

**LOCAL LAW AMENDING CHAPTER 19, SECTION 19-3.23.1 OF THE CITY OF
POUGHKEEPSIE CODE ENTITLED “Main Street Commercial (C-2A)”**

(LL 23-XX)

INTRODUCED BY COUNCILMEMBER CHERRY:

SECTION 1: BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 19-3.23.1 of the Code of the City of Poughkeepsie to read in pertinent part as follows:

~~STRIKETHROUGH INDICATES DELETION~~

BOLD and UNDERLINE INDICATES ADDED LANGUAGE

Section 19-3.23.1 **Main Street Commercial (C-2A).**

[Ord. of 2-21-1989, § 1; Ord. of 5-6-1991, § 3]

(1) Purpose of district. The purpose of this district is to provide for a wide range of commercial uses which would normally be located on roadways that experience high traffic volumes and that are located adjacent to or in close proximity to residential uses.

(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. Retail stores and service businesses.

2. Wholesale businesses, warehouses and building material sales, provided that all storage is fully enclosed by a permanent structure, but excluding storage of coal, coke, fuel oil or junk.

3. Building, plumbing and electrical contractors.

4. Cold storage plant, beverage distributor, baking and other food processing plant that is not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluent.

5. Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities, subject to the following requirements:

(i) Sale of used vehicles or boats shall be conducted only as accessory to the sale of new vehicles or boats.

(ii) Outdoor area lighting shall be that generally required for security purposes.

(iii) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), shall not be located closer than 10 feet to any property line and shall be so laid out as to avoid the necessity of any vehicle backing out into any public right-of-way.

(iv) Vehicle lifts or pits, dismantled vehicles and all parts and supplies shall be located within a building enclosed on all sides.

(v) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(vi) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any lot line.

(vii) No commercial sale of gasoline shall be permitted, nor shall any pump be located in a front or side yard.

6. Standard restaurants.

7. Dry-cleaning establishments.

8. Funeral parlors.

9. Retail sale and accessory storage and display of garden materials, supplies and plants, including nursery operations, provided that the outdoor storage or display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within three feet of a property line.

10. Municipal parks and recreational facilities, including refreshment 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:

11. Public utility installations.

12. Places of worship.

13. Printing plants.

14. Taxi station.

15. Auto rental.

16. Radio, television and recording studio.

17. Arts and crafts studios or studios for teaching the performing arts.

18. Buildings with mixed uses, subject to the following requirements:

(i) All lot and bulk requirements for each use are satisfied.

(ii) Separate entrances and exits shall be provided for residential and nonresidential portions of the building.

(b) Uses, subject to issuance of special permit by the Planning Board in accordance with Section 19-6.2 of this Chapter.

1. Research and development uses, provided that any manufacturing shall be limited to prototypes and products for testing.

2. Institutions for higher learning, business, vocational and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty and cosmetology schools, commercial or noncommercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics and music, schools for fashion design; under the following conditions:

(i) The curriculum shall satisfy the requirements of the New York State Department of Education.

(ii) No accommodations for resident students shall be permitted.

(iii) No music or noise shall be audible in any R-1 through R-6 District.

3. Motor vehicle service stations or gasoline pumps as part of another use, provided that:

(i) No traffic hazard affecting the public safety will be present.

(ii) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.

(iii) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.

(iv) No such establishment shall be within a distance of 30 feet of any R-1 through R-6, O-R or PRD District or a property on or eligible for a federal, state or local historic register.

(v) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), nor more than 24 feet (two-ways); shall not be located nearer than 10 feet to any lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.

(vi) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.

(vii) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. The requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(viii) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any other lot line and the top of the tank shall be not less than two feet below the surface of the ground.

(ix) Gasoline pumps or lubricating or other devices shall be located not nearer than 20 feet from any street or other lot line.

4. Membership clubs catering exclusively to members and their guests and private playgrounds, swimming pools, tennis courts and recreational buildings, except the following are prohibited:

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

(ii) Location of any part of the building nearer than 30 feet to any street or property line unless the property adjoins a nonresidential district in which case the yard requirements of that district shall apply.

5. Fast-food restaurants, provided that eating on the premises of the fast-food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure, and provided that the premises is not adjacent to or abutting a property on or eligible for a federal, state or local historic register.

6. Off-street parking, as the principal use of a lot, subject to the following requirements:

(i) The parking facility shall be designed and maintained in accordance with provisions of Section 19-4.3 of this Chapter entitled "Off-street parking and loading."

(ii) Said facility shall be utilized solely for parking registered and operable motor vehicles.

(iii) The lot and bulk requirements of this section do not pertain to any paved or resurfaced parking area; however, if a building or structure is proposed to be erected on the lot, said structure must conform to the lot and bulk requirements herein.

7. Mini-marts, subject to the following requirements:

- (i) Mini-marts shall not exceed 400 square feet in improved interior floor area, including but not limited to areas devoted to sales, coolers, storage of goods sold in the mini-mart, office space and any other facilities related to the operation of the mini-mart.
- (ii) Drive-up windows shall not be permitted.
- (iii) Arcade, game machines or any other coin-operated electronic games are prohibited.
- (iv) At least two trash receptacles shall be located next to the walkway for customer use.
- (v) An enclosed dumpster area shall be provided.
- (vi) Special consideration will be given to the impact of noise, litter, lighting and traffic on adjacent properties.
- (vii) Off-street parking shall be provided at a rate of one space for each 300 square feet of gross floor area. Said parking spaces shall be in addition to those required for the service station.
- (viii) The sale of alcoholic beverages is prohibited.
- (ix) The physical boundaries of the mini-mart must be clearly delineated on the site plan.

8. Multiple dwellings in new structures at urban density (R-6), provided that the first floor is devoted to commercial use; and further provided that the usable open space requirements of Section 19-3.15(4)(i) are satisfied.

9. As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, conversion of existing buildings that do not meet minimum lot size requirements to residential use or additional residential units, provided that:

- (i) A building is in existence on the effective date of this Chapter.**
- (ii) All Main Street-facing ground floor uses shall be limited to nonresidential uses.**
- (iii) No dwelling unit shall contain more than two bedrooms.**
- (iv) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.**
- (v) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.**
- (vi) The minimum floor area of a two-bedroom dwelling unit shall be 750 square feet.**
- (vii) Off-street parking space shall be provided in accordance with the requirements of Section 19-4.3 of this chapter, and such space shall be located within 600 feet of the premises.**

(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 requirement of Section 19-4.9 of this Chapter.
- (e)** Swimming pool and/or tennis court and related recreational facilities, subject to the requirements of Sections 19-4.7 and/or 19-4.9 of this chapter.
- (f)** Fully enclosed storage.
- (g)** Cafeteria and recreational facility for employees or clientele.

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

- (a) Minimum lot area required: none.
- (b) Minimum required frontage: 40 feet.
- (c) Minimum required yards:

- 1. Front: 10 feet.
- 2. Side: 10 feet.
- 3. Rear: 20 feet.

Except as otherwise specified, where a use in a C-2A District is within 50 feet of an R-1 through R-6 District or property on or eligible for a federal, state or local historic register, a landscaped buffer of at least 20 feet shall be provided along the property line.

- (d) Maximum FAR: 2.0.
- (e) Maximum lot coverage: 60%.

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

(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 Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER _____