Section 3).

The Town's Comprehensive Plan Update six overarching principles are:

- Interwoven Equity
- Livable Built Environment
- Harmony with Nature
- Resilient Economy
- Healthy Community
- Responsible Governance and Regionalism

While this code update effort is focused on the specific recommendations listed in the project's Request for Proposal (RFP) Task 2b (see Appendix A), there are many other recommendations of the Plan that will need to be considered in the future.

FUTURE LAND USE

The Town's [Comprehensive Plan](#) includes a section called Land Use Plan, which includes a future land use map and corresponding descriptions of the land use categories shown on the map. The future land use map provides the direction for changes to the existing zoning districts and the existing zoning map. While the future land use map is not parcel based or intended to depict clear

NYS Town Law §272-a

11. Effect of adoption of the town comprehensive plan.

(a) All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.

regulatory boundaries, the definition of land use categories or character areas helps to provide the general context for appropriate new regulatory provisions.

Shown below in the table is a comparison of the land use categories in relation to the existing zoning districts. When writing the zoning code amendments, a more detailed analysis is needed to determine how best to implement the recommendations of the land use plan in the context of the zoning districts and map. The land use categories identified in the Comprehensive Plan are general statements of desired use and character that will be used as a foundation to determine the applicability of the Town’s current zoning districts. Although the land use plan categories and permitted uses of the existing zoning districts do not align one-for-one, the general relationship between each is shown below.

Land Use Category	Relative Zoning District
Neighborhood Residential (NR)	Residential A (RA) Residential B (RB) Core Residential (CR) Residential Large Lot (RLL) <i>* Various Planned Development Districts</i>
Mixed Residential (MR)	Residential C (RC) Multi-Family (MF)
Multifamily (MF)	Multi-Family (MF) <i>* Various Planned Development Districts</i>
Commercial Multi-Use (CMU)	General Commercial (GC)
Hamlet Mixed Use (HMU)	Hamlet (H) Commercial Hamlet (CH) Rural Hamlet (RH)
Rural Multi-Use (RMU)	Rural (R) Rural Riverfront (RR)
Mixed Industry (MI)	Mixed Economic Development (ME)
Light Industry (LI)	Rural Light Industrial (RLI)
Heavy Industry (HI)	Heavy Industrial (I)
Civic Use (CU)	<i>* Varies by district</i> <i>* All uses require special permit and/or site plan review</i>
Parks, Preserves, & Conserved Lands (PPC)	<i>* No designated parks, open space district</i>
Cemetery Use (CEM)	<i>* Specially permitted in all districts</i>

It should be noted that the Town’s current zoning district use, bulk, and dimensional regulations may not directly reflect that of the land use plan. Furthermore, there may be areas not currently zoned in

Public Feedback

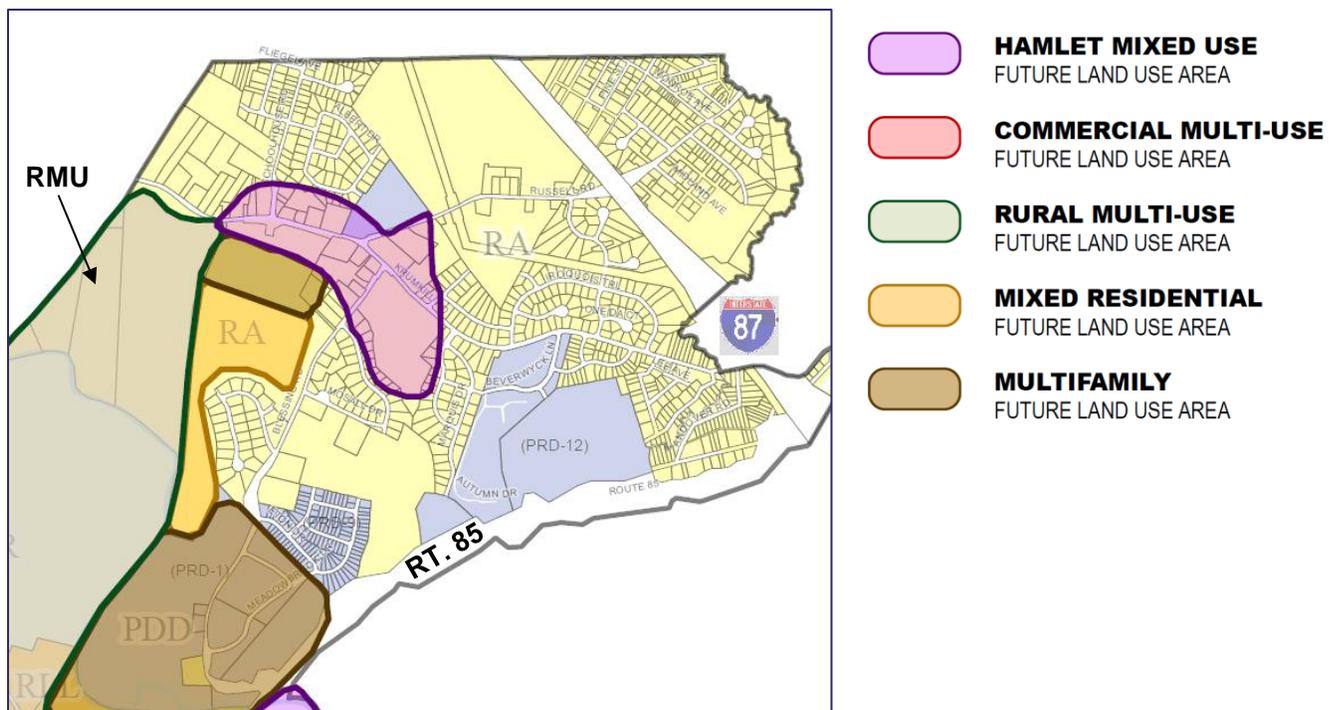
Several respondents to the Development Focus Area HAMLET MIXED USE BOARD stated that not all HMU subareas should be zoned for the same land uses and development patterns.

While consistency between these areas is desirable to better connect them, many comments noted that due to the varied surroundings of each subarea further consideration is needed to balance regulation with the uniqueness of each area and the availability of infrastructure.

E.g. The Delmar hamlet area is currently developed at a much higher density and intensity of use than Selkirk and is supported by an existing multi-modal transportation network and utility infrastructure.

a manner that reflects the designated category of the land use map. To better identify these areas, the zoning districts and land use plan were plotted on the same map for ease of comparison (Appendix B, Existing Zoning & Future Land Use Comparison Map). The base of this map is the Town’s existing zoning districts with is overlaid with five of the Comprehensive Plan’s land use areas. By laying the future land use areas on top of the Town’s existing zoning map it is easier to see how these two classifications align at the parcel level. This map is not exact, however, as is only intended to be used for planning and analysis purposes.

It should be noted that not all comparison areas on the map indicate change, as many portions of the Town are already zoned consistently with the overall future land use vision of the Comprehensive Plan. Therefore, this update effort with focus on those areas where a rezoning is needed to better support Bethlehem’s future development vision. Some examples of these areas are provided in the following graphics, which are excerpts of the Existing Zoning & Future Land Use Comparison Map (Appendix B).

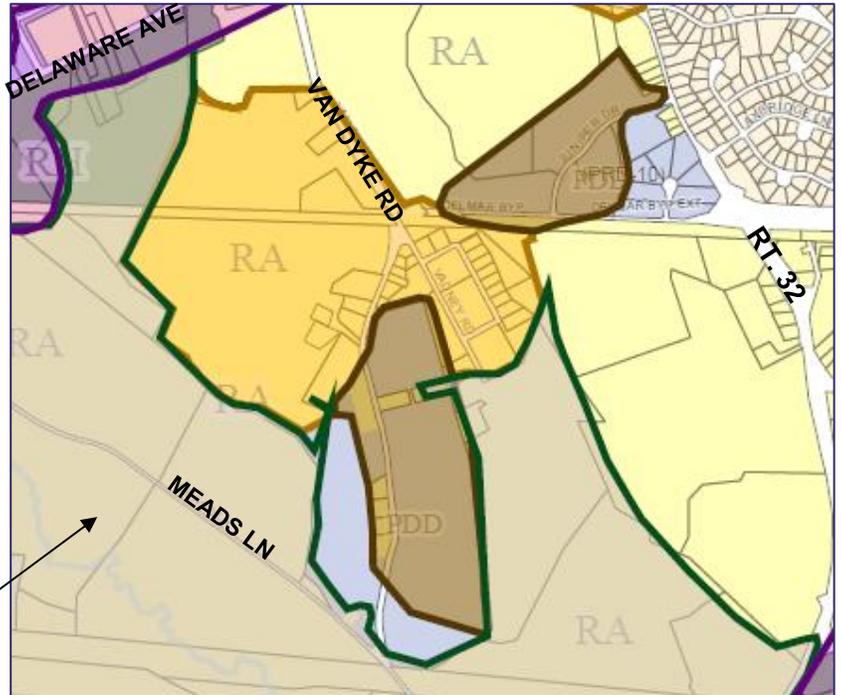


ABOVE: In the northern “arm” of the Town, the future land use categories indicate a desire for Hamlet Mixed Use, Mixed Residential, and Multifamily development. However, these areas are currently zoned for primarily single-family residential development via the Residential A (RA District). While the exact extent of zoning district boundary changes will need to be further evaluated, each of these areas will need to be rezoned to better suit the proposed future land use. E.g. amending the Hamlet Mixed Use area to a hamlet zoning district.

NOTE: *The accommodation of these future land use categories will not be addressed by district regulations alone. Specific design standards and additional use regulations will also be implemented to ensure future investment is contextual and provides for appropriate transitions from existing development patterns. See Section 5, Part 3 table for more info.*

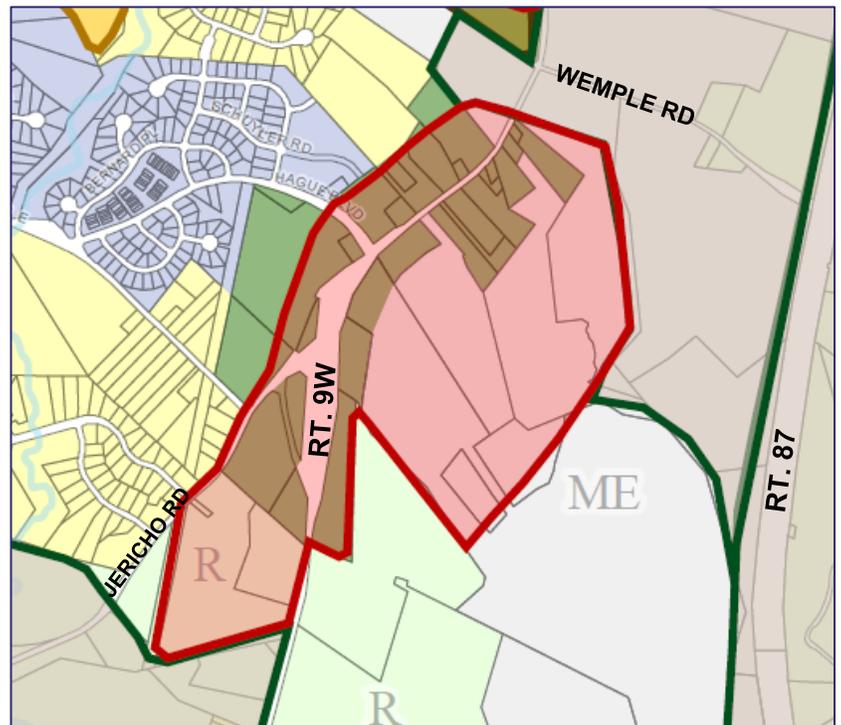
TOP RIGHT: Currently the area south of Delaware Avenue and west of Route 32 is primarily zoned RA. As previously stated, however, the RA District is generally limited to single-family dwellings, which is not consistent with the future land use vision. Based on the Comprehensive Plan land use descriptions, the yellow Mixed Residential area will need to be rezoned to allow for a mix of residential uses. The green Rural Multi-Use area will need to be rezoned to a district more permissive of low density residential and commercial uses, such as the Rural (R) District.

RMU



LOWER RIGHT: Some areas along major corridors were identified in the Comprehensive Plan for increased commercial and mixed use development opportunity, taking advantage of the existing infrastructure and transportation access. One such area is along Route 9W, south of Wemple Road (shown as Commercial Multi-Use in red at right). Currently this area is a mix of zoning districts including Rural Hamlet (RH), Rural (R), and Mixed Economic Development (ME).

Under the existing zoning districts the potential for larger scale commercial and residential density necessary to develop this area as a regional mixed use activity center is limited.



Rezoning to a more flexible commercial district, such as the General Commercial (C) District, and adapting such district to allow for supporting multi-family uses would better align with the future land

use vision. In the application of this district, however, specific consideration will need to be given to the required buffers, transitions, and connectivity to adjacent neighborhoods.

3 | Codifying Smart Growth

This code update effort is partially funded by a NYS Department of State (DOS) Smart Growth grant secured by the Town in 2022. The intent of this grant program is to encourage and support the integration of Smart Growth principles into a municipality's land use regulations.

Smart Growth is a land use development concept that began to take shape in the early 1970s as communities began to realize the negative environmental, economic, and health impacts of auto-oriented, sprawling development patterns that prioritized the separation of use.

The NYS DOS describes Smart Growth as a tool that:

- Encourages community planning and development in priority development areas where water and sewer infrastructure are available;
- Encourages redevelopment of existing community and municipal centers;
- Protects important historic and natural resources, including water quality and historic structures;
- Promotes development around transit stations in the form of transit-oriented development;
- Supports equity principles, such as affordable housing and environmental justice; and
- Promotes the siting and development of community clean energy sources.

Zoning and land use regulations should incorporate Smart Growth principles to make the most efficient use of community resources, reduce the property tax burden and promote sustainable economic development, equity, and quality of life for people and households of all incomes, backgrounds, ages, and abilities.

The following is a list of the primary elements or requirements for smart growth principles as defined by the NYS DOS Smart Growth Community Planning and Zoning Grant Program. Underneath each principle is a summary of key land use and regulatory concepts that will be considered through this code update effort.

1. **MIXED LAND USES** | A mix of land uses can convey substantial fiscal and economic benefits by placing commercial uses near residential areas as a critical component of achieving viable places to live for those who use and depend upon the area's commerce.

Mixing land uses means accommodating a variety of businesses, residences, community facilities, and other forms of development within a particular area. Mixing land uses fosters a more sustainable development pattern by reducing the need for residents of the area to drive

“Smart Growth is an approach to community planning and development that integrates what are known as the “3 Es”—Economy, Equity and Environment, with an emerging fourth E—Energy. Smart Growth promotes several land use planning principles that create livable, sustainable and equitable communities.”

- NYS Department of State

long distances to access employment opportunities, shopping, and services. Additionally, mixed use development creates vitality in a community, by creating demand and activity throughout the day. This vibrancy can help create attractive real estate markets and economic stability in such areas. Land use regulations play a key role in supporting or hindering the mixing of land uses through the allowance or prohibition of certain types of uses within a particular zoning district.

As noted in Section 2, there are several areas designated in the Town of Bethlehem's Comprehensive Plan that are designated mixed use. Certain density and use limitations will need to be removed to ensure future investment is able to achieve the desired development pattern.

2. RANGE OF HOUSING OPPORTUNITIES & CHOICES | Provide quality housing with efficient access to jobs, resources, and amenities for people of all income levels, ages, and races.

Mixed housing opportunities, ranging from single-family homes to multi-unit apartment buildings, can help promote increased sustainability in our residential development patterns, and increased economic benefits for community members. This includes the "middle range" of housing types, such as duplexes, townhomes, or 3-4 unit apartment complexes. These options promote increased affordability in a community and create market opportunities that appeal to a wide variety of households and lifestyles. Land use regulations play an essential role in promoting housing choices in a community, by permitting a wide variety of housing development typologies in the appropriate zoning districts. The implementation of this has been directed by the Town's Comprehensive Plan in its Mixed Residential and Multifamily future land use areas.

3. DEVELOPMENT & REDEVELOPMENT IN EXISTING COMMUNITIES | Smart Growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and to conserve open space and irreplaceable natural resources on the urban and metropolitan fringe.

Encouraging growth in established development areas while reducing the amount of new development in undisturbed areas is a sustainable development practice for communities to implement. Such a policy helps to maximize the efficiency of existing public infrastructure, and reduces the need for public spending on increased utility services, roadways, etc. The encouragement of development within existing communities through increased density and infill development can also contribute to the walkability and character of a place. Land use regulations such as the allowance of increased density in existing development nodes along with a municipal open space conservation program can help implement this principle in practice.

4. DISTINCTIVE, ATTRACTIVE COMMUNITIES WITH A STRONG SENSE OF PLACE | Smart Growth encourages communities to set standards for development and construction that respond to community values of architectural aesthetics, neighborhood-

friendly design, and human-scale planning, as well as expanded choices in housing and transportation.

For much of the 20th century, development in the United States used a “cookie-cutter” approach, creating homogenous landscapes that are not distinguishable from each other, or what the author James Howard Kunstler described as the “Geography of Nowhere.” In a response to this, there has been momentum by designers and decision makers to turn back towards the unique and distinct characteristics that evolved out of the landscape and historical development patterns of the many regions of the United States. The fostering of these unique places can contribute to the long-term success of community activity centers and destinations.

Local zoning and subdivision regulations can support these efforts both by requiring and encouraging various building and site design practices. The balance of minimum standards versus guidelines is ultimately up to the community, but should address many elements of development character, such as landscaping, building orientation, and façade articulation. Additionally, creative and context-sensitive design solutions may also be accommodated through the site plan review process as well as planned developments and incentive zoning projects. Further definition of these standards and guidelines will be a focus for Bethlehem’s code update.

5. **DENSITY** | Compact communities are more land- and energy-efficient; provide the critical mass for neighborhood retail, commercial development, and mass transit; protect natural resources; and promote walkability. Concentrating and directing growth in designated centers reduces the demand for sprawling development of greenfields on the metropolitan fringe, thus saving open space and farmland and protecting natural resources. Growth in centers maximizes the use of existing infrastructure, avoiding costly municipal expenditures on the extension and maintenance of new infrastructure.

By allowing for increased density of development, a community is promoting more compact building design. This increases the efficiency and economic productivity of a certain parcel of land, by allowing for more building floor area and relying on existing utility services. This can be accomplished through land use regulations by altering bulk and dimensional regulations, such as increasing the maximum percentage of a lot that can be built upon, allowing for taller building heights, and reducing yard setbacks. Furthermore, communities should zone land in a manner that allows for infill development to maximize the use of land and increase the potential for economic returns.

6. **CLIMATE CHANGE** | Concentrating residential, commercial, office and recreational land uses provides the density and critical mass necessary to sustain mass transit, reducing automobile dependency, vehicle miles travelled and transport-based greenhouse gas emissions. Denser communities are also more energy-efficient.

Zoning and subdivision codes that implement regulations supportive of principles 3, 5, 10, and 11 promote the higher density and interconnected patterns of development that ultimately will help to reduce greenhouse gas emissions. It should also be noted that the Town recently

implemented a policy prohibiting the future development and expansion of gasoline stations as a way to further curb local greenhouse gas emissions.

7. **CLEAN ENERGY** | The inclusion of clean energy siting and development into planning, zoning, building and infrastructure, including, but not limited to, solar, wind, geo-thermal and micro-grids.

Increased use of clean energy can be supported by implementing regulatory incentives for the incorporation of alternative energy sources in new and redevelopment projects. Specifically, the Town's Comprehensive Plan calls for regulations to direct the siting of developments for optimal use of solar energy systems. Consideration should also be given to guidelines or incentives for green building design practices that reduce energy use and consumption. At this time, wind energy systems are not anticipated to be included in the Town's land use regulations.

8. **RESILIENCY** | Land use, development and infrastructure that is adaptive to climate change impacts and is resilient and resistant to extreme storm events.

The Town's regulations already address stormwater management and compliance with the federal/state Municipal Separate Storm Sewer System (MS4) Storm Water Management Program/ However, there are additional opportunities to require and/or provide incentives for further floodplain and wetland protections as well as natural stormwater management systems. For example, many communities provide exemptions to lot coverage requirements where buildings may utilize green roofs or pervious paving material. The support of biodiversity is also an important element of this principle, ensuring future development works with the landscape and minimizes impacts to valuable open space and critical environmental features.

9. **GREEN INFRASTRUCTURE** | Smart Growth incorporates green buildings – energy conservation measures, renewable energy, sustainable site location and maintenance, locally produced materials and food – well-maintained and well-placed parks, trails, linked open spaces, child accessible, environmental and ecological education areas, sustainable storm-water management and urban forestry.

See principle 8.

10. **VARIETY OF MOBILITY CHOICES** | Providing people with efficient and varied mobility choices – walking, biking, public transit – fosters greater community opportunities for housing, shopping, and jobs compliant with Smart Growth principles.

Accommodating transportation users of all modes (such as biking walking, transit, and micro-mobility options), can help to foster dynamic, sustainable communities. Americans are increasingly interested in using alternative forms of transportation for both commuting and recreational purposes. Supporting such travel can help attract communities to a wide variety of residents and promote sustainable and healthy living choices.

While these transportation choices are typically accommodated in the public right of way, requiring private development to provide on- and off-site pedestrian and cyclist connections builds a more robust multi-modal transportation network. Furthermore, permitting a denser, mixed use development pattern along transportation corridors helps to support public transit options and provide residents with better access to local goods and services.

- 11. WALKABLE/BIKEABLE NEIGHBORHOOD DESIGN** | Walkable/bikeable communities make pedestrian activity possible by mixing land uses, building densely and connecting streets in a gridded pattern, thus expanding transportation options and creating streetscapes that better serve a range of users, including pedestrians, bicyclists, transit riders, and automobiles.

See principle 10.

- 12. WELL-PLANNED & WELL-PLACED PUBLIC SPACES** | The public realm plays a prominent role in the Smart Growth paradigm. Smart public spaces increase walkability, social interaction, livability, a sense of place and neighborhood aesthetics.

While zoning does not regulate the public realm, these principles applied to private property contribute to the overall character of the streetscape and neighborhood. The land use regulations supporting private investment in public spaces and multi-modal connectivity are crucial to the integration and support of public improvements.

- 13. SOCIAL DIVERSITY & INTEGRATION** | Communities designed on Smart Growth principles allow people of diverse ages, incomes, races, and physical abilities to interact more regularly, easily, and safely by encouraging walkable communities, accessible public spaces, and a variety of age-, income- and race/ethnic-integrated housing opportunities.

See principles 2, 4, 10, 11 and 12.

- 14. REGIONAL PLANNING & COORDINATION** | We conduct our daily lives on a regional, multi-jurisdictional basis—in many cases living in one local government, working in another and recreating in yet another. And economic, ecological and transportation systems also operate regionally. It is therefore imperative that municipal planning also align and coordinate with regional objectives, systems, and plans, as represented, for example, in NYSERDA Regional Sustainability Plans, REDC Strategic Plans, countywide plans and plans developed by Regional Planning Councils. Regional planning and coordination allow stakeholders to more effectively collaborate across jurisdictional lines to leverage resources and achieve mutual goals and objectives—environmental, social, and economic.

The implementation of this principle is directed by the regional planning guidance of the Town's Comprehensive Plan and goal to increase cooperation and coordination with other jurisdictions. The required referral of specific development applications to the Albany County Planning Board (per NYS General Municipal Law §239-m and n) provides a direct opportunity for regional coordination. Furthermore, increasing local practice of engaging adjacent municipalities in the

review of developments crossing and near to municipal boundaries will also support a more collaborative relationship to reach common goals.

15. COMMUNITY & STAKEHOLDER COLLABORATION IN PLANNING |

Collaborative efforts can lead to creative resolutions of development issues and greater community understanding of the importance of good planning and investment which results in great places to live, work, shop, and play.

Community participation and buy-in is essential to any land use regulation update process. By taking the time to reach out to community members purposefully and effectively, local government can incorporate the values and needs of community members into the update process, and in turn receive community support throughout the process. A robust and meaningful engagement strategy can help the community understand how the recommended code updates align with these smart growth strategies and ensure their voice is heard in the process.

The fulfilment of this principle also goes beyond the code update effort. This also applies to the Town's development review process. Increasing collaboration among community members and stakeholders includes identifying ways to better educate the public on key issues and productively manage feedback, while also establishing more predictability in the process to reduce frustrations and reach better outcomes.

4 | Code Issues & Opportunities

A series of issues and opportunities within the existing code have been noted as a part of this preliminary review. The findings generally address either organizational issues with the code or content issues across three topic areas: District & Use Regulations, Development Standards, and Application & Review Procedures. It should be noted that these findings are not intended to be an exhaustive list of potential revisions, but a summary of the nature of issues and opportunities identified by way of example.

A detailed breakdown of how the content based findings may be amended as part of this process are provided in the proposed outline tables included in Section 6 of this report.

FORMAT & ORGANIZATION

The current format and organization of the Town's zoning code and subdivision regulations reflects that of many traditional land use regulatory chapters. It may seem like a minor consideration, but improvements to the order and format in which code content is presented can have a profound impact on the administration of the code. A more intuitive structure and graphic elements help to increase the clarity of code regulations and improve understanding for all users, including the Town's staff, review boards, applicants, and general public. The following is a list of format and organizational elements that may be addressed as part of this update.

- The existing use, bulk, and dimensional requirement tables can be overwhelming and present a lot of information.
 - Look to simplify by district and/or district classification (residential, commercial, industrial, etc.), whichever best fits the needs of the districts.
 - Simplify notes by removing those that may be unnecessary and relegating detailed qualifiers or additional restrictions to text references.
- Article VI (Supplemental Regulations) seems to serve as a “kitchen sink” article, including a wide variety of generally unrelated code topics and sections (e.g. Delaware Avenue Hamlet Overlay; Incentive Zoning; additional use regulations for B&Bs, home occupations, solar, etc.; nonconformities, parking, lighting).
 - Relocate topics to sections where they may be more readily referenced and connect to other related provisions (e.g. additional use regulations with standards for certain uses requiring a special use permit in existing Article VIII; make Incentive Zoning its own article).
- County referral, ZBA, and SEQR procedure language is overly detailed and repeated throughout the zoning and subdivision code. This creates a potential for conflict between sections and variation from standard NYS Law procedures and puts the onus on the Town to update if state law changes are made. (e.g. Article X. ZBA procedures; County referral details under §128-69 N, §128-71 H, §128-89 O; and SEQR language under §103-14 I & J and §103-15 E).

- Replace these instances with references to the appropriate sections of NYS Law to ensure consistency moving forward.
- Notice requirements are listed under every review procedure, which creates potential to be out of sync with NYS Law or in conflict with each other.
 - Replace with reference to newly created Notice Schedule, that details required form (posted, mailed, etc.) and minimum timeframe.
- Use of fee schedule is beneficial, but not consistently referenced across all sections.
 - Ensure all fees are included in fee schedule to prevent need for code amendments just to address changes in fee.

DISTRICT & USE REGULATIONS

In addition to the guidance of the Town’s Comprehensive Plan, the following changes to the existing zoning districts and use regulations may be desirable to improve ease of administration.

- There are several definitions that could be combined and or simplified to reduce the exhaustive list of uses (e.g. there is little difference between the nature of operation under the “Office, Business” and “Office, Professional” definitions). While some nuance may be necessary to distinguish between certain use types, often a more general term may suffice.

OFFICE, BUSINESS — A place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, storage, display or direct retail sale of goods. This may include, but is not limited to, offices of salesmen, sales representatives, insurance brokers, real estate brokers and persons with similar occupations.

OFFICE, PROFESSIONAL — An office devoted to a professional service occupation, in which knowledge in some department of science or learning is applied to the affairs of others, either advising or guiding them, or otherwise serving their interest or welfare through the practice of a profession founded on such knowledge.

- Review and revise use lists and the definitions to consolidate, where appropriate, and reduce unnecessary variations in permissibility (e.g. some districts allow business office and not professional or vice versa).
- Remove the minimum highway frontage requirement, as it largely aligns with the minimum lot width requirement. Really only applicable to flag lots, which are addressed in a separate section.
- Remove minimum lot depth requirement as it is an outdated approach to lot dimensions and can limit ability of code to be context sensitive in the case of more unique lot configurations.
- Simplify density requirements by defaulting to minimum lot size restriction. The density for subdivision would still be calculated in the same way since the tables currently just following a standard calculation of the minimum square feet by acre. Can still note a varied minimum based on public water/sewer access.
- Evaluate need for both right-of-way and center line yard regulations. Utilizing the property line may be more consistent from district to district.

- Consider allowing a secondary classification of “home occupation” in the Rural District (or similar) that would provide additional income opportunities to agricultural operators and large landowners without having entire properties convert to commercial use. These uses could include things like minor vehicle or equipment repair or rental of barn storage.
- Adjust minimum lot width and size requirements to reduce the number of nonconformities of existing residential properties (see RA District example below). This will help to alleviate some of the burden on property owners when looking to make improvements to their property and ensure the requirements reflect the existing development pattern.

Residential A District – Nonconforming Lots Map Excerpt



- Nonconforming - both Lot Width and Size
- Nonconforming - Lot Size
- Nonconforming - Lot Width
- Conforming Residential A Parcels

RA District	Lot Width	Lot Size (Area)
Minimum Requirement	100 ft	14,520 sf
Nonconforming Parcels (Town-wide)	38%	25%

NOTE: The above is based on a parcel analysis using NYS Real Property Tax Data. This analysis excluded properties with a NULL or “0” value.

- Adjust minimum lot and setback requirements for commercial districts to ensure they reflect the desired land use development pattern (see CH District example below).

Commercial Hamlet District – Nonconforming Lots Map Excerpt



- Nonconforming - both Lot Width and Size
- Nonconforming - Lot Size
- Nonconforming - Lot Width
- Conforming Commercial Hamlet Parcels

CH District	Lot Width	Lot Size (Area)
Minimum Requirement	100 ft	10,000 sf
Nonconforming Parcels (Town-wide)	37%	17%

NOTE: The above is based on a parcel analysis using NYS Real Property Tax Data. This analysis excluded properties with a NULL or “0” value.

DEVELOPMENT STANDARDS

Development standards include the guidelines and regulations for various characteristics of development such as off-street parking, building and site design, landscaping, pedestrian accommodations, and exterior lighting. Currently there are minimal specific or measurable requirements outlined in the code for these development characteristics. Rather, these standards are addressed more broadly as part of individual district “Design Guidelines” sections and through generic site plan review criteria that rely on a high level of Planning Board discretion.

For example, §128-71 E (4)(a) reads:

“Proposed building design shall recognize compatible building forms indigenous to the community and the neighborhood in which the project is located. In particular, building design should consider the existing and historic character of the surrounding neighborhood.”

The use of the term “should” implies that this is a suggested practice, not a requirement. Furthermore, the lack of definition to what would meet minimum compatibility expectations leaves the applicant guessing as to what the Planning Board may consider satisfactory.

Public and stakeholder feedback emphasized this as many expressed uncertainty in the application review process. It was also noted that this can result in the need for multiple meetings to discuss each design element (e.g. parking, landscaping, building design) for the applicant to reach the minimum standard expected by the Town.

While maintaining flexibility for these development characteristics is important to adapt to individual site conditions, it is recommended that this code update implement some baseline requirements for vehicular and pedestrian circulation, landscaping, screening, and building design that are enforceable and measurable. This will give the applicant more clarity to what are expected practices and allow for the Planning Board to focus on more nuanced elements of building and site design.

More detailed issues and opportunities identified by individual development characteristic are also provided on the following page.

Site Plan Review vs. Special Use Permit

Under the current code site plan review is triggered by use, as noted in the zoning district tables with an “SP.” This means applicants must go through the site plan review regardless of whether there are any physical changes proposed to the property in question. While it is the informal practice of the Town to allow for a waiver in these instances, the process still requires applicants to go before the Planning Board.

It is recommended that site plan review triggers be instead tied to development actions, such as new construction, building or site alterations, or parking and landscape improvements. This way the exemption is explicit for applications with no exterior alterations.

Where there may be a concern for the compatibility of certain uses, the special use permit procedure is a more appropriate avenue that site plan to consider the potential impacts and appropriateness of such use

APPLICATION & REVIEW PROCEDURES

There are many important reasons to require review and approval for various land development activities. Depending on the size and nature of the activity there can be both positive and negative impacts to weigh with respect to the local environment, economy, and community. Bethlehem provides for a number of development review procedures in the Town's zoning and subdivision regulations as well as other Town Code chapters to help protect the natural environment and public health, safety, and welfare.

However, there can be inconsistent, unclear, and overly cumbersome elements to review procedures that ultimately can be an impediment to desirable growth and investment. Below is a summary of existing Town application and review procedure provisions that may be addressed as part of this update effort.

- Create a flowchart of current review procedures and identify all relevant land development permits and review required. Identify and reduce conflicts and inconsistencies as necessary.
- Utilize the same definition of major and minor subdivision in both Chapters 103 and 128 (currently varied definitions).
- Simplify application requirements for small/minor applications and create submittal checklists or packets for ease of use by applicants.
- Consider utilizing administrative (staff level) review for certain minor subdivision actions, like how is currently done for land divisions residential districts.
- Follow a major/minor approach to site plan review, like that of subdivision, to reduce submittal requirements and review steps for smaller, low impact applications.
- Consider implementing an administrative (staff level) review procedure for “minor” site plan actions.
- Clarify where the development permit required under Chapter 69 (Flood Damage Prevention) fits in the development application review procedure. Consider adding FEMA maps as supplement to zoning map to serve as visual trigger for development permits.
- Clarify role of Planning Board in executing site plan and subdivision review powers alongside issuance of permit per Chapter 72 (Freshwater Wetlands). Consider relationship and consistency of Chapter 72 with the preferred regulatory approach for wetlands determined through this code update process.
- Clarify when the provisions of Chapter 80 (Local Waterfront Revitalization Program) waterfront area consistency review is required and how the review and decision by the waterfront coordinator fits into the overall development application review process. Consider adding LWRP boundary as an overlay or supplement to the zoning map to serve as a visual trigger for waterfront area consistency review.
- Clarify where the requirements and reviews under Chapter 98 (Stormwater Management) fit in the overall development review procedure.
- Ensure all review procedures and criteria are consistent with NYS Law.
- Clarify roles, responsibilities, and decision authority of various review bodies: Planning Board, Zoning Board of Appeals, Building Inspector, Town Engineer, etc.

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5| Proposed Outline & Approach

REVISED CODE STRUCTURE

The specific language and content of the revisions to the code will ultimately be determined as this project progresses through discussions with the Planning Board, Town Staff, key stakeholders, and the public. However, we have provided a preliminary outline of our approach and anticipated amendments in the tables beginning on page 19. The outline shows Chapter 128 (Zoning) being broken up into four distinct parts or volumes, helping to better organize the various sections by topic. These parts include:

Part 1. Introductory Provisions

Part 2. District & Use Regulations

Part 3. Design & Development Regulations

Part 4. Application & Review Procedures

The proposed reorganization and format of **Chapter 103 (Subdivision Regulations)** is also shown in table format on pages 27 and 28.

TABLE REFERENCES

Each of the columns in the tables provide additional context relating the proposed code outline to existing code provisions, potential revisions thereto, and alignment with the scope and work plan identified by the Town and NYS Department of State.

Proposed Article – The new article numbering and titles as proposed to support the reorganization of the code into a more user-friendly format.

Relevant Existing Sections – References to existing Town Code sections that are applicable under the proposed article topic. Existing language from these sections will be carried over into the new format and reviewed, revised, or removed as appropriate.

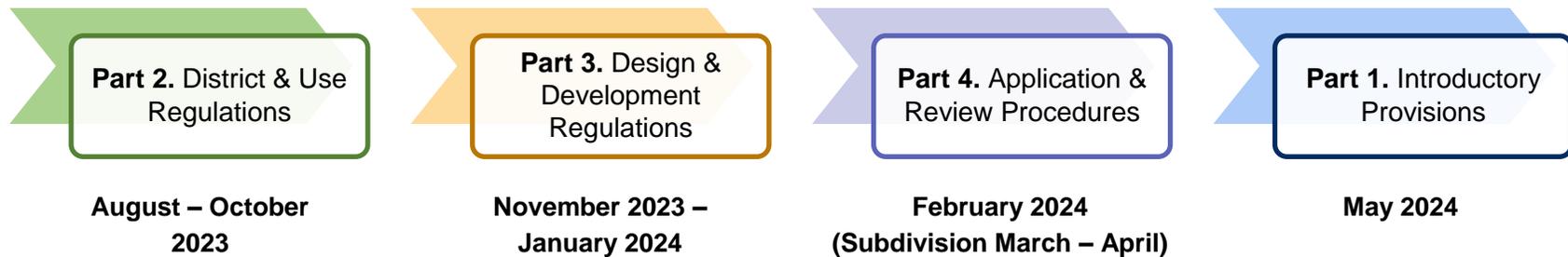
Anticipated Revisions & Considerations – A summary of key considerations and recommendations for potential edits that may be made to the existing sections during the review and drafting process of the proposed article.

RFP Task 2B Item – Reference to the specific updates to zoning and subdivision regulations as outlined in the Comprehensive Plan Update Matrix (see Appendix A).

Smart Growth Principle – The relevant smart growth concepts to be applied under a proposed article topic area when evaluating existing sections and crafting draft code language (see Section 3 of this assessment).

UPDATE APPROACH

We recommend working through the code revisions beginning with Parts 2 and 3 as the content of those sections direct the necessary updates and revisions to Parts 1 and 4. For example, we won't know the extent of revisions needed to code definitions in Part 1 until the bulk of the revised zoning code has been developed. The order and anticipated schedule for drafting and reviewing each part is shown in the graphic below. It should be noted that the review and revision of Chapter 103 (Subdivision Regulations) will follow Part 4 to ensure alignment with the updated content and format of the zoning code (Chapter 128).



OTHER RELEVANT CHAPTERS

It should be noted that there are several chapters of the Town Code outside of Chapter 128 (Zoning) and Chapter 103 (Subdivision) that may be impacted by or relevant to this update. These chapters include, but are not limited to:

- **Chapter 22 – Planning Board**
- **Chapter 69 – Flood Damage Prevention**
- **Chapter 72 – Freshwater Wetlands**
- **Chapter 80 – Local Waterfront Revitalization Program**
- **Chapter 98 – Stormwater Management**

Revisions to these Chapters are not included in this scope of work; however, potential conflicts and needed updates may be noted as the project progresses.

Part 1. Introductory Provisions

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 10. Establishment & Applicability				
	Article I. Introductory Provisions Article II. General Provisions Article XII. Miscellaneous Provisions	<ul style="list-style-type: none"> Refine and update establishment language for consistency with NYS Law Update purpose and intent to align with Comp Plan Add transitional provisions 	-	14
Article 11. Zoning Map				
	Article III. Zoning Map and Districts	<ul style="list-style-type: none"> Update to reflect revised district framework Reduce boundary conflicts, where present Consider creating interactive online zoning map 	-	15
Article 12. Review Bodies				
	§128-81 Building Inspector Article X. Zoning Board of Appeals Chapter 22. Planning Board	<ul style="list-style-type: none"> Outline the powers and duties of Building Inspector, ZBA, Planning Board, and Town Board Consider expanding role of staff Development Review Committee for administrative reviews and approvals Consolidate board membership provisions and ensure consistency with NYS Law 	-	14, 15
Article 13. Enforcement & Penalties				
	§128-83 Penalties for offenses	<ul style="list-style-type: none"> Update as necessary 	-	-
Article 14. Nonconformities				
	§128-54 Nonconforming uses §128-55 Nonconforming lots and structures	<ul style="list-style-type: none"> Update as necessary Consider trigger for compliance where investment exceeds a certain % value threshold or amortization provisions where compliance in the near term is desired 	-	-
Article 15. Terminology				

Article IV. Word Usage and Definitions

- Add, remove, and revise definitions as necessary

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Part 2. District & Use Regulations

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 20. Residential Districts				
	§128-24 District purposes* Article XIII. Use and Area Schedules* §128-26 Residential Large Lot District §128-27 Residential "A" District §128-28 Residential "B" District §128-29 Residential "C" District §128-30 Core Residential District §128-31 Multifamily District <i>*Applies to all proposed district articles.</i>	<ul style="list-style-type: none"> • Review and revise applicability and purpose of districts to ensure they are achieving intent (May remove, combine, or add new districts) • Adjust boundaries as necessary to support direction of Comp Plan • Update use lists to address Comp Plan recommendations for varied housing types; Implement a Mixed Residential District and adapt existing residential districts to reflect Neighborhood Residential land use recommendations of Comp Plan • Ensure dimensional and bulk requirements fit existing and desired development patterns; reduce nonconformities, where applicable • Relocate design standards to Part 3 • Reference development standards and additional use regulations, where applicable 	2, 3, 5	2, 3, 5, 6, 13
Article 21. Mixed Use Districts				
	§128-25 Rural District §128-32 Rural Riverfront District §128-33 Hamlet District §128-34 Commercial Hamlet District §128-35 Rural Hamlet District §128-36 General Commercial District §128-37 Mixed Economic Development District	<ul style="list-style-type: none"> • Redefine districts to reflect modern practice of mixing compatible uses and ensure districts are achieving their intended purpose (May remove, combine, or add new districts) • Adjust boundaries as necessary to support direction of Comp Plan • Update use lists to address Comp Plan recommendations for multi-use and incorporate rural multi-use expanded use list • Reconsider viability of min commercial requirements 	4, 5	1, 2, 3, 5, 6, 13

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
		<ul style="list-style-type: none"> • Ensure dimensional and bulk requirements fit existing and desired development patterns; reduce nonconformities, where applicable • Relocate design standards to Part 3 • Reference development standards and additional use regulations, where applicable 		
Article 22. Industrial Districts				
	§128-38 Heavy Industrial District §128-39 Rural Light Industrial District	<ul style="list-style-type: none"> • Review and revise applicability and purpose of districts to ensure they are achieving intent (May remove, combine, or add new districts) • Adjust boundaries as necessary to support direction of Comp Plan • Update use lists to reflect changing industrial trends • Ensure dimensional and bulk requirements fit desired development patterns and character • Relocate design standards to Part 3 • Reference development standards and additional use regulations, where applicable 	5	1, 3
Article 23. Special Purpose & Overlay Districts				
	§ 128-67.1. Delaware Avenue Hamlet Overlay District	<ul style="list-style-type: none"> • Consider continued need for Delaware Avenue Hamlet Overlay if access management and design are addressed in Part 3; may adapt to identify specific areas of concern and/or transformation • Consider creating Local Waterfront Overlay District to visually depict LWRP boundary and connect with waterfront assessment process in Chapter 80. • Consider creating Floodplain Overlay District to visually depict areas regulated under Chapter 69 (Flood Damage Prevention) • Consider establishing Environmental Protection Overlay Districts (EPODs) or CEAs • Present overlays on supplemental map 	3	3, 4, 5, 8

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 24. Planned Development Districts				
	§128-40 Planned Development District §128-41 Planned Hamlet District PHD	<ul style="list-style-type: none"> Relocate procedural sections of PDD to Part 4 Clarify use and development standards to maximize viability of PDD; consider relationship with clustering and incentive zoning Consider continued need for PHD given formalization of hamlet use and design recommendations of Comp Plan 	2, 5	1, 2, 3, 4, 5, 6, 8, 12, 13
Article 25. Additional Use Regulations				
	§128-43 Agricultural uses and right to farm §128-45 Bed-and-breakfasts §128-50 Home occupations §128-61 Telecommunication facilities §128-64 Vacation campgrounds §128-65 Senior citizen housing §128-73 Accessory apartments §128-74 Adult business uses §128-75 Junkyards §128-76 Kennels §128-77 Mining and mineral extraction §128-78 Public cemeteries §128-79 Family cemeteries	<ul style="list-style-type: none"> Move sections of additional use regulations into one article Update list of uses to reflect modern concerns and land use practices (ex. short-term rentals, breweries, accessory dwelling units) Create clear listing of accessory uses and regulations Consider opportunities for rural home businesses that supplement agricultural operations 	2, 4, 6	2, 4, 7, 9
Article 26. Supplemental Regulations				
	§128-10 Exceptions §128-42 General regulations §128-44 Amateur radio communications towers §128-47 Fences and freestanding walls §128-48 Flag lots and shared driveways §128-49 Grading, erosion and sediment control §128-58 Satellite dishes and antennas §128-60 Swimming pools, spas and hot tubs	<ul style="list-style-type: none"> Update and refine to fit new code format Remove irrelevant/outdated provisions Revise fencing regulations as needed to support design standards Clarify connections between certain uses of this section (e.g. pools, patios) and accessory use and structure provisions 	-	6, 8, 9

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
	§128-62 Temporary shelters §128-63 Terraces, patios, decks, porches, bay windows and fire escapes			
Article 27. Energy System Regulations				
	§128-67.2 Solar photovoltaic (PV) systems	<ul style="list-style-type: none"> • Clarify applicability of small-scale with accessory uses and structures • Update and refine to fit new code format • Incorporate NYSERDA battery storage model local law to ensure guidance for future applications 	4	6, 7, 14

Part 3. Design & Development Regulations

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 30. Nonresidential Building Design				
	*Various district design guidelines (Article V) §128-71 (E) Site plan design criteria	<ul style="list-style-type: none"> Remove redundancy of regulations across districts Pull in specific district design guidance from site plan criteria and set base standard for all developments Establish minimum requirements for architectural elements based on DPS results and Comp Plan Implement form based approach for hamlet areas to follow context sensitive design practices Provide guidance and support for preservation and/or reuse of historic properties where applicable Address design treatments where commercial and mixed use abuts residential Consider establishing development incentives for green building practices (e.g. green roofs) 	5	2, 3, 4, 5, 6, 9, 13
Article 31. Circulation, Access, Parking & Loading				
	§128-56 Off-street parking and loading §128-66 Driveway construction §128-67 Route 9W Corridor design guidelines §128-67.1 Delaware Avenue Hamlet Overlay District *Various district design guidelines (Article V) §128-69 (F) Special use permit performance standards §128-71 (E) Site plan design criteria	<ul style="list-style-type: none"> Pull in specific district design guidance from site plan and special use permit review criteria and set base standard for all developments Revise minimum parking requirements to better reflect walkability goals of Comp Plan Follow NYSERDA recommendations for green parking regulations and paving practices Consider desirability of a “district based” standards Refine access management provisions of Delaware Ave Hamlet Overlay and Route 9W Corridor Implement alternate parking arrangement provisions Add bicycle parking and connection provisions Incorporate measurable standard for on- and off-site pedestrian connectivity Further define shared and joint parking provisions; require shared access where appropriate 	5	4, 6, 8, 9, 10, 11, 12, 13

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
		<ul style="list-style-type: none"> Ensure connection with County and State DOT requirements is clarified 		
Article 32. Landscaping & Screening				
	<p>*Various district design guidelines (Article V) §128-71 (E) Site plan design criteria</p>	<ul style="list-style-type: none"> Remove redundancy of regulations across districts Add minimum requirements for landscaping plans Pull in specific district design guidance from site plan criteria and set base standard with measurable requirements for landscaping treatments including trees, buffers, and other configurations Specify appropriate plant species and min sizes Address landscaping maintenance 	2, 3, 5	4, 8, 9, 12, 13
Article 33. Open Space & Land Conservation				
	<p>§128-57 Parkland reservation and fee requirements §128-53 Lots bordering streams §128-71 (E) Site plan design criteria</p> <p>NOTE: Chapter 98. Stormwater Management is relevant to this section of the code update, but will not be replaced by it.</p>	<ul style="list-style-type: none"> Consider min open space area requirements by use and/or district to apply when not part of subdivision Clarify what may be considered valuable open space Clarify relationship and/or overlap between open space and parkland Revise wetland protections as desired and clarify relationship and/or connection to NYS DEC and Army Corps of Engineers requirements Adapt stream and watercourse buffer provisions as determined to be appropriate through process Add tree removal and replacement requirements Connect land conservation to stormwater regulations Incentivize green infrastructure to maximize use as part of stormwater management facilities and support climate resiliency 	1, 2, 6	3, 5, 6, 8, 12, 13
Article 34. Signs				
	§128-59 Signs	<ul style="list-style-type: none"> Implement a content neutral approach 	5	4

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
		<ul style="list-style-type: none"> Utilize revised district framework to regulate signs in each district by type rather than use 		
Article 35. Exterior Lighting				
	§128-52 Lighting	<ul style="list-style-type: none"> Increase alignment with the International Dark Sky Association standards 	5	4, 6, 7

Part 4. Application & Review Procedures

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 40. General Application Procedure				
	§128-84 Application and inspection fees §128-85 Engineering, legal and consulting fees	<ul style="list-style-type: none"> Establish a basic procedure for the processing and review of all applications Consider areas where development review procedures may be streamlined or simplified Reduce potential for conflict where more than one review board is involved Ensure NYS Town Law review procedure requirements are met and referenced accordingly Create procedural flowcharts 	7	14, 15
Article 41. Building Permits & Certificates of Occupancy				
	§128-82 Building permits and certificates of occupancy	<ul style="list-style-type: none"> Revise as necessary to reflect new code format and development application procedures 	-	-
Article 42. Development Plan Review				

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
	§128-68 Purpose; consistency required; applicability; exemptions §128-70 Preapplication conference and conceptual site plan review §128-71 Site plan review and approval §128-72 Site plan review and approval for new agricultural uses	<ul style="list-style-type: none"> Set triggers for site plan with actions rather than use Create table for ease of reference Consider administrative and/or major and minor review to remove burdens on small applications Update application requirements, as necessary 	3, 7	3, 4, 13, 14, 15
Article 43. Special Use Permits				
	§128-68 Purpose; consistency required; applicability; exemptions §128-69 Special use permit review and approval	<ul style="list-style-type: none"> Update application requirements to address use specifically and tie in with site plan review Ensure process is sound independent of site plan review to reduce unnecessary review of simple change of use actions Consider ways to streamline certain use changes 	2, 3, 5, 6, 7	3, 4, 13, 14, 15
Article 44. Subdivision				
	Chapter 103 (Subdivision) §128-46 Conservation subdivisions	<ul style="list-style-type: none"> Reference Chapter 103 in the context of zoning applications to formalize connection in the development review process Consider Unified Development Ordinance (UDO) approach for combining zoning and subdivision 	See Chapter 103 table	See Chapter 103 table
Article 45. Planned Developments				
	§128-40 Planned Development District §128-41 Planned Hamlet District PHD	<ul style="list-style-type: none"> Clarify planned development review procedures and relationship to subdivision and site plan review Evaluate need for separate hamlet planned development section Assess overlap and/or consistency of planned development with ME District master plan process Consider need for separate ME District master plan 	1, 2, 3, 7	1, 2, 3, 4, 5, 6, 8, 12, 13
Article 46. Incentive Zoning				

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
	§128-51 Incentive zoning	<ul style="list-style-type: none"> Clarify applicability and eligibility Consider contrast and/or redundancy between planned development and incentive zoning Ensure identified community benefits and incentives reflect vision and goals of Comp Plan Review and revise affordable housing provisions to encourage inclusion in more developments Consider overlap and consistency with density and open space requirements located in other sections 	2, 3, 4	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Article 47. Variances & Appeals				
	§128-89 Procedure §128-90 Permitted actions	<ul style="list-style-type: none"> Ensure consistency with NYS Law Defer to state regulations as applicable 	-	14, 15
Article 48. Amendments				
	Article XI. Amendments	<ul style="list-style-type: none"> Ensure consistency with NYS Law 	-	14, 15

Chapter 103. Subdivision Regulations

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 1. General Provisions				
	Article I. General Provisions	<ul style="list-style-type: none"> Amend as necessary if a UDO approach is desired 	-	-
Article 2. Definitions				
	Article II. Definitions	<ul style="list-style-type: none"> Add, remove, and revise definitions as necessary 	-	-

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
Article 3. Application & Review Procedures				
	Article III. Procedures for Filing and Review of Plat Maps Article V. Application Requirements Article VI. Waivers	<ul style="list-style-type: none"> Align with general application procedures established as part of revised zoning code Evaluate need for separate preliminary and final plat review procedures Clarify relationship with site plan review, as concurrent or consecutive procedures Clarify relationship with planned development review and approval procedures Consider establishing administrative process for some minor actions and lot line adjustments 	7	14, 15
Article 4. Development Pattern & Density				
	§ 103-16 Required public improvements. § 103-25 Maximum density unit calculation for major subdivisions. § 103-26 Layout of streets and roads. § 103-27 Lots, flag lots and shared driveways. § 103-28 Reservations and easements. § 103-30 Average density subdivision.	<ul style="list-style-type: none"> Ensure density and site design requirements align with updated zoning code provisions Review list of public improvements and ensure consistency with minimum Town specifications Incorporate street and block layout provisions to support a walkable environment Provide guidance for site design that supports alternative energy systems (e.g. solar) Establish incentives for utilization of green infrastructure and alternative energy systems Incorporate requirements or incentives for alternative transportation network improvements 	1, 2, 3	3, 4, 5, 8, 10, 11, 12
Article 5. Open Space & Conservation				
	§ 103-18 Conservation subdivisions. § 103-29 Parkland reservation and fee requirements.	<ul style="list-style-type: none"> Simplify conservation calculations and clarify unconstrained land definitions Clarify guidelines for review of conservation subdivisions Ensure consistency with new and revised zoning code open space and land conservation provisions, including natural resource protections 	1, 3	2, 5, 8, 12, 13

Proposed Article	Relevant Existing Sections	Anticipated Revisions & Considerations	RFP Task 2B Item	Smart Growth Principle
		<ul style="list-style-type: none"> • Provide more guidance to better define what is the appropriate use of land, adequate and economical provisions of infrastructure, and valuable open space for conservation subdivisions • Consider overlap and relationship between planned developments and conservation subdivision • Consider situations where it may be desirable to require clustering 		

Appendix A | RFP Task 2B Items

Task 2B. Specific updates to Zoning and Subdivision Regulations as outlined in the [Comprehensive Plan Update Matrix](#):

The Zoning portion of the updates listed below follow the same outline as those submitted to NYS Department of State's Smart Growth Community Planning & Zoning Grant Program 2022.

1. Revised regulations in Subdivision code related to **Density, Development/Redevelopment in Existing Communities, Walkable/Bikeable Neighborhood Design**:
 - a. Conservation Subdivision base density calculations simplified (LBE 4h).
 - b. Conservation Subdivision clarify value of incentives & benefits through guidelines for Planning Board to use (LBE 4i).
 - c. Conservation Subdivision consider a ratio of unconstrained land set aside (LBE 4k).
 - d. Density metric based on unit/acre versus lot size (LBE 4f).

2. New regulations in Zoning Law that relate to a range of **Housing Opportunities & Choices, Social Diversity & Integration and Density**:
 - a. Apply new Area Median Income threshold and 60 or 80% threshold in calculating affordability for use in Incentives Zoning for multi-family (LBE 5a).
 - b. Update Zoning Law and Zoning District map to allow 2-3 family units and multifamily to diversify housing options in the town (LBE 4a).
 - c. Clarify ownership vs. rental for 2-3 family units in certain districts identified in Comprehensive Plan (LBE 4a).
 - d. Form based code/ infill design guidelines to address residential infill development, including 2-3 family units. (LBE 4c).
 - e. Context sensitive design language to address higher density infill development as a way to provide the "missing middle market" housing (2-10 units) (LBE 4d).
 - f. Integrate affordable units with market rate units through incentive zoning (LBE 5c).
 - g. Update Planned Unit Development regulations to address affordable housing (LBE 5c).

3. New regulations in Zoning Law that relate to **Resiliency, and Green Infrastructure** by protecting natural resources, through the exploration of options related to:
 - a. Wetlands- expand local regulation options for the protection of wetlands (HWN 1bi).
 - b. Streams – adding buffer or setback regulation options to streams, including tree removal regulations to protect trees on steep slopes and along streams (NYSDEC classified) (HWN 1bii).
 - c. Tree removal – regulations to protect trees on steep slopes & along streams (HWN 1biii).
 - d. Requirements for site plans/subdivision applications that address natural resource protection (providing existing condition type analysis & applying State sea-level rise predictions etc.) (HWN 1d, HWN 1e).
 - e. Consideration of adopting a natural resource inventory based on existing Town studies

- & mapping (HWN 1d).
- f. Assessing use of EPODS, specific overlays, CEAs (HWN 1c).
4. New regulations in Zoning Law that relate to **Climate Change & Clean Energy**:
- Solar energy code changes and additions (site plan and subdivision review process should promote the design and orientation of new buildings to use active and passive solar energy access, expanding zoning districts for large scale solar use) (HWN 3g, HWN 3h).
 - Fossil fuel dispensing (gas stations) regulations to address recommendation of prohibiting new or expanded fossil fuel dispensing (HWN 3f).
5. New regulations in Zoning Law that relate to **Mixed Land Uses & Development/Redevelopment in Existing Communities**:
- Attracting businesses and increased density by expanding allowed uses and amending setbacks, parking regulations etc. within Commercial Hamlet and Hamlet zoning districts, including zoning district boundary changes (RE 2a, RE 6a).
 - Form based code for infill design in Commercial Hamlet and Hamlet districts (LBE 4c)
 - Review permitted uses in hamlet districts and adjust to achieve diversity of uses and density (RE 6a).
6. New regulations in Zoning Law that relate to **Development/Redevelopment in Existing Communities** by supporting existing agricultural uses and conserving open space:
- Rural district (expand to allow more flexible land uses permitted by right, Comprehensive Plan has suggested list) (LBE2b).
 - Agricultural use definition expanded to match NYS Ag & Markets (LBE 2b, RE 3a).
 - Expand permitted agricultural uses (by right) & support uses in code (HWN 2c, RE 3a).
 - Establish a minimum lot size for residential use in the rural district based on ACDOH standards for septic & water (LBE 2b).
7. New regulations for **Community and Stakeholder Collaboration in Planning**:
- Land use review public notification practices to inform the public and attract public participation during site plan and subdivision review process.

Key to Comprehensive Plan Recommendations:

LBE = Livable Built Environment

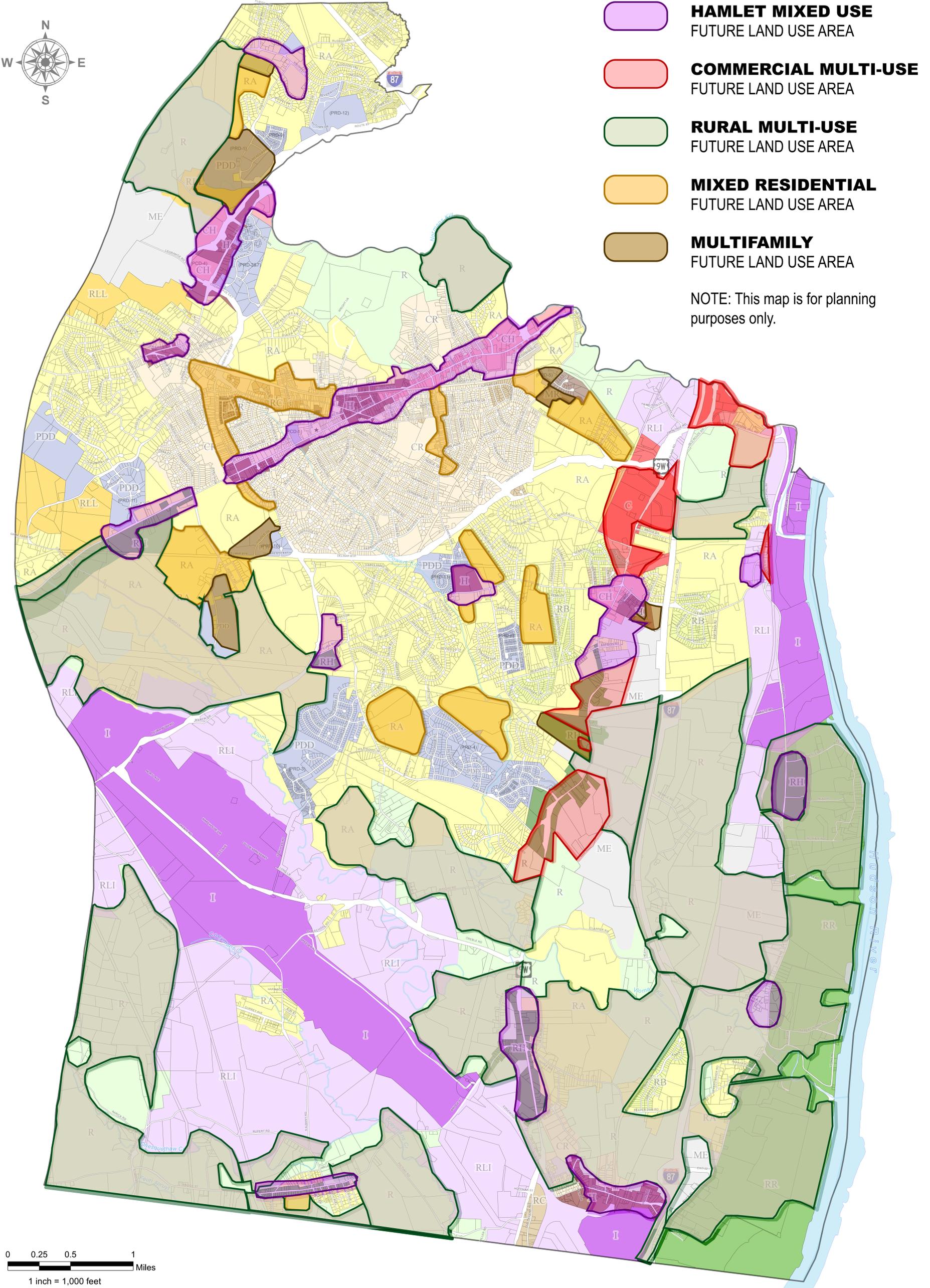
HWN = Harmony with Nature

RE = Resilient Economy

HC = Healthy Community

RGR = Responsible Governance & Regionalism

APPENDIX B. EXISTING ZONING & FUTURE LAND USE COMPARISON MAP



NOTE: This map is for planning purposes only.

0 0.25 0.5 1
Miles
1 inch = 1,000 feet



Effective September 1, 2006
Amended October 17, 2008
Amended June 23, 2010

This map is computer generated using data from the Town of Bethlehem, New York and is intended only for reference, planning and presentation purposes. Documentation of data sources, specifications and limitations are available upon request from the Town GIS Coordinator. The map is not intended for and should not be used to establish boundaries, property lines, location of objects or to provide any other information typically needed for construction or any other purpose when engineered plans or land surveys are required.

* (PRD-#): FORMER ZONING CLASSIFICATION

Legend	
ZONING	
	COMMERCIAL HAMLET (CH)
	CORE RESIDENTIAL (CR)
	GENERAL COMMERCIAL (C)
	HAMLET (H)
	HEAVY INDUSTRIAL (I)
	MIXED ECONOMIC DEVELOPMENT (ME)
	MULTI-FAMILY (MR)
	PLANNED DEVELOPMENT DISTRICT (PDD)
	RESIDENTIAL A (RA)
	RESIDENTIAL B (RB)
	RESIDENTIAL C (RC)
	RESIDENTIAL LARGE LOT (RLL)
	RURAL (R)
	RURAL HAMLET (RH)
	RURAL LIGHT INDUSTRIAL (RLI)
	RURAL RIVERFRONT (RR)