

Town of Bethel  
Proposed Local Law No. 1 of the Year 2017

A local law to amend certain sections of Chapter 345 of the  
Town Code captioned Zoning, by:

Repealing and replacing the definition of Day-Care Center  
as set forth in 345.5

Amending the Bulk and Use Tables with respect to Day-Care Centers

Repealing and replacing Section D of the definition of  
Recreation Facility as set forth in 345.5  
and

Repealing and replacing 345.15C(1) and adding 345.15C(4)  
In relation to Accessory Structures

*Be it enacted by the Town Board of the Town of Bethel as follows:*

**Article I. Amendment of Town Code Chapter 345**

**Section 1.1.** Section 345-5 of the Existing Zoning Code is hereby amended so as to delete the definition of Day-Care Center therefrom, and to replace the same with the following text:

DAY-CARE CENTER - A facility licensed or authorized and regulated by the State of New York Department of Social Services pursuant to Section 390 of the Social Services Law. A Day-Care Center program provides for more than three hours and less than 24 hours per day of care away from the child's home by an individual, association, corporation, institution or agency by someone other than the parent, step-parent, guardian, or relative within the third degree of consanguinity of the parents or step-parents of such child for three or more children. A Day-Care Center shall not include a day-camp, after-school program operated for the primary purpose of religious education or a facility operated by a public school district.

**Section 2.1.** Section 345-5 of the Existing Zoning Code is hereby amended so as to delete section D of the definition of Recreational Facility and to replace the same with the following text:

D. RECREATIONAL FACILITY, PRIVATE NONCOMMERCIAL OUTDOOR – A recreational facility such as a pool, tennis court, playground or similar amenity that is operated by a private organization, to include but not limited to summer camps, schools or similar organizations, and open only to bona fide members, guests or residents of that private

organization. Private noncommercial outdoor recreational facilities are subject to the requirements of Section 345-17(B) of this chapter.

**Section 3.1.** Section 345-15(C)(1) of the Existing Zoning Code is hereby amended so as to delete current section 345-15(C)(1) and replace with the following text:

345-15(C)(1) In no instance shall an accessory structure be located closer than 10 feet from the side and rear lot lines.

**Section 3.2.** Section 345-15(C) of the Existing Zoning Code is hereby amended by adding the following text:

345-15(C)(4) All accessory structures must meet the zoning requirements and setback requirements of the principal use of the property upon which they are sited, except this provision shall not apply to single-family dwellings, two-family dwellings and farm operations.

## **Article II. Amendment of the Bulk and Use Tables.**

**Section 1.1.** The Bulk and Use Tables are hereby amended to allow for Day-Care Centers in all zoning districts within the Town of Bethel subject to the specific requirements as set forth in the amended Bulk and Use Tables. Amended Bulk and Use Tables are attached and made part hereto.

## **Article III. Miscellaneous Provisions.**

### **Section 1.1 RATIFICATION, READOPTION AND CONFIRMATION**

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

### **Section 1.2 INCLUSION IN CODE**

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

### **Section 1.3 RENUMBERING**

The location and numerical designation of this local law and the sections included herein

shall be delegated to the discretion of the codifier, General Code, which may renumber or re letter this local law and sections as are necessary to accommodate these amendments.

#### **Section 1.4 CODIFIER'S CHANGES**

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

#### **Section 1.5 SEVERABILITY**

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

#### **Section 1.6 EFFECTIVE DATE**

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