



COMMON COUNCIL MEETING

Common Council Chambers

Monday, September 9, 2019

6:30 p.m.

6:00 Ruling on appeal of Pelton Manor LLC

Appealing decision of HDLPC denying Certificate of Appropriateness

- I. ROLL CALL**
- II. REVIEW OF MINUTES:**
- III. READING OF ITEMS by the City Chamberlain of any resolutions not listed on the printed agenda.**
- IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda item.**
- V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS:**
- VI. MAYOR'S COMMENTS:**
- VII. MOTIONS AND RESOLUTIONS:**
 - 1. Resolution R19- 66, introducing Local Law LL19-3, and setting a public hearing regarding the proposed LWRP.
 - 2. Resolution R19-67, approving the bond resolution for the UV Disinfection Equipment Replacement.
- VIII. ORDINANCES AND LOCAL LAWS:**
 - 1. Local Law LL-19-2, approving amendments to Chapter 19, Article VI of the Code of City of Poughkeepsie by adding section 19-6.4 entitled "Natural Resources".

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

- 1. FROM CITY ADMINISTRATOR NELSON,** a communication regarding an updated on work being done at College Hill Park.
- 2. FROM SENIOR PLANNER QUINN,** a communication regarding proposed text additions to the R-4A zoning districts.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

RESOLUTION

R19-67

**RESOLUTION INTRODUCING LOCAL LAW 3 OF 2019 AMENDED CHAPTER 18 ½
ENTITLED "WATERFRONT CONSISTENCY REVIEW"**

INTRODUCED BY COUNCILMEMBER SALEM _____

BE IT RESOLVED that an introductory local law amending Chapter 18 ½, entitled "WATERFRONT CONSISTENCY REVIEW" to the City of Poughkeepsie Code of Ordinances, be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council hold a public hearing for public comments on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 6:00 o'clock P.M., on September 23, 2019; and

BE IT FURTHER RESOLVED that all supporting documentation including a preliminary draft of the proposed Local Waterfront Revitalization Program be posted to the City's website; and

BE IT FURTHER RESOLVED that the Chamberlain publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

On a motion by _____, seconded by _____, the resolution was adopted on a vote of ____ Ayes, ____ Nays.

The Mayor declared this resolution adopted.

Dated: September __, 2019

SECONDED BY COUNCILMEMBER _____

**LOCAL LAW AMENDING CHAPTER 18 ½ , OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "WATERFRONT CONSISTENCY REVIEW"**

(L-19-3)

INTRODUCED BY COUNCILMEMBER _____:

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to amend Section 18 ½ of the City of Poughkeepsie Code of Ordinances entitled "Waterfront Consistency Review" to provide an update of the Local Waterfront Revitalization Program first enacted in 1999. The proposed amendments reflect changes that have occurred in the Waterfront Revitalization Area since its adoption, incorporates recommendations of recent planning efforts, and addresses resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City.

Section 2. AUTHORITY

This local law is adopted pursuant to provisions of the Municipal Home Rule Law and Title 19 of NYCRR Part 600, 601, 602, and 603.

Section 3. Chapter 18 ½ of the Code of Ordinances of the City of Poughkeepsie entitled "Waterfront Consistency Review" shall be amended as follows:

This chapter will be known as the "City of Poughkeepsie Waterfront Consistency Review Law."

Section 18 1/2-2 Authority and purpose.
[L.L. No. 10-1999, § 1]

- (a) This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- (b) This chapter is intended to provide a framework for agencies of the City of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
- (c) It is the intention of the City of Poughkeepsie that the preservation, enhancement and utilization of the natural and manmade resources and water-dependent uses of the city's unique coastal area take place in a coordinated and comprehensive manner to accommodate population growth and economic development and to ensure a proper balance between natural resources. Accordingly, it is the purpose of this chapter to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of living estuarine resources and wildlife; diminution of open space areas or

public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

- (d) The substantive provisions of this chapter shall apply only while there is in existence a city local waterfront revitalization program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 18 1/2-3 Applicability.

[L.L. No. 10-1999, § 1]

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this chapter, to the extent applicable, prior to carrying out, approving or funding any action.

Section 18 1/2-4 Definitions.

[L.L. No. 10-1999, § 1]

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS

Either Type I or unlisted actions as defined in the S.E.Q.R.A. regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include:

- (a) Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (1) Are directly undertaken by an agency; or
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals from an agency or agencies.
- (b) Agency planning and policy making activities that may affect the environment and commit the agency to a course of future decisions.
- (c) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.
- (d) Any combinations of the above.

AGENCY

Any board, agency, department, office, other body or officer of the City of Poughkeepsie.

COASTAL ASSESSMENT (CA)

The format used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT

That the action will be in compliance to the maximum extent practicable with the City of Poughkeepsie's LWRP policies.

DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital

project, rule making, procedure making and policy making.

LOCAL WATERFRONT AREA

That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the City of Poughkeepsie, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the City of Poughkeepsie Local Waterfront Revitalization Program.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the City of Poughkeepsie, as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Poughkeepsie.

WATERFRONT ADVISORY COMMITTEE

The Waterfront Advisory Committee of the City of Poughkeepsie, as created pursuant to this chapter. The Committee may review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policies.

Section 18 1/2-5 Waterfront Advisory Committee.

[L.L. No. 10-1999, § 1; L.L. No. 1-2013, 2-19-2013, § 1]

- (a) A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Poughkeepsie" (hereafter "Committee"). The Committee is charged with the functions, powers and duties set forth in this chapter.
- (b) The Committee shall consist of seven members who are City of Poughkeepsie residents and who have a longstanding interest in the waterfront. Three committee members shall be appointed by a majority vote of the Common Council. The Mayor shall appoint the four other committee members.
- (1) Committee members shall serve for terms of two years with the exception of the original appointed members of the Committee who shall serve as follows:
 - a. Three members appointed by the Council shall hold office for a term of two years.
 - b. Two members appointed by the Mayor shall hold office for a term of one year.
 - c. Two members appointed by the Mayor shall hold office for a term of two years.
- (2) Vacancies shall be filled by the Mayor for mayoral appointees and Common Council for Council appointees by appointment for the unexpired term.
- (3) Members may be removed by the Mayor for mayoral appointees and by the Common Council for Council appointees, for cause.
- (c) Members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budget limitations established by the City.
- (d) The Common Council shall annually appoint one Committee member to serve as Chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a Chairperson.
- (e) The Committee may employ such persons as may be needed as authorized by the resolution of the Common Council and pursuant to law. This Committee shall have the power to adopt rules of

procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Common Council.

- (f) The Committee will make its own rules of procedure subject to applicable law.
- (g) The Committee shall appoint a Secretary who shall be responsible for keeping the minutes of the committee's meetings as required by the Opening Meetings Law of New York State. The Secretary shall file a copy of such minutes to the Building Inspector and the City Chamberlain. No less than quarterly, the Committee shall provide a report of its activity to the Common Council.
- (h) The Committee shall meeting at least quarterly.

Section 18 1/2-6 Functions, powers and duties of Committee.
[L.L. No. 10-1999, § 1]

The Committee shall be responsible for overall management and coordination of the LWRP and will fully participate with and advise and assist other city agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program. In pursuance of this task the Committee will:

- (a) Advise the Mayor and Common Council on implementation, priorities, work assignments, timetables and budgetary requirements of the LWRP.
- (b) As described in § 18 1/2-8. of this chapter, review direct actions of the city and funding and permitting actions, including applications for site plans, zone changes, subdivisions and public works projects in the Local Waterfront Area as are referred to it, and advise the appropriate agency as to their consistency with the LWRP.
- (c) Subject to approval by Common Council resolution, make applications for funding from state, federal or other sources to finance projects under the LWRP.
- (d) Maintain liaison with related city bodies, including but not limited to the Planning Board and Zoning Board of Appeals, and with other nongovernmental bodies, in order to further the implementation of the LWRP.
- (e) Upon the request of the Mayor and/or Common Council, evaluate in timely fashion proposed actions of state agencies within the Local Waterfront Area in order to assure consistency of such actions with the LWRP, advise Mayor and Common Council of any conflicts and participate in discussion to resolve such conflicts.
- (f) Assist the Mayor and Common Council in the review of proposed federal actions referred by the Department of State and provide an opinion concerning the consistency of the action.
- (g) Prepare an annual report on progress achieved and problems encountered during the year and recommend such actions as the Committee considers necessary for the further implementation of the LWRP to the appropriate body.
- (h) Perform other functions regarding the Local Waterfront Area as are necessary and as the Mayor and/or Common Council may assign to it from time to time.

Section 18 1/2-7 Review of actions.
[L.L. No. 10-1999, § 1]

- (a) Whenever a proposed action is located in the Local Waterfront Area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policies set forth in Subsection (g) herein. No action in the Local Waterfront Area shall be

approved, funded or undertaken without such a determination.

- (b) Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Local Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment (CA) to assist with the consistency review.
- (c) Prior to making its determination of environmental significance under SEQR, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CA, environmental assessment form (EAF) and all other relevant information to the Committee within 10 days of its receipt.
- (d) After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policies set forth in Subsection (g) herein to the maximum extent practicable. The Committee shall require the applicant to submit all completed applications, CA's, EAF's and any other information deemed to be necessary to its consistency recommendations.
- (e) *Recommendation.*
 - (1) The Committee shall render its written recommendation to the agency within 30 days following referral of the required information from the agency, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent; consistent, with recommended modifications; or inconsistent with the LWRP policies. The recommendation shall elaborate in writing the basis for its opinion and state the manner and extent to which any inconsistency affects the LWRP policies.
 - (2) The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policies or to greater advance them.
 - (3) Failure by the Committee to make a recommendation upon a referral within the thirty-day time period or any agreed-to extension shall not preclude the agency from making its consistency determination for the action.
- (f) *Determination.*
 - (1) The agency shall make the determination of consistency based on the CA, the EAF, the recommendation of the Committee and such other information as is deemed to be necessary in its determination. Where it is determined that the action may have a significant effect upon the environment, the draft environmental impact statement (DEIS) and the environmental impact statement (EIS) each must contain a discussion of the effects of the action on and its consistency with the LWRP policies identified as applicable.
 - (2) Where it is determined that the action will not have a significant effect upon the environment, the agency shall nonetheless make a written determination of consistency within 14 days of receipt of the Committee's recommendation or, if none is received, within 30 days.
 - (3) If the Committee's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must provide a written account describing why its determination disagrees with the recommendation.
 - (4) The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional information. No determination shall be made before the end of the time period permitted the Committee for recommendations

unless the Committee recommendation is received prior to the expiration of the permitted time period. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.

- (g) Actions to be undertaken within the Local Waterfront Area shall be evaluated for consistency in accordance with the following LWRP policies, which are derived from and further explained and described in Section III of the City of Poughkeepsie LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
- (1) Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, cultural, recreational and other compatible uses (Policy 1).
 - (2) Develop city-owned waterfront properties, including ~~[Northern Waryas]~~, the **former DeLaval site** ~~[property]~~ ~~[and the former sewage treatment plant]~~, for mixed uses, including recreational, cultural, tourism, **commercial and/or residential use that facilitate water dependent and water enhanced uses** ~~[compatible commercial use]~~ (Policy 1A).
 - (3) Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters. (Policies 2 and 2A).
 - (4) Strengthen the economic base of small harbor areas by encouraging uses and activities which develop and enhance traditional uses and activities which have provided such areas with their unique maritime identity (Policy 4).
 - (5) Encourage the location of development in areas where public services and facilities essential to such development are adequate (Policy 5).
 - (6) Evaluate proposed development within the waterfront area for traffic impact, particularly along North Water Street and Pine Street, and evaluate the ~~[possibility of expanding carrying capacity of these roadways, if necessary]~~ **need for traffic calming measures and enhanced pedestrian and bicycle infrastructure** (Policy 5A).
 - ~~(7) [Improve vehicular access to the industrial areas in the northerly and southerly portions of the city's waterfront to enable vehicles to gain access to private industries directly from Route 9 (Policy 5B).]~~
 - ~~(8)~~**(7)** Encourage greater utilization of mass transit and evaluate proposed development relative to its need for access to mass transit (Policy 5**C**~~B~~).
 - ~~(9)~~**(8)** Evaluate proposed waterfront development for its potential to complement downtown Poughkeepsie development, particularly ~~[the Main Mall]~~ **by creating linkages to the Poughkeepsie Innovation District in the area of Main Street and Market Street** (Policy 5**D**~~C~~).
 - ~~(10)~~**(9)** Expedite permit procedures in order to facilitate the siting of development activities at suitable locations (Policy 6).
 - ~~(11)~~**(10)** Protect, preserve and restore significant coastal fish and wildlife resources including, but not limited to, the Poughkeepsie Deepwater Habitat (Policies 7, 7A,**7B**, 8, 40).
 - ~~(12)~~**(11)** Perform a risk assessment for any proposed expansion of existing waterfront industries in order to protect, preserve and restore the Poughkeepsie Deepwater Habitat (Policy 7B).
 - ~~(13)~~**(12)** Avoid the introduction of hazardous materials in or near the waterfront area and the Poughkeepsie Deepwater Habitat by, among other measures, prohibiting the introduction of new

industries or technologies which would in the presence of hazardous materials and by encouraging existing industries to utilize the most current methods of containment (Policies 8A, 8B).

(14)(13) Expand the recreational use of fish and wildlife resources by expanding access to these resources and develop commercial fishing opportunities (Policies 9 and 10).

(15)(14) Minimize flooding and erosion hazards through nonstructural means; carefully selected, long-term structural measures; and appropriate siting of structures (Policies 11, 13, 13A, 14, 15, 17, 17A and 17B).

(16)(15) Protect the Fallkill Creek from encroachment and preserve a linear open space along the length of the creek for purposes of flood protection, aesthetics and recreation (Policy 11A).

(17)(16) Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).

(18)(17) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken, especially with respect to new or expanded bridges or roads (Policies 18, 18A and 18B).

(19)(18) Maintain and improve public access to the shoreline and water-related recreational resources and facilities while protecting the environment (Policies 1, 1A, 2, 2A, 9, 19, 19A, 20 and 34B).

(20)(19) Encourage the use of public transportation to link Waryas Park and the **former** DeLaval **site** to each other and to the ~~[Central Business District]~~ **Poughkeepsie Innovation District** (Policy 19B).

(21)(20) Increase access to the Mid-Hudson Bridge ~~[walkways]~~ **and the Walkway Over the Hudson** (Policy 19C).

(22)(21) Encourage tour boats which bring large groups of people to the Poughkeepsie waterfront (Policy 19D).

(22) **The City of Poughkeepsie's public water-related recreational facilities should be linked via a linear trail along the waterfront. All new development along the Hudson River shall, where practical and appropriate, provide continuous pedestrian access along the water's edge and/or through the site to the waterfront. Water dependent and water enhanced uses shall be encourage and the linear trail shall not preclude future construction of such uses (Policy 19E).**

(23) Encourage, facilitate and prioritize water-dependent and water-enhanced recreational resources and facilities near coastal waters (Policy 21).

(24) Encourage boating facilities and activity, provided that it does not interfere with other recreational opportunities (Policy 21A).

(25) Encourage the development of water-related recreational resources and facilities, as multiple uses, in appropriate locations along the shoreline (Policy 22).

(26) Recreational activities must be part of any use of the **former** DeLaval ~~[property]~~ **site and along the Fall Kill**, ~~the former sewage treatment plant and Northern Waryas~~ (Policy 22A).

(27) Protect, enhance and restore historic architectural cultural and archeological resources (Policies **23, 23A**, 24, 24A, 25, 25A and 25B).

(28) Protect, restore and enhance scenic areas of statewide and local significance and viewsheds (Policies 24, 24A, 25, 25A and 25B).

- (29) ~~[Assure that any new bridge crossing visible from the city's waterfront reflects the quality and motif of the Mid-Hudson Bridge (Policy 25C).] **Protect Poughkeepsie's existing urban agricultural lands and provide new opportunities to expand community gardens, commercial farming, and education gardens within the City (Policy 26 and 26A).**~~
- (30) Site, construct or expand energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27[, 27A] and 40).
- (31) Prevent ice management practices which would damage significant fish and wildlife and their habitat (Policy 28).
- (32) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, [32,] 33, 34, 34A, 35, 36, 37, 38, **38A** and 40).
- (33) Provide and maintain public access along the waterfront at new marina sites; prohibit on-shore storage of boats on publicly owned waterfront lands; encourage marine toilet pumpout facilities that are hooked into the city's sewage system (Policy 34B).
- (34) Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of resources (Policies 15, 35 and 35A).
- (35) Ensure that any transportation, handling or disposal of solid and hazardous wastes and effluents is in a manner which will not adversely affect the environment (Policies 34, 34A, 36, 39 and 40).
- (36) Protect the quality and quantity of surface and groundwater supplies (Policies 38 and 38A).
- (37) Protect air quality (Policies 41, 42 and 43).

(38) Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas (Policy 44).

- (h) If the agency determines that the action is not consistent with the achievement of the LWRP policies, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:
- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policies.
 - (2) The action taken will minimize all adverse effects on such policies to the maximum extent practicable.
 - (3) The action will advance one or more of the other LWRP policies.
 - (4) The action will result in an overriding city, regional or statewide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policies.

- (i) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

Section 18 1/2-8 Severability; conflict with other provisions.
[L.L. No. 10-1999, § 1]

- (a) The provisions of this chapter are severable. If any provision is found invalid, such finding shall not

affect the validity of any part or provision hereof other than the provision so found to be invalid.

- (b) Where there is a conflict or discrepancy in the application or effect of the provisions of this chapter with any other law, ordinance, rule or regulation of the city, the provisions of this chapter shall govern.

Section 18 1/2-9 Enforcement.

[L.L. No. 10-1999, § 1]

The City Zoning Administrator shall be responsible for enforcing this chapter. No work or activity on a project in the Local Waterfront Area which is subject to review under this chapter shall be commenced or undertaken until the Zoning Administrator has been presented with a written determination from an agency that the action is consistent with the City's LWRP policies. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Zoning Administrator shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

Section 18 1/2-10 Penalties for offenses.

[L.L. No. 10-1999, § 1]

- (a) A person who violates any of the provisions of, or who fails to comply with any conditions imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- (b) The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any prosecution and penalty.

**BOLD and UNDERLINING INDICATE ADDITION
BRACKETS [] and STRIKETHROUGH INDICATE DELETION**

Section 3. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE

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

RESOLUTION
R19-67
EXTRACT OF MINUTES

(Poughkeepsie's' Water Treatment Facility—UV Disinfection Equipment Replacement)

A regular meeting of the Common Council of the City of Poughkeepsie, Dutchess County, New York was convened in public session at the Council Chambers, City Hall, Poughkeepsie, New York on September 9, 2019 at 6:30 o'clock p.m., local time.

The meeting was called to order by _____, and, upon roll being called, the following members were:

PRESENT:

Council Chair Ann Finney
Councilmember Sarah Brannen
Councilmember Natasha Cherry
Councilmember Yvonne Flowers
Councilmember Lorraine Johnson
Councilmember Randall A. Johnson II
Councilmember Matthew McNamara
Councilmember Christopher D. Petsas
Councilmember Sarah A. Salem

ABSENT:

The following persons were ALSO PRESENT:

Commissioner of Finance William Brady

The following resolution was offered by Councilmember Cherry, seconded by Councilmember _____, to wit;

BOND RESOLUTION DATED SEPTEMBER 9, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,501,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY UV DISINFECTION EQUIPMENT REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

WHEREAS, the Poughkeepsies' Water Treatment Facility is owned and operated as a joint project of the City of Poughkeepsie and Town of Poughkeepsie pursuant to an inter-municipal agreement dated August 3, 1995, as amended (the "Inter-municipal Agreement"), entered into pursuant to Article 5-G of the General Municipal Law, and the Poughkeepsies' Joint Water Board has

recommended certain improvements to the Poughkeepsie Water Treatment Facility including replacement of UV Disinfection equipment, the cost of which is to be allocated between the City of Poughkeepsie and the Town of Poughkeepsie pursuant to the Inter-municipal Agreement;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Poughkeepsie, Dutchess County, New York (the "City") (by the favorable vote of not less than two-thirds of all of the members of the Common Council) as follows:

SECTION 1. The improvement of the Poughkeepsies' Water Treatment Facility, consisting of the planning, design, construction and installation of equipment, machinery, apparatus, appurtenances, and incidental site and other improvements and expenses in connection with the replacement of UV Disinfection equipment, is hereby authorized at an estimated maximum joint project cost of \$4,548,000. The City's share of such estimated maximum joint cost of \$4,548,000 has been determined to be \$2,501,000, hereby appropriated for such purpose. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph a of Section 11 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty years.

SECTION 2. It has been determined that the aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined under SEQRA not to have a significant impact on the environment.

SECTION 3. The City plans to finance the City's share of the cost of said purpose by the issuance of the serial bonds in an amount not to exceed \$2,501,000, hereby authorized to be issued therefor pursuant to the Local Finance Law. The City plans to provide for amounts equal to annual debt service costs with respect to obligations issued hereunder from its Water Fund revenues. The remaining \$2,047,000 of the total joint project cost is to be paid by the Town of Poughkeepsie pursuant to the Inter-municipal Agreement.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations.

SECTION 6. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Commissioner of Finance, the Chief Fiscal Officer of the City. The Commissioner of Finance is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Chamberlain is hereby authorized to affix the corporate seal of the City to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Commissioner of Finance is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Commissioner of Finance is further authorized, in his discretion, to execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth herein, or a portion thereof, by one or more notes or bond issues of the City and the sale of such issues to the New York State Environmental Facilities Corporation or its designee pursuant to the New York State Revolving Fund Program.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with; and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Chamberlain is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Poughkeepsie Journal, a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 12. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Council Chair Ann Finney	VOTING ____
Councilmember Sarah Brannen	VOTING ____
Councilmember Natasha Cherry	VOTING ____
Councilmember Yvonne Flowers	VOTING ____
Councilmember Lorraine Johnson	VOTING ____
Councilmember Randall A. Johnson II	VOTING ____
Councilmember Matthew McNamara	VOTING ____
Councilmember Christopher D. Petsas	VOTING ____
Councilmember Sarah A. Salem	VOTING ____

The foregoing resolution was thereupon declared duly adopted.

Approved: _____, 2019

Robert G. Rolison
Mayor

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Chamberlain of the City of Poughkeepsie, Dutchess County, New York (hereinafter called the "City") and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Common Council held on the 9th of September, 2019 and entitled:

BOND RESOLUTION DATED SEPTEMBER 9, 2019

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,501,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CITY'S SHARE OF THE COST OF THE POUGHKEEPSIES' WATER TREATMENT FACILITY UV DISINFECTION EQUIPMENT REPLACEMENT AND AUTHORIZING THE COST THEREOF, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE COMMISSIONER OF FINANCE

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (two-thirds of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this ____ day of _____, 2019.

-SEAL-

Deanne Flynn
City Chamberlain

Executive Summary—Not a part of the Resolution

This New Resolution for the **Poughkeepsies' Water Treatment Facility—Replacement of UV Disinfection Equipment** includes:

<u>Purpose</u>	<u>Capital Budget Items</u>	<u>PPU (Max. Period for Financing)</u>	<u>Total Project Cost</u>	<u>Other Funds (Town of Poughkeepsie's share)</u>	<u>Bonds Authorized</u>
Section 1: City's share of the Poughkeepsies' Water Treatment Facility UV Disinfection Equipment Replacement	Joint Water UV Disinfection Equipment Replacement	40 years	\$4,548,000	\$2,047,000	\$2,501,000
Grand Total			\$4,548,000	\$2,047,000	<u>\$2,501,000</u>

LOCAL LAW NO. 2 OF 2019

LOCAL LAW AMENDING CHAPTER 19, ARTICLE VI OF THE CODE OF THE CITY OF POUGHKEEPSIE BY ADDING SECTION 19-6.4 ENTITLED "NATURAL RESOURCES".

INTRODUCED BY COUNCILMEMBER SALEM

BE IT ENACTED, by the Common Council of the City of Poughkeepsie of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Code of the City of Poughkeepsie to adopt the Natural Resources Inventory prepared by The Environmental Cooperative at the Vassar Barns and to expressly integrate use of such Inventory into all land use decision-making within the City of Poughkeepsie.

SECTION 2. AMENDMENTS TO THE CITY OF POUGHKEEPSIE CODE

A new Section 19-6.4 entitled "Natural Resources", adopting and implementing the City of Poughkeepsie's Natural Resources Inventory, is added to the Code of the City of Poughkeepsie as follows:

(1) Purpose. The purpose of this Section is to protect natural resources in the City of Poughkeepsie by adopting a Natural Resources Inventory and requiring consideration of future developments impacts upon these natural resources. The City of Poughkeepsie's protection and sustainable use of its natural resources will protect the rights of residents, both present and future, to clean air, pure water, and the natural, scenic, and aesthetic values of the environment, as set forth in Article XIV, Section 4 of the New York State Constitution. The City of Poughkeepsie's quality of life will be enhanced by the sustainable management of its natural resources, including diverse habitats, natural systems and cultural resources. Such features have been identified in the City of Poughkeepsie Natural Resources Inventory as adopted by the Common Council (the, "NRI"), as it may be amended from time to time. The identification and mapping of natural resources by the City, shall be in accordance with the New York General Municipal Law § 239-y and the City of Poughkeepsie Comprehensive Plan. The incorporation of natural and cultural resource information into the decision-making processes identified herein will enable the City of Poughkeepsie to balance its responsibility to promote the economic well-being of city residents, while protecting the integrity and value of the City of Poughkeepsie's natural resources, including the City of Poughkeepsie's soils, water resources, habitats and wildlife, and other significant environmental resources. This Local Law, adopted pursuant to New York Municipal Home Rule Law, § 10(1)(ii)(a)(11), requires that all new development subject to Article VI of Chapter 19 of the Code of Ordinances of the City of Poughkeepsie, shall take into consideration the City of Poughkeepsie NRI.

(2) Natural Resource Identification. The Common Council shall adopt a document containing specific natural and cultural resources known as the NRI which document shall be incorporated

into the Planning Board's review process subject to Article XIV. NRI resources are to include, but are not limited to:

(a) Water resources including aquifers; streams and waterbodies with their State water quality classification; floodplains; wetlands and vernal pools, whether or not they are protected by local, state or federal regulations.

(b) Vegetation including community types; forested areas; grasslands, meadows, and shrublands; significant trees defined as all trees over 8 inches in diameter at breast height, trees at the limit of their range, and trees over 100 years old; New York State listed endangered, threatened, rare, and exploitably vulnerable plants or the New York State rare plant status lists; locally significant vegetation; rare or high quality examples of natural ecological communities; stream and riparian habitats; tidal wetlands and shoreline habitats; unfragmented habitat blocks and significant biodiversity areas; and vegetation resources on parcel that connect to such resources on adjoining or nearby public lands/protected areas.

(c) Wildlife "Species of Greatest Conservation Need," as defined by the State of New York, including but not limited to breeding birds, reptiles, amphibians and mammals.

(d) Geology and soils with particular attention to hydric, prime farmland, and soils of statewide significance.

(e) Elevation, aspect and slope including rock outcrops, steep slopes of 10% to 15% and 15% or greater, ridgelines, stone walls, and unique geologic features.

(f) Cultural resources including locally significant as well as State and National historic sites, buildings, and districts; scenic resources; recreation resources; agricultural districts; active farmland; and lands conserved through public ownership or private conservation restrictions.

In all land use decisions subject to this Article VI, the NRI shall be considered by the planning board to ensure proposed land uses are compatible with existing natural resources by minimizing impacts and providing acceptable mitigation measures when certain impacts cannot be avoided. Proposed lot layouts and development should be designed and arranged to avoid impacts to features identified in the NRI.

(3) Applicability. For all subdivision, special permit uses, uses requiring site plan approval, or other City of Poughkeepsie development reviews subject to Article VI of Chapter 19 of the Code of Ordinances of the City of Poughkeepsie that are subject to SEQRA the applicant must provide an analysis of and disclose any potential impacts on any natural resource identified in the NRI. Each application under Article VI of Chapter 19 of the Code of Ordinances of the City of Poughkeepsie shall contain a Conservation Analysis, consisting of inventory maps, description of the land, and an analysis of any potential impacts to various site features identified in the NRI. The Conservation Analysis shall be on a form provided by the City of Poughkeepsie. No application under Article VI of Chapter 19 of the Zoning Code of the City of Poughkeepsie will be acted upon without a fully completed conservation analysis.

(4) Interpretation. This chapter shall be deemed an exercise of the powers of the City of Poughkeepsie to preserve and improve the quality of the physical and visual environment on behalf of the present and future inhabitants thereof. The Planning Board, with the assistance of the City Planner as part of its review under the New York State Environmental Quality Act (SEQR) shall ensure that proper protections of natural resources identified in the NRI are incorporated into the design of projects and mitigate, to the extent possible, impacts on those natural resources. The Director of Planning is authorized to implement policies and procedures, consistent with this Section which would enable applicants to know well in advance what will be required during the City of Poughkeepsie's review of applications, thus avoiding unnecessary delay and expense during the review process. The NRI review process will enable the Planning Board to make better decisions, establish consistent standards for development proposals, fulfill regulatory obligations imposed by SEQR, and protect and maintain natural resources while preserving the economic viability within the City of Poughkeepsie.

(5) Definitions. Except as defined herein, all words used in this Local Law shall carry their everyday dictionary definition. Unique terms used throughout this Local Law are defined as follows:

Conservation Analysis: an analysis on a form as proscribed by the City of Poughkeepsie consisting of at a minimum, a copy of the Natural Resource Inventory maps, description of the land, and any potential impacts to site features identified in the Natural Resource Inventory.

Natural Resources Inventory. An inventory of specific natural resources identified by the City and approved by the Common Council which are characterized by natural scenic beauty or, whose existing openness, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the City of Poughkeepsie or would maintain or enhance the conservation of natural or scenic resources.

SECTION 3. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 4. EFFECTIVE DATE.

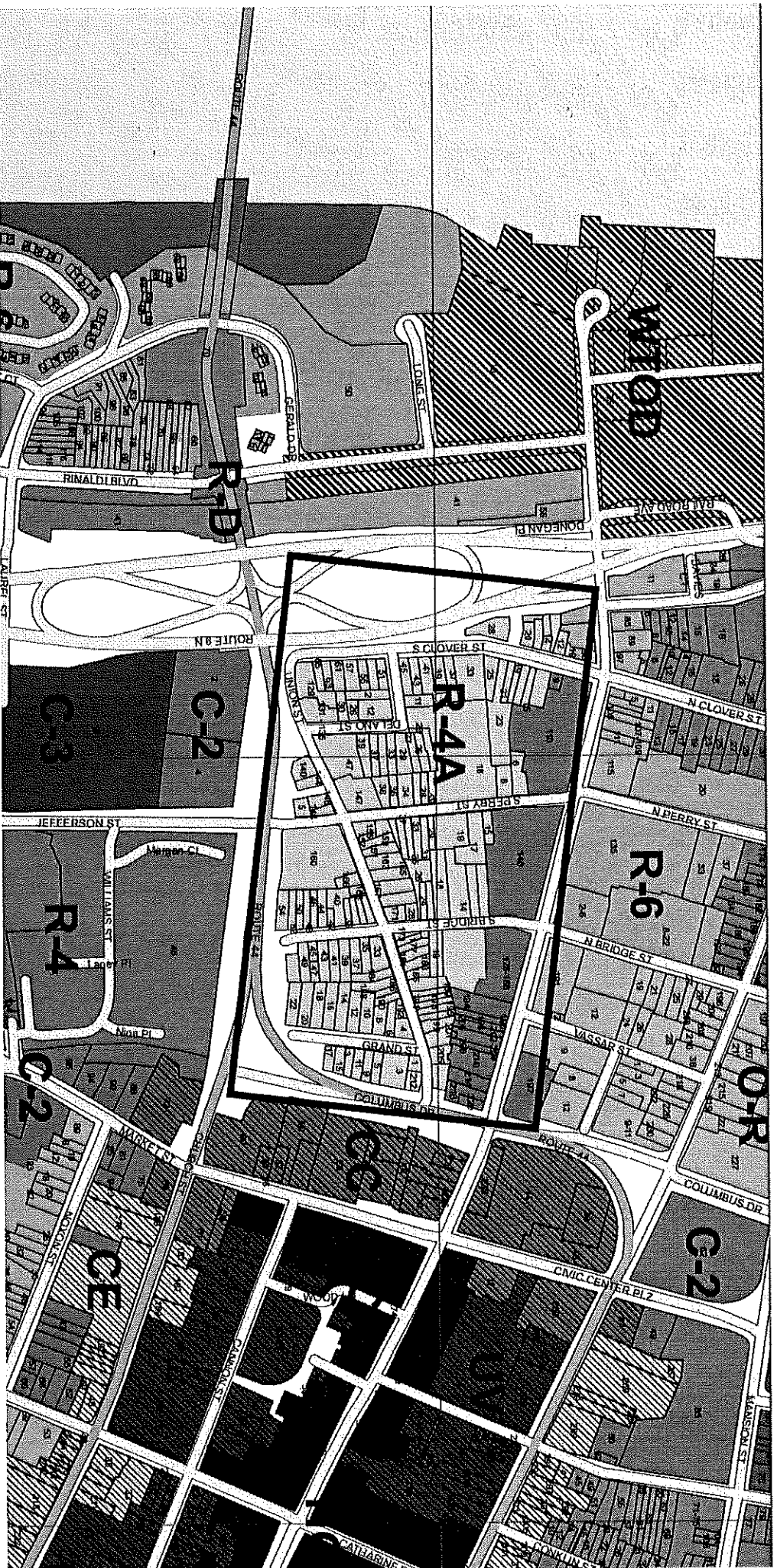
This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

SECONDED BY COUNCILMEMBER:

Proposed R-4A District Text Amendment

Description: The Planning Department proposes five additions to the list of permitted commercial uses and accessory uses within the city's R-4A Zoning District, which coincides with the boundaries of the Union Street Historic District. The objective of these additions is to allow for a greater variety of commercial amenities in the neighborhood and to facilitate the renovation and preservation of existing storefronts.

Existing R4-A District – Union Street Historic District



The Union Street area was historically home to a diversity of uses including residential and small-scale neighborhood commercial uses

Below is a list of businesses located in the district in 1927, which was the year that zoning was first enacted in the City of Poughkeepsie.

UNION STREET	SOUTH BRIDGE STREET	SOUTH CLOVER STREET
131 - Saverio Ciano, Shoemaker	2 - Helman Delicatessan	7 - Selden Meats
135 - Nestler Grocers	3 - Levinson Jeweler	10 - VanOppens Grocer
137 - Knauss Bros Inc. Pork Packers	5 - Staffa Antiques	14 - Antoinetta Guglielmo dressmaker
143 - Peck Grocers	6 - VanNorstrand Confectioner	44 - Helen Andrus music teacher
147 - Niessen Bakery	11 - Mavilla Shoe Repair	65 - Dzuiban Restaurant
149 - Florian Hall Grocers	22 - Agnes Rieser Music Teacher	71 - Sutcliffe Grocers
150 - Dieterich & Martin Meat	50 - Yager Grocer	72 - Haupt Confectioner
151 - Hempe Cigars		
152 - Wassenmuller Grocers		
159 - Volles Barber		
169 - Guiseppe Benigno Grocers		
173 - Noll & Sons Plumber		
195 - Guinta Grocers		



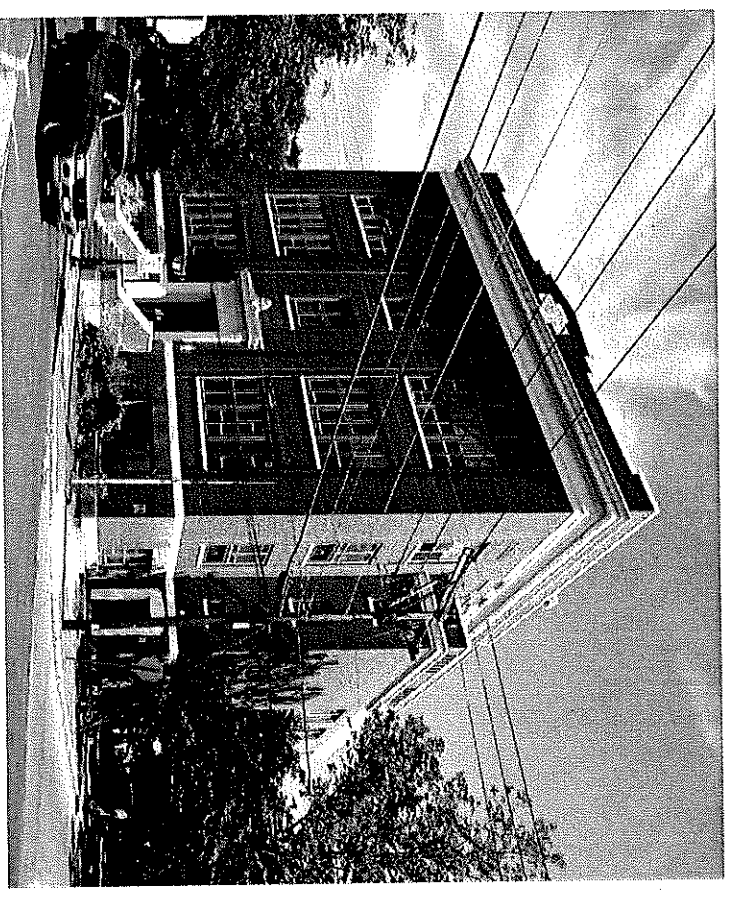
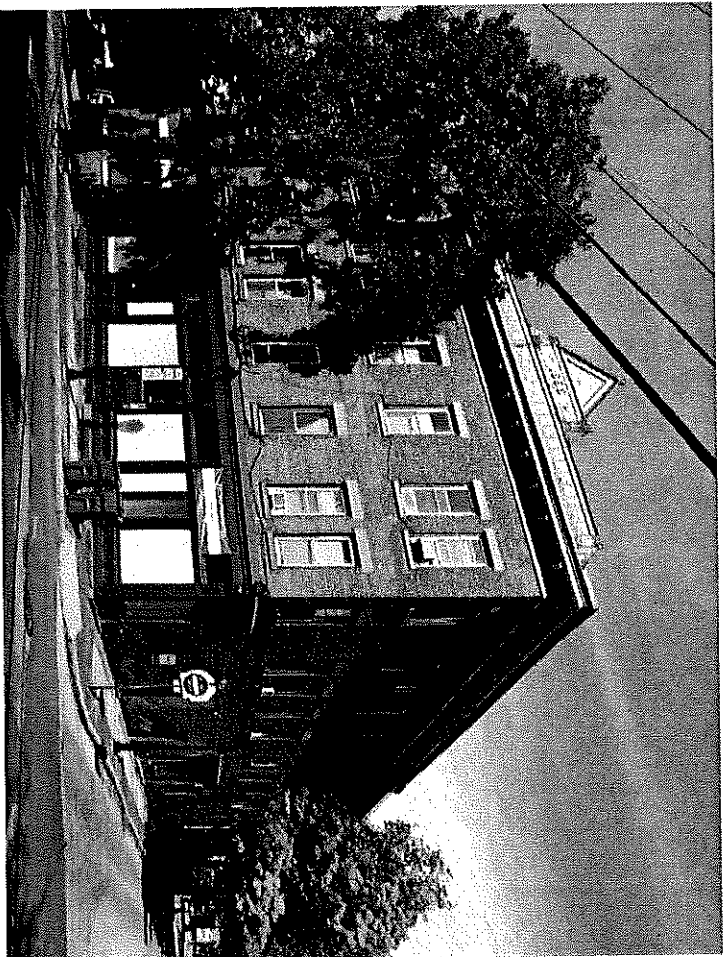
7526-4 HAB5 NO. NY-6030-2

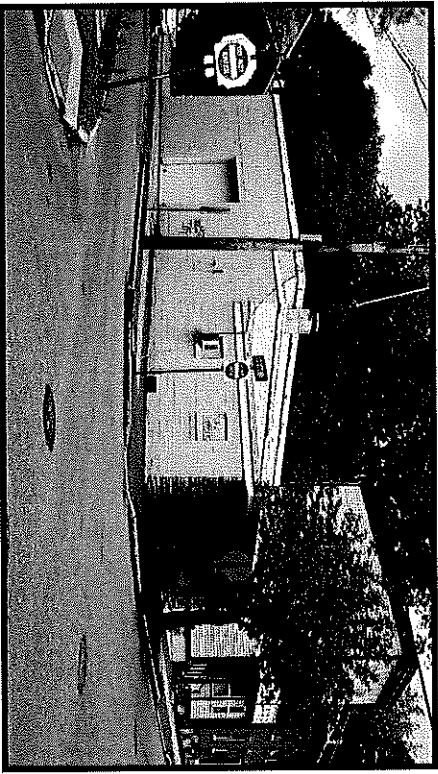
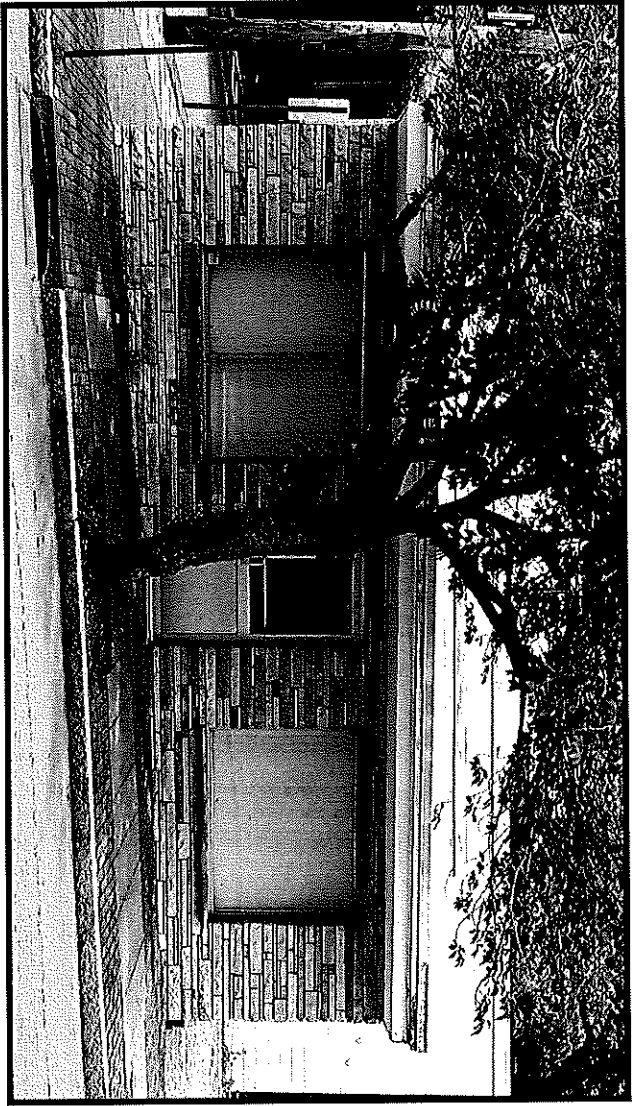


7526-2

HAB5 NO. NY-6030-1

Examples of existing commercial storefronts that could benefit from this text amendment





**O-R-D-I-N-A-N-C-E
(O-X-X)**

**ORDINANCE AMENDING CHAPTER 19, SECTION 19-3.19 OF THE CITY OF
POUGHKEEPSIE CODE OF ORDINANCES ENTITLED "Central Urban Density
Residence District (R-4A)"**

INTRODUCED BY COUNCILMEMBER SALEM:

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: Section 19-3.19 of the Code of Ordinances of the City of Poughkeepsie is hereby amended by the following additions so as to read in pertinent part as follows:

Section 19-3.19 **Central Urban Density Residence District (R-4A).**

[Ord. of 4-1-1991, § 2; Ord. of 11-21-1996, § 9]

(1) *Purpose of district.* The purpose of this district is to provide areas for a broad range of housing types with opportunity for appropriate nonresidential uses at a fairly high density commensurate with the scale and characteristics of the city's older neighborhoods; these are areas with access to major transportation arteries and a range of community services.

(2) *Permitted uses.* No building or premises shall be used, in whole or in part, for any purpose except those listed below:

(a) Uses permitted by right:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Townhouses.
4. Multifamily dwellings.
5. Home occupations, subject to the requirements of Section 19-4.1 of this Chapter or professional offices, subject to the requirements of Section 19-4.2 of this Chapter.
6. Municipal parks and recreational facilities, including refreshments and service buildings accessory thereto and any other governmental uses and structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof.
7. Public, private and parochial schools as regulated in Section 19-3.12(2)(a)4 herein.
8. Cemeteries.
9. Renting of not more than two rooms by the resident family, provided that no sign advertising the availability of such rooms shall be displayed.
10. Student home, subject to the requirements of Section 19-4.22 of this chapter.

11. Standard restaurants and coffee shops, provided such businesses are located in existing buildings and close by 11pm. Drinking establishments not serving food shall not be permitted.

12. Retail stores limited to bookstores, gift shops, florist shops, provided such businesses are located in existing buildings. Bodegas, convenience stores and mini-marts shall not be permitted.

13. Laundromats

14. Artisanal food providers, such as butchers, cheese shops, fish markets, and candy shops

(b) Uses subject to issuance of a special permit by the Planning Board in accordance with the requirements of Section 19-6.2 herein:

1. Places of worship, including parish houses, religious schools, meeting rooms and recreation facilities and customarily accessory thereto, subject to the following requirements:

(i) The site shall have an area of not less than 20,000 square feet.

(ii) Except as set forth hereinafter, no building or part thereof or parking or loading area shall be located nearer than 25 feet to any street line or property line in any R-1 through R-6 District. A parish house, rectory or parsonage shall comply with the requirements for a single-family dwelling. (iii)

Lot coverage shall not exceed 50%.

2. Cluster development, in accordance with the requirements of Section 19-4.16 of this Chapter.

3. Nursery or preschool educational establishments or day-care centers, subject to the requirements of Section 19-3.12(2)(b)3 of this Chapter.

4. Libraries, museums and/or art galleries on lots having an area of not less than 20,000 square feet.

5. Golf, tennis and swimming clubs, subject to the requirements of Section 19-3.12(2)(b)6 of this Chapter.

6. Family day-care homes.

7. Agency group homes, agency community residences or family care homes, subject to the requirements of Section 19-3.12(2)(b)8 of this Chapter.

8. Conversion and remodeling of buildings in existence on the effective date of this Chapter for use by practicing physicians or dentists, either singly or in groups.

9. Membership clubs, catering exclusively to members and their guests, provided that the following are prohibited:

(i) Outdoor entertainment, live or mechanical,

(ii) Use of outdoor public address systems.

(iii) Exterior lighting other than that which is essential for the safety of users of the premises.

(iv) Location of any part of the building nearer than 30 feet to any street or property line in an R-1 through R-6 District.

10. Professional or business offices as part of a multifamily dwelling, subject to the following requirements:

- (i) Office uses shall be limited to the first floor.
- (ii) Office uses shall be primarily to serve residents of the immediate neighborhood.
- (iii) Such office space shall be limited to 800 square feet for each 10 dwelling units or major fraction thereof.
- (iv) Entrances and exits to office shall be separate front the residential portion of the building.

(3) *Accessory uses.* Accessory uses shall be as follows:

- (a) Off-street parking.
- (b) Buildings for housing pets; playhouses.
- (c) Garden houses, greenhouses.
- (d) Signs, subject to the requirements of Section 19-4.9 of this Chapter.
- (e) Swimming pools and/or tennis courts and related recreational facilities, subject to the applicable requirements of Sections 19-4.7 and/or 19-4.8 of this Chapter.
- (f) Keeping of not more than three customary household pets over six months old. The commercial breeding or boarding of pets shall be prohibited.
- (g) Rooftop, courtyard and sidewalk seating areas for standard restaurants and coffee shops.**

(4) *Lot and bulk requirements.* Lot and bulk requirements shall be as follows:

- (a) Minimum required lot area for one- and two-family dwellings and townhouses:
 - 1. One-family dwellings, townhouses: 2,000 square feet per DU.
 - 2. Two-family dwellings: 2,250 square feet.
- (b) Minimum required lot area per dwelling unit for multifamily dwellings shall be as follows, except in buildings with offices on the first floor, no additional lot area shall be required specifically for that use:
 - 1. Efficiency or studio unit: 750 square feet.
 - 2. One-bedroom unit: 900 square feet.
 - 3. Two-bedroom unit: 1,050 square feet.
 - 4. Three-or-more-bedroom unit: 1,200 square feet.
- (c) Minimum required lot area for all uses except one-family and two-family dwellings and townhouses: same as R-3 Districts [Section 19-3.14(4)].
- (d) Minimum required lot width:
 - 1. Townhouse: 18 feet.
 - 2. All other uses: 30 feet.

- (e) Minimum required side yards: six feet.
- (f) Minimum required rear yards: 1/2 the height of the principal structure closest to the rear property line or 15 feet, whichever is greater.
- (g) Minimum distance between principal buildings on one site: 2/3 of the height of the taller principal building or 25 feet, whichever is greater.
- (h) Minimum required front yard: none; provided, however, that in cases where the mean front yard setback of residential properties located on the same street line and wholly or partly located within 100 feet of the subject property exceeds 2 1/2 feet, said mean front yard setback shall be the minimum front yard required for the subject property.
- (i) Maximum height: three stories or 40 feet. Maximum F.A.R.: 1.0.
- (j) Maximum lot coverage: 40%.
- (k) Required open space: same as R-4 [Section 19-3.15(4)(i)].

(5) *Parking and loading.* Off-street parking and loading spaces shall be provided in accordance with Section 19-4.3 herein.

(6) *Landscaping and screening.* Landscaping and screening shall be provided, subject to the requirements of Section 19-4.11 of this Chapter.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____

Submitted to Council: Council Action: Roll call vote taken: Yes _____ No _____ Ayes Nays Abstain Absent Approved by Mayor on _____ Mayor's Signature _____	I hereby certify the foregoing to be a true and correct copy of a Ordinance duly adopted at a regular meeting of the Common Council held _____ _____ City Chamberlain
---	--