

ZONING

128 Attachment 1

Town of Bethlehem

Schedule of Uses

[Amended 10-8-2008 by L.L. No. 3-2008; 2-8-2012 by L.L. No. 1-2012; 2-24-2016 by L.L. No. 1-2016; 12-14-2016 by L.L. No. 5-2016]

	Rural ¹	Residential Large Lot	Residential "A"	Residential "B"	Residential "C"	Core Residential	Multi-family	Rural Riverfront	Hamlet	Commercial Hamlet	Rural Hamlet	General Commercial	Mixed Economic Development ¹¹	Heavy Industrial	Rural Light Industrial	
	(R)	(RLL)	(RA)	(RB)	(RC)	(CR)	(MR)	(RR)	(H)	(CH)	(RH)	(C)	(MED)	(I)	(RLI)	
Residential Uses																BR ¹⁹
One-family dwelling	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR ¹⁴	BR ¹⁴	BR ¹⁴		BR
Single-family attached dwelling ¹⁵					SP ¹⁶		SP ¹⁶		SP ¹⁶	SP ¹⁶	SP ¹⁶		SP ¹⁶			BR ¹⁹
Two-family dwelling	BR				BR		BR	SP	SP	SP	BR					BR
Three- or four-family dwelling	BR				BR		SP	SP	SP	SP	SP					
Multifamily dwelling	SP						SP		SP	SP	SP		SP ^{2b}			
Senior citizen housing							SP		SP	SP	SP					
Accessory apartment ⁶	BR	SUP	SUP	SUP	SUP	SUP		SUP	SUP	SUP	SUP					BR
Nonresidential Uses																
Adult business use ⁹																SUP
Agriculture, agricultural use	BR	SP ³	SP ³	SP ³	SP ³	SP ³	SP ³	BR	SP ³	SP ³	BR	SP ³	SP ³	BR	BR	BR
Airport														SUP		SUP
Animal hospital, animal clinic	SP								SP	SP	SP	SP				SP
Appliance repair	SP									SP	SP					SP
Automobile salvage and reclamation yards and facilities														SUP		
Banks and financial institutions									SP	SP	SP	SP	SP ^{2b}			
Bed-and-breakfast	SP	SP	SP ¹²	SP	SP	SP ¹²	SP	SP	SP	SP	SP					
Beverage bottling, distribution and warehousing														SP		SP
Broadcasting facilities, FCC licensed	BR									SP		SP				BR
Bulk storage of materials														SUP		
Business office	BR		SP ¹²			SP ¹²			SP	SP	SP	SP	SP ^{2b}	SP		BR
Car wash										SUP	SUP	SUP		SUP		SUP
Cemetery, public	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP		SUP
Club, fraternity, lodge	SP		SP ¹²			SP ¹²	SP	SP	SP	SP	SP					SP
Cold storage facilities	SP													SP		SP
Commercial bakery, no retail sales	SP															SP
Commercial recreation	SUP							SUP			SUP	SUP				SUP
Concrete and asphalt plants														SUP		
Conference center								SP					SP ^{2b}			
Conservancy	SP	SUP	SUP	SUP	SUP	SUP	SUP	SP	SP	SP	SP	SP	SP ^{2b}	SP		SP

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	(R)	(RLL)	(RA)	(RB)	(RC)	(CR)	(MR)	(RR)	(H)	(CH)	(RH)	(C)	(MED)	(I)	(RLI)
Contractors' yards, offices and storage buildings, including general contractors, landscape contractors, plumbers, electricians, heating, ventilating and air-conditioning contractors, masons, painters, refrigeration contractors, excavators, roofing contractors, and other such construction occupations	SP													SP	SP
Convenience store, mini mart	SP								SP	SP	SP	SP	SP ^{2b}		SP
Day camp, vacation campground ⁴	SP							SP							SP
Day-care center	SP	SP	SP ¹²	SP	SP	SP ¹²	SP	SP	SP	SP	SP		SP ^{2b}		SP
Distribution centers														SP	SP
Educational institution	SP	SP	SP ¹²	SP	SP	SP ¹²		SP	SP	SP	SP		SP ^{2b}		SP
Fabrication shop	SP													SP	SP
Farm equipment rentals, sales and repair	SP													SP	SP
Fitness clubs	SP								SP	SP	SP	SP	SP ^{2b}		SP
Food processing establishment														SP	SP
Garage, commercial	SP									SP		SP			
Garage, commercial storage	SP									SP		SP		SP	SP
Grain storage, processing and distribution														SUP	SUP
Heavy equipment sales, rental and service														SP	SP
Home occupations ⁵	BR	SP	SP	SP		SP		SP	SP	SP	SP				BR
Hospital									SP	SP	SP				
Hotel, motel										SP	SP	SP	SP ^{2b}		SP
House of worship	SP	SP	SUP	SUP	SUP	SUP	SUP	SP	SP	SP	SP	SP	SP ^{2b}	SP	SP
Ice production, storage, sales and distribution														SP	SP
Indoor theater									SP	SP	SP	SP			
Industrial park													SP ^{2a}	SP	SP
Inn	SP							SP	SP	SP	SP		SP ^{2b}		SP
Junkyard														SUP	
Kennel ⁸	SUP										SUP	SUP			SUP
Laboratories for research, testing and experimental purposes, including offices for research and development													SP ^{2a}	SUP	SUP
Laboratories, medical										SP	SP		SP ^{2a}	SP	SP
Laundry, dry-cleaning service									SP	SP	SP	SP	SP ^{2b}	SP	SP

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Library, museum or art gallery									SP	SP		SP			
Lumberyard, mill	SP													SP	SP
Manufacturing of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacturing of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products													SP ^{2a}	SP	SP
Manufacturing of products and merchandise involving the use of chemicals, processes or materials that might constitute a potential explosive or environmental hazard														SP	
Manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing														SP	SP
Marina								SUP					SP ^{2b}	SUP	
Mining, mineral extraction ⁷	SUP													SUP	SUP
Mortuary, undertaker, no cremation									SP	SP	SP				SP
Motor vehicle repair shop	SP									SUP	SUP	SUP		SP	SP
Motor vehicle sales	SP									SUP	SUP	SP			SP
Motor vehicle service station	SUP									SUP	SUP	SUP		SUP	SUP
Nursery	BR								SUP	SUP	SUP	SUP			BR
Nursery school	SP		SP ¹²	SP	SP	SP ¹²	SP	SP	SP	SP	SP		SP ^{2b}		SP
Nursing home, convalescent home							SP			SP					
Office park													SP ^{2a}		
Outdoor drive-in theater	SP										SUP				SP
Outdoor theater									SUP						
Packaging facilities														SP	SP
Processing or production of oil, natural gas, geothermal resources or other hydrocarbons														SUP	
Professional office	BR		SP ¹²	SP	SP	SP ¹²			SP	SP	SP	SP	SP ^{2a}		BR

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	(R)	(RLL)	(RA)	(RB)	(RC)	(CR)	(MR)	(RR)	(H)	(CH)	(RH)	(C)	(MED)	(I)	(RLI)
Public transportation terminal									SUP	SUP	SUP	SUP		SUP	SUP
Public utilities													SP ^{2b}	SP	SP
Religious camp or retreat	SP							SP							SP
Residential care facility	SP						SP	SP	SP	SP	SP				SP
Restaurant, no drive-through	SP							SP	SP	SP	SP	SP	SP ^{2b}		SP
Restaurant, with drive-through										SUP	SUP	SUP	SP ^{2b}		
Retail business	BR								SP	SP	SP	SP	SP ^{2b}		BR
Riding academy	BR							SUP							BR
Service business	SP								SP	SP	SP	SP	SP ^{2b}		SP
Shopping center, shopping mall										SP	SP	SP	SP ^{2b}		
Slaughter plants, packing houses, animal by-products rendering, and other such animal processing activities														SUP	
Solar PV systems, principal use ¹⁷	SUP												SUP ^{2a}	SUP	SUP
Solar PV systems, accessory use ¹⁸	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
Taxi service	SP									SP	SP	SP		SP	SP
Telecommunication facilities, collocated facilities ¹⁰	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR
Telecommunication facilities, noncollocated facilities ¹⁰	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP	SUP	SUP	SP ^{2b}	SUP	SUP
Trucking business, fuel delivery, no bulk storage	SP													SP	SP
Transportation terminal, delivery service, moving and storage facilities, truck maintenance														SUP	
Wellness center	SP		SP ¹²	SP	SP	SP ¹²			SP	SP	SP	SP	SP ^{2b}		SP
Wholesaling, warehouse, self-storage facilities														SP	SP

KEY:

BR -- Designates a use allowed by right, subject to building permit and certificate of occupancy for certain improvements.

SP -- Designates a use allowed subject to site plan approval.

SUP -- Designates a use permitted subject to special use permit and site plan approvals and the special permit criteria of § 128-69F in addition to the criteria of Article VIII for certain designated uses.

Any use which is not designated BR, SP or SUP is prohibited.

NOTES:

¹ Rural District: structures for nonagricultural and nonresidential uses limited to 4,000 square feet or less. Agricultural uses are exempt from this size limitation.

^{2a} Permitted as a primary use.

^{2b} Permitted as a secondary use. See § 128-37 for special rules regarding limitations on secondary uses in a Mixed Economic Development District.

³ In the RLL, RA, RB, RC, CR, MR, H, CH, C and MED Districts agricultural uses in existence as of the effective date of this chapter and agricultural uses located in a county agricultural district are permitted by right. For new agricultural uses, the seasonal planting of crops will be exempt from site plan review. For instances where site plan review is required, the Planning Board shall refer to Site Plan Process Guidelines as set forth by the Commissioner of Agriculture and Markets.

⁴ Subject to criteria in § 128-64.

⁵ Subject to criteria in § 128-50.

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- ⁶ Subject to criteria in § 128-73.
- ⁷ Subject to criteria in § 128-77.
- ⁸ Subject to criteria in § 128-76.
- ⁹ Subject to criteria in § 128-74.
- ¹⁰ See special rules for telecommunication facilities in § 128-61.
- ¹¹ See § 128-37 for special requirements regarding approval of a development master plan prior to site plan review and limitations on the amount of permitted floor area for permitted secondary uses.
- ¹² Adaptive reuse of existing residential structure only as defined in §§ 128-27 and 128-30. Expansion of the existing building footprint is permitted up to 15% of the total lot area.
- ¹³ Allowed as accessory use to a motor vehicle service station.
- ¹⁴ One-family dwellings that were in existence as of the effective date of this chapter shall be considered a use permitted by right. All other one-family dwellings shall be prohibited.
- ¹⁵ See § 128-100C for special requirements applying to single-family attached dwellings.
- ¹⁶ In the Residential C District single-family attached dwellings shall be permitted only in buildings containing four or less dwelling units.
- ¹⁷ This requirement applies to solar PV systems that generate electricity for off-site consumption, regardless of system size and regardless of whether the off-site consumption represents only a portion of the electricity generated. See § 128-67.2E for details.
- ¹⁸ This requirement applies to solar PV systems that constitute an accessory use and that have a system capacity greater than 12kW or generate more than 110% of the kWh of electricity consumed by on-site users over the most recent twelve-month period. The requirement also applies to solar PV systems mounted on canopy structures covering parking spaces, regardless of system size. See § 128-67.2E for details. The SUP/SP requirement does not apply to by-right solar PV systems as defined at § 128-67.2D.
- ¹⁹ All one- and two-family dwellings existing on the effective date of this amendment shall be considered a use permitted by right. In addition, each parcel existing on the effective date of this amendment, hereinafter referred to as the original parcel, shall be permitted additional one- and two-family dwellings, provided that no more than one new residential lot may be created from the original parcel in any calendar year through the land division or subdivision process, any new lot so created cannot be further subdivided for residential purposes and no more than one structure containing such dwellings shall be constructed on any new lot so created.