

Pleasantville Board of Trustees Meeting

Monday, May 19, 2008 provided by Ben Serebin

Check out my blog: <http://pleasantvillenyny.blogspot.com> for the latest info.

<http://www.portjeff.com/code.html> (then select Inc. Village of Port Jefferson, NY (on LI) Code)

§ 250-18. Central Commercial C-1 District. Editor's Note: See also the Bulk and Parking Regulations located at the end of this chapter.

H. **Formula** fast food establishments are prohibited in the Central Commercial C-1 District. [Added 6-26-2000 by L.L. No. 10-2000]

§ 250-19. General Commercial C-2 District. Editor's Note: See also the Bulk and Parking Regulations located at the end of this chapter.

In a General Commercial C-2 District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except those listed below, and all such uses shall be subject to site plan approval in accordance with § 250-52 hereof.

A. Permitted uses.

- (1) All uses permitted in Central Commercial C-1 District, § 250-18A.
- (2) All uses permitted conditionally in Central Commercial C-1 District, § 250-18B, except § 250-18B(8) and (9), which remain a conditional use in this district in accordance with the provisions of §§ 250-51 and 250-52. [Amended 3-10-1971; 4-4-1979 by L.L. No. 5-1979; 6-26-1992 by L.L. No. 5-1992]
- (3) Service industry establishments, such as but not limited to plumbers, electricians and building contractors.

B. Prohibited uses.

- (1) The overnight Boarding of animals.
- (2) **Formula** fast food establishments are prohibited in the General Commercial C-2 District. [Added 6-26-2000 by L.L. No. 10-2000]

Here is the exact code from the Village of Port Jefferson, Chapter 250: Zoning, § 250-9.

FORMULA FAST FOOD ESTABLISHMENT [Added 6-26-2000 by L.L. No. 10-2000]

A.

An establishment required by contractual or other arrangements to offer some or all of the following:

- (1) Standardized menus, ingredients, food preparation, decor, external facade and/or uniforms.
- (2) Prepared food in a ready-to-consume state.
- (3) Sold over the counter in disposable containers and wrappers.
- (4) Selected from a limited menu.
- (5) For immediate consumption on or off the premises.
- (6) Where the customer pays before eating.

B.

This definition does not include eating and drinking or retail food establishments.

RESTAURANT — A use in a building having as its main purpose the preparation and serving of food and beverages for consumption on the premises within furnished dining areas and/or in a permitted area outside the building, where orders are taken and filled by wait staff and can include as a possible accessory the serving of alcoholic beverages with meals. A restaurant shall not be construed to include any form of formula fast-food establishment or any form of bar, tavern, nightclub or similar entertainment establishment. [Added 4-23-2007 by L.L. No. 1-2007]

RETAIL FOOD ESTABLISHMENT — A use wherein food and/or beverages are prepared, served and sold over a counter for immediate consumption primarily off premises, and which may have a customer sitting area, including, but not limited to, delicatessens, pizza parlors, ice cream parlors, bakeries, tea/coffee houses and specialty gourmet shops. [Added 8-16-1993 by L.L. No. 2-1993; amended 3-25-1996 by L.L. No. 4-1996; 4-23-2007 by L.L. No. 1-2007]

§ 250-18. Central Commercial C-1 District. Editor's Note: See also the Bulk and Parking Regulations located at the end of this chapter.

In a Central Commercial C-1 District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except as listed below, and all such uses will be subject to site plan approval in accordance with § 250-52 hereof.

A.

Permitted uses. [Amended 3-10-1971]

(1)

Banks, retail stores and accessory services, provided that the space so used is fully concealed and equal in area to no more than 30% of the square footage devoted to retail sales.

(2)

Personal service stores, such as but not limited to barbershops, beauty parlors and tailors. Personal service stores shall not be deemed to include tattoo parlors and massage parlors or enterprises similar thereto. [Amended 9-22-1976 by L.L. No. 8-1976]

(3)

Business, professional and governmental offices and governmental functions and municipal purposes of a municipal corporation.

(4)

Churches and other religious institutions.

(5)

Off-street parking lots and parking garages. Such garages and parking lots, unless accessory to and on the same lot with a use otherwise permitted, shall be limited to use by passenger automobiles or commercial vehicles of not more than one-half-ton capacity.

(6)

Dry-cleaning establishments not exceeding 3,500 square feet gross. Editor's Note: Former Subsection A(7), delicatessens, bakeries and grocery stores, added 5-5-1982 by L.L. No. 2-1982, which immediately followed this subsection, was repealed 8-16-1993 by L.L. No. 2-1993.

B.

Conditional uses. The following conditional uses may be permitted upon approval by the Planning Board in accordance with § 250-51 hereof and upon site plan approval by the Planning Board in accordance with § 250-52 hereof: [Added 3-10-1971; amended 2-27-1980 by L.L. No. 2-1980; 9-26-1984 by L.L. No. 6-1984]

(1)

Theaters.

(2)

Franchised automotive and boat dealers, including the sale and servicing of new and used cars and boats, parts or supplies, accessory open-lot sales and the storage thereof.

(3)

Laundromats and self-service dry cleaning.

(4)

Hotels and motels.

(5)

Utility structures.

(6)

Newspaper printing, including incidental job printing.

(7)

Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

(a)

The space so used is fully concealed and equal in area to no more than 30% of the square footage devoted to retail sales.

(b)

Not more than two employees are engaged in such production or processing.

(8)

Restaurants. [Amended 8-16-1993 by L.L. No. 2-1993; 4-23-2007 by L.L. No. 1-2007]

(a)

No restaurant shall be permitted within 200 feet of any residential district, including the R-O District, measured from the property line of the involved parcel to the zoning district boundary line. All restaurants existing as of September 30, 1984, shall be considered conforming uses.

(b)

No restaurant shall occupy an interior space of less than 1,200 square feet.

(c)

Seating shall be based on existent fire and health codes and established parking limitations.

(d)

Refer to parking regulations based on square footage.

(9)

Retail food establishments, provided that: [Added 8-16-1993 by L.L. No. 2-1993; Editor's Note: This local law also renumbered former Subsection B(9) as B(10). amended 2-26-1996 by L.L. No. 2-1996; 7-26-1999 by L.L. No. 3-1999; 6-26-2000 by L.L. No. 10-2000; 4-23-2007 by L.L. No. 1-2007]

(a)

No retail food establishment is located within 200 feet of any residential district measured from the property line of the involved parcel to the zoning district boundary line.

(b)

No retail food establishment conducts its business outside of a building or at a walkup or drive-up window or door.

(c)

No retail food establishment occupies an interior space of less than 800 square feet.

(d)

Seating shall be based on existent fire and health codes.

(e)

All retail food establishments existing as of the date of enactment of this amendment shall be considered conforming uses. Should any particular retail food establishment use not open for business for a period of six months or more for any reason, its re-establishment shall require a reapplication in accordance with the requirements set forth herein.

(f)

Any presently existing retail food establishment which does not conform to the requirements of this Code may continue to operate notwithstanding the requirements of this Code; however, upon any change in the character of the existing retail food establishment, other than ownership, all requirements of this Code must be met by the establishment. The "character" of the establishment shall be deemed to include but not be limited to change in size of store area and type of product sold, e.g., change from the sale of donuts to pizza.

(g)

No retail food establishment may sell alcoholic beverages for consumption on premises or permit consumption of alcoholic beverages on premises.