

ARTICLE II
Zoning Districts and Zoning Map

§ 98-6. Establishment of districts.

In order to fulfill the purpose of this chapter, the Town of Pleasant Valley, New York, establishes and is hereby divided into the following zoning districts:

A. Conservation (CONS).

- (1) This category includes the land east of the Taconic State Parkway, and north to the Washington Hollow hamlet area. Large land holdings by the Institute of Ecosystem Studies, Rockefeller University, the Innisfree Foundation, and the Taconic-Hereford State Forest make this section of the Town particularly important for a coordinated conservation program. This land contains the lowest density residential district in the Town to prevent additional fragmentation of this environmentally sensitive area.
- (2) This district contains some of the most rugged land in the Town. The general combination of steep slopes, shallow soils and exposed bedrock over much of the terrain makes the siting of septic systems and foundations difficult. Road access is poor in many areas. Land uses should be limited to lower-density, primarily single family residential, recreation, and other minimal-impact activities that protect the unique features of this region. Where larger parcels are available for development, conservation subdivision techniques should be required to preserve the green-space characteristics of the land and avoid construction on portions of the property with natural constraints.

B. Rural Agricultural (RA).

- (1) This district includes much of the land in the north and northwest sectors of the Town and connects across the Taconic State Parkway to lands north of the Washington Hollow hamlet. It is the largest category in terms of overall acreage.
- (2) The northwest sector contains a large percentage of the remaining agricultural land in Pleasant Valley. The areas surrounding Gretna Road, Malone Road, Fox Run, and sections of North Avenue, Netherwood Road, and Salt Point Turnpike all have extensive farmland. Protecting agriculture and the necessary food-growing potential of the land is not only important to the Town's economy, but also contributes to the scenic and rural qualities that residents responding to the 2006 Community Survey so strongly supported.
- (3) Portions of this district contain significant natural constraints, including large areas with shallow soils or soils with low permeability, moderate and steep slopes, and sizeable wetlands, especially in the northwest section. Although most of this district still remains in large parcels, scattered areas have been subdivided into smaller pieces and flag lots lining the back roads in strip residential patterns.

- (4) This district is primarily designed for activities compatible with farming or farm-related businesses, and lower-density residential and accessory uses. Recreation, low-impact resort uses, camps, golf courses, and fish and game preserves or clubs are also appropriate. A lower-density residential designation, by itself, will not protect farm properties or rural qualities, but lower densities allow for more creative land siting decisions and conservation techniques. Where development at higher densities will significantly alter large tracts of land, conservation subdivision development from a lower overall density allows growth to be carefully placed off good farm soils or within the wood line. Conservation density development and other green space preservation techniques should be strongly encouraged in this district and on other large, undeveloped parcels.
 - (5) The intent is to protect the district from overdevelopment, encourage continuation of agricultural uses, and discourage sprawl through the remaining rural areas. All development should be compatible with the natural limitations of the land.
- C. Rural Residential (RR). This district bridges the gap between the Conservation District along the eastern portion of Town, and areas to the west that have experienced continued growth and development over the last decade. The area encompasses numerous DEC and NWI wetlands, as well as sections within the one-hundred-year floodplain of the Wappinger Creek and tributaries. According to the 2007 Municipal Aquifer Report, the soils in this area are predominantly Type C and Type C/D, meaning that slower aquifer recharge rates necessitate an appropriate change in development potential in order to protect water quality and quantity.
- D. Lower Density Residential (LDR). This district includes a large area located in the central portion of the Town, along with two smaller sections located in the areas of Netherwood and Salt Point. Although this category is sometimes less compatible with the surrounding agricultural nature of the northern portion of Town, its inclusion reflects conformance with pockets of existing smaller parcel sizes.
- E. Medium Density Residential (MDR).
- (1) This district includes many of the areas of Pleasant Valley that already contain suburban-scale single-family home development. Further development in this district is likely to be consistent with the average density of already developed parcels. This land use category serves as a buffer for the less populated, more rural surrounding areas and helps maintain the focus of development in the Pleasant Valley hamlet center.
 - (2) Natural limitations in these areas vary, with some areas containing good soils for development and others having more marginal soils. Because of their distance from community centers, central water and sewer connections are not projected, although more intensive development near the hamlet boundaries could be included in any future utility district. Actual density for any given project will be determined by the features of the particular parcel and the restraints placed on the land by the provision of individual wells and septic

systems. While much existing development in these areas has taken on a pattern more typical of suburban locations, care should be used in new developments to preserve the more rural features, including existing tree cover, areas of wetlands, steep slopes and other natural features, and traditional agricultural forms like hedgerows and stone walls. Most homes are on Class C and D soils. Development in adjacent districts and on nearby parcels should be at a lower density.

F. Higher Density Residential (HDR).

- (1) This district describes the mostly developed southwest section near the Town of Poughkeepsie line, south of the substation and wetland, and north of Wappinger Creek. It contains the parcels along the ridgelines of Clark and Timothy Heights, as well as the properties lining Bower Road and Route 44, and a large mobile home park. Most of this area is already zoned for higher-density residential development. Because of its existing density and location near the Wappinger Creek, Route 44 Corridor and Pleasant Valley hamlet, this area may be included in any future consideration of a central utilities district.
- (2) This district, following the recommendations of the Comprehensive Plan, intends to maintain the essential residential character of this area with housing set back from a roadway lined with street trees to form an entrance transition to the hamlet of Pleasant Valley, allowing that other compatible low-traffic-volume uses would also be appropriate under special use permit conditions (for example, and not limited to, accessory apartments and multifamily housing options, family day care, bed-and-breakfast establishments, professional offices and home occupations). Existing spot or strip highway business uses, both here and in other noncommercial areas along Route 44, should be allowed to continue and treated under the nonconforming provisions of this chapter.¹

G. Mixed Use Commercial District (MC). This district is specific to the Route 44 corridor in an area between Mill Lane and Rossway Road, formerly part of the Neighborhood Commercial District. The purpose of this category is to allow for a variety of mixed uses, but in a contained area that eliminates the possibility of continuous strip development. Development and redevelopment in this area will involve improved site design, landscaping, and architecture, in an effort to "retrofit the strip" (as recommended in the Greenway Guides).

H. Office/Industrial (OI).

- (1) Two large areas that are currently zoned for light industry have been retained in this district. The largest area includes the electric substation at the western entrance to the Pleasant Valley hamlet, as well as two existing industrial uses and a large vacant property at the intersection of West Road and Salt Point Turnpike.

1. Editor's Note: See Art. V, Nonconforming Structures and Uses.

- (2) Office and industrial uses provide Pleasant Valley with the opportunity to create jobs and diversify the tax base. While they contribute to the economic well-being of the Town, improperly sited or buffered uses can detract from the immediate vicinity by, among other things, funneling truck traffic onto residential streets and country roads, and consuming large amounts of land for operations that may not be compatible with the more rural characteristics of the area. However, modern light industrial uses are more likely to have the appearance and impacts of an office park than a smoke-belching factory. For this reason, and to promote flexibility in land uses, offices as well as certain commercial uses compatible with manufacturing and warehouses (such as auction halls, auto sales and repair, building supplies, equipment rental, health clubs, and transportation facilities) should be permitted in these industrial areas. Like and compatible uses should be grouped together.

I. Quarry (Q).

- (1) Mining is an essential component of the construction industry, providing needed raw materials as well as generating jobs and taxes. However, the effects of larger-scale operations, such as noise, dust, erosion and visual impacts, can extend beyond their property boundaries. Truck traffic on local roads and through hamlet centers is also a concern. In addition, by removing topsoil, vegetation, overburden and bedrock materials that provide a natural filtering and cleansing medium for water moving over the surface and through the ground, underlying aquifers can be affected.
- (2) Under a recently enacted state law, local governments have limited control of larger mining operations, but can determine through zoning where mining and truck access on local roads are permitted. The Town should carefully review future mining permit applications to ensure that erosion and sediment controls, buffers from streams and property lines, reclamation plans, and performance standards are in place to minimize off-site impacts and to protect the aquifer and future water supply sources.

J. Special Flood Hazard (SFH).

- (1) This district contains the low-lying areas and major stream corridors defined on the Federal Emergency Management Agency's maps as one-hundred-year floodplains. It primarily consists of the banks of the Wappinger Creek and its major tributaries. In contrast to the scattered state-regulated wetlands, the one-hundred-year floodplains form continuous corridors.
- (2) Uses in the floodplain district should be generally limited to agriculture, forestry, recreation and other uses that would be minimally affected by high water. Structures that would house either humans or livestock should be sited elsewhere. Floodplain setbacks also provide stream protection, although the Town should supplement this category with separate stream protection guidelines that would help preserve and maintain the integrity of more minor waterways.

- (3) The major exception to these general floodplains recommendations must be the hamlet of Pleasant Valley, the center of which is almost entirely built in the one-hundred-year floodplain. Improvements since the last great flood in the 1950s have reduced the high water potential, but floodplain regulations still apply in the hamlet center. The siting of septic systems in a floodprone area is a particular problem, adding another argument for central utilities in the hamlet area. Since the Plan recommends reinforcing, not abandoning, the hamlet center, new construction must conform to the floodplain standards and, to the greatest degree possible, limit downstream consequences. Placing residential uses in upper floors, providing for first-level parking, and floodproofing nonresidential structures are among the techniques for limiting damage due to future flooding.

K. Hamlet - Pleasant Valley (H-PV).

- (1) This district includes the business core of the hamlet, composed of an approximately one-quarter-mile walking radius that supports the traditional village concept of "park once and walk around." The traditional land use pattern in Pleasant Valley is essentially rural in character. The concentrated, mixed-use village or hamlet settings that evolved in the pre-automobile era still make sense from an economic and social perspective.
- (2) The Hamlet of Pleasant Valley serves as the Town center, hosting an array of shops, services, and government functions. It is located adjacent to the Wappinger Creek, at the confluence of several major roads. A large portion of the Town center is located within the floodplain of the Wappinger Creek, making the addition of hamlet-scale residential difficult. The addition of central water and sewer will allow for appropriate, hamlet-scale infill development.

L. Hamlet — Washington Hollow (H-WH). This district encompasses a small linear commercial hamlet that straddles the Pleasant Valley-Washington border, which has limited room for growth. There are possibilities, however, for a mixture of small-scale commercial, office, and more compact-scale residential uses east and west of the intersection of Route 44 and Route 82. To make the best of the hamlet's constraints, good landscaping and architecture should be required of all new projects. The construction of excess driveways along Route 44 should be discouraged; consolidation and shared access are preferred.

M. Hamlet — Salt Point (H-SP).

- (1) In this district, mixed uses should continue to be encouraged at a scale that reuses old buildings and provides some room for business and residential expansion. Sidewalks and other appropriately scaled pedestrian amenities should be included. Signs should be improved to be more consistent with the hamlet's historic character. Architectural design standards should be established to ensure that new uses and new structures respect their historic setting. The store and post office building act as a centralizing feature and should be enhanced reminiscent of historic photos of the property.

- (2) Salt Point is unique in this part of the county and Town as a compact hamlet whose core of historic buildings is directly adjacent to actively farmed land. The traditional setting of this rural hamlet, together with its buildings and small-town functions, lend a charm and practical character to the area and merit preservation. Indeed, it is a special area within the whole Hudson Valley and is so recognized in the 2000 plan prepared by the Regional Plan Association.

N. Hamlet Residential (HR).

- (1) This district includes the three existing hamlets: Pleasant Valley and Washington Hollow, and Salt Point. This residential district surrounds and supports the mixed-use business core, and covers an area of approximately a one-half-mile radius from the center of its partner mixed-use district.
- (2) Sprawl development should not be permitted to blur the hamlet's boundaries. The Town should place priority on supporting continued agricultural uses, use of conservation easements, and expansion of recreational opportunities, including creek access. Residential development should be carefully designed and clustered away from prominent scenic entrances and important viewsheds.

§ 98-7. Zoning Map.²

The location and boundaries of said zoning districts are shown on the map designated "Town of Pleasant Valley Zoning Map" (Zoning Map) The Zoning Map and all amendments thereto are part of this chapter and amendments are on file in the Town Clerk's office.

§ 98-8. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map, the following rules shall apply:

- A. Along center lines and rights-of-way. Where district boundaries are indicated as approximately following the right-of-way lines of streets, highways, public utility easements or watercourses, boundaries shall be construed to be coincident with such lines.
- B. Along lot lines. Where district boundaries are so indicated that they approximately follow the Town boundary line, property lines, lot lines or projections thereof, boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Parallel to center lines and rights-of-way. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines or projections thereof, boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning

2. Editor's Note: A copy of the Zoning Map is included at the end of this chapter.

Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

- D. Along watercourses. Where the boundary of a district follows an internal stream, lake or other body of water, said boundary line shall be deemed to follow the center line; where the boundary of the district follows an external stream, lake or other body of water located along the Town boundary, the district line shall be deemed to follow the line of jurisdiction of the Town.
- E. Along district boundaries. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
- F. Nondimensioned boundaries. In all other cases where not dimensioned, the location of boundaries shown on the Zoning Map shall be determined by the use of the scale.