

TOWN OF BETHEL
PROPOSED LOCAL LAW No. 1 of 2010

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. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of section 345-5. Section 345-5 shall be amended by deleting the definition for the term “Dwelling” and replacing that definition as follows:

DWELLING - Any building or portion thereof designed or used exclusively as the residence or sleeping place for one (1) or more persons. A dwelling shall not include either a manufactured home or a mobile home.

A. DWELLING, SINGLE-FAMILY - A detached building, designated for or occupied exclusively by one (1) family and containing not more than one (1) dwelling unit.

B. DWELLING, TWO-FAMILY - A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

C. DWELLING, MULTI-FAMILY - A building or portion thereof used or designed as a residence for three (3) or more apartment or dwelling units, including one-family attached dwellings or townhouses.

D. DWELLING, SEASONAL - A detached single family or two family dwelling which is temporarily occupied by a person or persons having a usual residence elsewhere from whence they customarily journey to work, send children to school, vote, or conduct other principal activities. A seasonal dwelling may have any of the following characteristics: a lack of year-round water supply; a lack of a furnace or heat source; a lack of indoor plumbing; a lack of insulation; or seasonal use typically during warmer weather months.

E. DWELLING, SEASONAL/COMMERCIAL - A seasonal dwelling that (i) is offered for lease or rent to occupants who are primarily transient in nature or (ii) otherwise qualifies as an R-1 residential occupancy as defined under the Building Code of NY State, section 310.1, as hereafter supplemented or amended.

Section 2. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of section 345-5. Section 345-5 shall be amended by adding a definition for the term “TRANSIENT”, as follows:

TRANSIENT – shall mean to remain in a place for only a brief time, typically less than six months. It shall also mean a person who stays for a short time only, such as a hotel guest, boarder, or seasonal lessee or licensee.

Section 3. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of subsection 345-19(A). Section 345-19(A) shall be amended by deleting existing section 345-19(A) and replacing it with the following:

A. Occupancy permits for existing units. No person shall occupy a seasonal dwelling/commercial on or after six (6) months following the effective date of this law unless (i) such dwelling is registered with the Code Enforcement Officer and (ii) for which such dwelling a current seasonal occupancy permit is in effect. It shall be the obligation of the owner of any such seasonal dwelling/commercial to make prompt application to the Town Building Department for a seasonal occupancy permit upon registration. The Code Enforcement Officer shall issue an occupancy permit for each such seasonal dwelling/commercial unit, subject to passing a qualifying interior and exterior inspection, stating that the building for which the occupancy permit is issued shall be used only on a seasonal basis. No seasonal dwelling/commercial unit for which an occupancy permit has been issued shall be used for year-round occupancy. Each permanent occupancy permit issued under the requirements of this section shall be valid for three years.

Section 4. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of a portion of subsection 345-27(D)(2). Paragraph “b” of subsection 345-27(D)(2) shall be deleted as follows:

(b) ~~Building separation. No structure shall be erected within a distance equal to its own height of any other structure.~~

Paragraph “c” of subsection 345-27(D)(2) shall be re-lettered as paragraph “b”. The balance of subsection 345-27(D)(2) shall remain unchanged.

Section 5. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of a portion of subsection 345-27(D)(4). The introductory paragraph of subsection 345-27(D)(4) shall be deleted as follows:

(4) ~~Traffic access. Multi-family residential uses shall have either direct frontage on a County or State Highway or safe and convenient access to such a road without passing through a single family residence neighborhood.~~

The balance of subsection 345-27(D)(4) shall remain unchanged.

Section 6. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of a portion of subsection 345-27(D)(12). Paragraph “c” of subsection 345-27(D)(12) shall be deleted as follows:

~~(c) Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:~~

Minimum Gross Floor Area	
Type of Unit	(square feet)
One bedroom	500
Two bedroom	750
Three bedroom	900
Four bedroom	1,100

The balance of subsection 345-27(D)(12) shall remain unchanged..

Section 7. ENABLING LEGISLATION.

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

Section 8. SEVERABILITY.

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

Section 9. EFFECTIVE DATE.

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