

City of Poughkeepsie, NY
Monday, January 8, 2024

Chapter 19. Zoning and Land Use Regulations

Article III. District Regulations and Map

Section 19-3.24. General Commercial District (C-3).

[Ord. of 5-6-1991, § 4; Ord. of 12-19-1994, § 1; Ord. of 12-19-1995, § 1; Ord. No. O-06-12, § 1]

- (1) *Purpose of district.* The purpose of this district is to provide for a wide range of commercial and limited industrial uses along major arterials; to accommodate uses that benefit from large numbers of motorists and that need fairly large parcels of land. Residential development is excluded from this district except as a means of preserving existing sound buildings.
- (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 storage and sale, 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. Automobile repair (heavy and light) and motor vehicle service stations and gasoline pumps as part of another use, except that such use shall not be located nearer than 30 feet to any R-1 through R-6 or O-R or PRD District.
 6. Auto washes.
 7. Standard restaurants.
 8. Animal hospitals and boarding and/or breeding of animals, provided that no outdoor runs shall be permitted within 100 feet of an R-1 through R-6 Residential District.
 9. Dry-cleaning establishments.
 10. Funeral parlors.

11. 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.
 12. Hotels, motels and conference facilities.
 13. 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.
 14. Public utility installations.
 15. Places of worship.
 16. Printing plants.
 17. Discotheques or nightclubs, except an adult cabaret as defined herein shall require a special permit in accordance with Section **19-3.24(2)(b)3** of this chapter.
 18. Commercial recreation, such as but not limited to tennis clubs, skating rinks, dance halls, billiard parlors, bowling alleys, health clubs and uses normally accessory thereto (lockers, restaurant, retail sale of goods associated with the particular activity).
 19. Private transportation service, including garage and maintenance facilities.
 20. Taxi station.
 21. Auto rental.
 22. Radio, television and recording studio.
 23. Arts and crafts studios or studios for teaching the performing arts.
 24. 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 a 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. Adult motion picture theaters, adult minimotion picture theaters, adult cabarets and adult book stores, provided that:
 - (i) None of the above uses may be located within 500 feet of any point of a lot within an R-1 through R-6, O-R or PRD District.
 - (ii) None of the above uses may be located within 500 feet of any point of any lot with another such use, except that such restrictions may be waived by the City Council if it is found:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed;
 - b. That the proposed use will not enlarge or encourage the development of a skid row area; and
 - c. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.
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.
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. Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales and, if desired, accessory repair facilities. All of the above is subject to the following requirements:
 - (i) The sale of used motor vehicles or boats shall be permitted as long as 75% of the stock is a model that is only five years old or less.
 - (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 services 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 above the ground and not nearer than 10 feet to any other lot.

- (vii) No commercial sale of gasoline shall be permitted, nor shall any pump be located in a front or side yard.
 - (viii) The body of each vehicle or boat on the premises must be substantially rust-free and must have no damages in excess of \$500.
 - (ix) There shall be permitted no more than one freestanding sign and one wall sign. The freestanding sign shall be a maximum height of 15 feet and a maximum area (square feet) of 24 feet. Such freestanding signs are limited to a pole-type sign with no guy wire. All freestanding signs shall be located within and not overhang the property line. The location and design of such signs shall be chosen so as not to present a hazard to pedestrian or vehicular traffic. Wall signs shall adhere to the requirements outlined under Section **19-4.9(11)** of this chapter.
 - (x) All lot and bulk requirements must be adhered to as outlined under Section **19-3.24(4)** of this chapter.
9. As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population and additional housing resources in the central business area, conversion of existing buildings that do not meet minimum lot size requirement to residential use or additional residential units including work/live lofts, provided that:
- (i) A building is in existence on the effective date of this chapter.
 - (ii) No dwelling unit shall contain more than two bedrooms.
 - (iii) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.
 - (iv) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.
 - (v) The minimum floor area of a two-bedroom dwelling unit shall be 750 square feet.
 - (vi) The minimum floor area for a work/live loft shall be 800 square feet; and no such loft shall be used as a retail shop, gallery or any other use which relies on regular customer or client visitation as a normal part of its operation. No such loft shall serve as a place from which, commercial vehicles are dispatched or operated.
 - (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 requirements 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 **19-4.8** of this chapter.

- (f) Fully enclosed storage; open storage may be permitted, subject to the requirements of Section **19-4.10** of this chapter.
 - (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-3 District is within 50 feet of any R-1 through R-6 District, 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.