

ARTICLE III
Establishment of Districts

§ 123-6. Zoning district purposes.

In order to fulfill the purpose of this chapter, the Town of Esopus establishes and is hereby divided into the following zoning districts for the intent indicated. The specific uses permitted in each district are listed in § 123-10, Zoning Schedule of Permitted Use Regulations.

A. Residential zoning districts.

- (1) RF-1 Riverfront Estate District. The Riverfront Estate District has been established to preserve the unique character of the area located between the Hudson River shoreline and Route 9W in the central area of the Town's waterfront, which consists of large undeveloped tracts and private and institutional estates. This low-density area has scenic and cultural values for not only the Town, but also the mid-Hudson Region. The regulations provide opportunities to preserve open space by clustering development and to preserve large, existing landmark structures by allowing their use for purposes appropriate to the structure and the purposes of the district, such as corporate offices, inns and conference centers.
- (2) RF-2 Riverfront District. The Riverfront District has been established to regulate development in low-density areas adjacent to the Hudson River which are already developed at a low density or which are visible from the water but do not have direct river frontage. This district is intended to complement the RF-1 District. Clustered development is allowed to preserve open space but, since there are few large landmark structures, the range of nonresidential uses is limited.
- (3) R-40 Residential District. The R-40 Residential District includes most of those areas of the Town which are generally not served by municipal sewer or water systems and exclude the denser hamlets in Town. The district was established to facilitate medium- to low-density residential development and associated nonresidential uses that are compatible with the rural areas and existing uses the district encompasses.
- (4) R-12 Moderate Density/Hamlet Residential District. The Moderate Density/Hamlet Residential District has been established to regulate development in two distinct categories of Town: the areas in and around Port Ewen developed within the water and sewer districts and the rural hamlet areas in the southern part of Town which were developed at a higher density than the surrounding area but which lack municipal utilities. To reflect the varied utility services in this district, development density is based on a sliding scale, geared to the availability of municipal water and/or sewer service.
- (5) NC Neighborhood Commercial District. The Neighborhood Commercial District has been designated to include businesses which provide goods and services for residents of the surrounding neighborhood. The districts are located primarily in the rural hamlets of the Town which do not have other nearby shopping areas. The businesses permitted are limited to those of a convenience nature and subject to standards to ensure that surrounding residential areas will not be adversely affected.

- (6) MH Manufactured Home Overlay District. The Manufactured Home Overlay District has been established to designate the areas in which manufactured home parks are permitted. As an overlay district, all other regulations of the underlying district also apply.
- (7) RG Rondout Gateway District. The Rondout Gateway District has been established to extend the hamlet-scaled development patterns and walkability north to the Rondout Creek, allow for a mix of residential, hospitality, commercial, office and recreational uses while protecting the Town's northern gateway through site and architectural design standards and guidelines.

B. Mixed-use districts.

- (1) BC Broadway Commercial District. The Broadway Commercial District has been delineated to recognize the unique character of the established business area in the center of Port Ewen. Unlike any other business district in Town, businesses in this area have developed on small lots with little or no setbacks or on-site parking and are served by municipal water and sewer systems. The district regulations have been established to maintain this higher density, pedestrian scale business area.
- (2) GC-1 General Commercial District. The General Commercial District has been established to allow for a wide range of business uses along US Rt. 9W and within the more urban hamlet of Port Ewen and northern portions of Ulster Park, to serve not only Town residents but also through traffic and visitors as well. Applicable development standards are intended to provide adequate parking, separation of access drives and protection to adjacent residential areas.
- (3) GC-2 General Commercial Rural District. The General Commercial Rural District has been established to allow for smaller-scaled businesses to be located within and consistent with the Town's more rural hamlets of Esopus, West Park, Rifton, St. Remy, and southern portion of Ulster Park. The businesses envisioned for the General Commercial Rural District are intended to serve local residents, visitors and through traffic. Applicable development standards are intended to provide adequate parking, separation of access drives and protection to adjacent residential areas.

C. Industrial districts.

- (1) LI Light Industrial District. The Light Industrial District has been established to regulate the development of office, storage, research and light manufacturing (such as assembly or finishing, but excluding chemical or heat transformation) at a low density and lot coverage, with ample buffers, so as to provide employment opportunities while protecting the residential environment.
- (2) HI Heavy Industrial District. The Heavy Industrial District has been established to regulate the industries which process or extract raw materials or engage in manufacturing using chemicals, heat or similar processes to transform materials. Such uses require large sites, ample buffers and performance standards to ensure that activities do not have effects beyond the site.

D. Waterfront districts.

- (1) W Waterfront District. The Waterfront District has been established to regulate the areas on the Rondout Creek which are the historic location of water-dependent commercial activities, such as boatyards, marinas and uses dependent on transportation of goods by water. Since suitable sites for such uses are limited, other non-water-dependent uses are precluded except for accessory uses.
- (2) WR Waterfront Recreation District. The Waterfront Recreation District includes those areas along the Rondout Creek and Hudson River which are suitable for water-dependent recreation uses, such as parks, and boat launches, but due to their sensitive environmental resources, cannot support more intensive types of uses.

E. Overlay and special districts.

- (1) Rt. 9W Overlay District. The Rt. 9W Overlay District has been created to regulate expanded opportunities for commercial development along the Rt. 9W corridor by establishing additional standards and review procedures to protect residential uses, maintain traffic safety and preserve the scenic and historic settings in this area. (See § 123-19.)
- (2) MFZ Mixed-Use Floating Zone. The MFZ District is established for the purposes of allowing for and encouraging mixed residential and nonresidential developments through the use of more creative and imaginative designs than what is presently achievable under conventional land use techniques and zoning regulations, and to encourage growth and development on a scale and design that is pedestrian friendly, calms traffic, discourages large parking lots, incorporates high quality architecture, and promotes vertical development and integration of land uses rather than separation.
- (3) PUD Planned Unit Development District. The PUD District provides the opportunity for development of large, mixed use, self-contained developments upon approval of specific proposals by the Town Board. (See Article XI.)

§ 123-7. Official Zoning Map.

The location and boundaries of the zoning districts established in § 123-6 are shown on the map entitled "Official Zoning Map of the Town of Esopus." Said map, together with everything shown thereon and all amendments thereto, is hereby adopted by reference and accompanies and is declared to be an appurtenant part of this chapter. Said map indicating the latest amendments shall be kept up-to-date in the office of the Town Clerk for the use and benefit of the general public.

§ 123-8. Interpretation of district boundaries.

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

- A. Along center lines and right-of-way lines. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways or public utility easements, said boundaries shall be construed to be coincident with such lines. Said boundaries shall be deemed to be moved automatically if a center line or right-of-way line of such street, highway or public utility easement is moved a maximum of 20 feet.

- B. Along lot or boundary lines. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Parallel to lot or boundary lines. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, street lines, property lines, lot lines or center lines of public utility easements, lands or structures or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as are indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D. Watercourses. Where district boundaries are indicated as following a river or stream, said boundaries shall be construed to be coincident with the center line of such river or stream, and said boundaries shall be deemed to be automatically moved if the main channels of such streams or rivers are moved by natural or artificial means up to a maximum of 50 feet.
- E. Existing physical markers. Where a street, highway, railroad or public utility easement center line or right-of-way line is coincident with a zoning boundary line and varies from the actual on-the-ground physical monument or mark, then such on-the-ground physical monument or mark shall determine said zoning boundary.
- F. Lots divided by zoning district lines. Where a zoning district boundary line divides a lot in single ownership as existing at the time of this enactment, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 200 feet.

§ 123-9. Effect of establishment of districts.

Following the effective date of this chapter:

- A. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this chapter for the district in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this chapter for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created, unless such building and lot comply with all the provisions of this chapter.
- D. Plans approved prior to adoption.
 - (1) Nothing contained in this chapter shall require any change in the plans, construction or designated uses of land or buildings complying with and approved in accord with existing law, in the following cases:

- (a) A building permit or certificate of occupancy shall have been duly issued prior to the effective date of this chapter and have not expired or been revoked and the entire building shall be completed in accordance with such plans as have been filed within one year from the effective date of this chapter; or
 - (b) A site plan, a special use permit or a PUD designation shall have been approved prior to the effective date of this chapter and shall remain valid at the time of passage of this chapter.
- (2) See also § 123-38, Exemption of lots on approved subdivision plats.
- E. Any uses not specifically permitted herein shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this chapter shall not be deemed to be an exhaustive list, but to have been included for the purposes of clarity and emphasis and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible in the particular district.