

OCT 22 2014

9

**A RESOLUTION INTRODUCING PROPOSED AMENDMENTS TO THE CITY'S ZONING ORDINANCE AND REFERRING THE SAME TO VARIOUS BOARDS AND SETTING A DATE FOR A PUBLIC HEARING**

**UR-PUD –S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone**

**WHEREAS**, a “Mount Vernon East Third Street – South Fourth Avenue Blight Determination Study” prepared by Ferrandino & Associates Inc., Planning and Development Consultants (“Ferrandino & Associates”), was adopted by the City Council on October 24, 2012 (“Blight Determination Study”); and

**WHEREAS**, the Blight Determination Study encompassed an area bounded on the north by East Third Street, on the south by East Fourth Street, on the east by South Third Avenue, and on the west by South Fifth Avenue and several parcels between South Fifth and South Sixth Avenues with frontage on East Third Street (“Blighted Area”); and

**WHEREAS**, in accordance with the requirements set forth in Article 15 of the General Municipal Law of the State of New York a “South Fourth Avenue – East Third Street Urban Renewal Plan” was prepared for the Mount Vernon Urban Renewal Agency (“Urban Renewal Agency”) by Ferrandino & Associates, based, in part, on the findings of the Blight Determination Study, to promote and regulate development in the Blighted Area (“Urban Renewal Plan”); and

**WHEREAS**, the Urban Renewal Agency is proposing the adoption of the Urban Renewal Plan and the enactment of the rezoning legislation detailed in that Plan to implement a master plan mixed use in-fill redevelopment of the Blighted Area (“Proposed Action”); and

**WHEREAS**, the Urban Renewal Plan proposes mixed income ownership and rental housing with ground floor retail/commercial space and associated off-street parking and anticipates that several existing residential properties will be preserved and rehabilitated; and

**WHEREAS**, this Urban Renewal Plan has been designed to implement the City’s planning and economic goals of increasing the commercial amenities and offerings for residents and stakeholders, as well as increasing the number of employment opportunities for residents and stabilizing the City’s tax base; and

**WHEREAS**, a proposal has been submitted to the City Council to consider an amendment to the City Zoning Ordinance by adopting a new UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone (“the Amendment”); and

**WHEREAS**, a Full Environmental Assessment Form (“EAF”) has been prepared to assess the potential impacts of the Proposed Action under the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, the Urban Renewal Agency has determined that the Proposed Action is subject to SEQRA, that it does not involve any federal agency, and that it will involve other agencies; and

**WHEREAS**, the Urban Renewal Agency preliminarily classified the Proposed Action as a Type I Action under SEQRA; and

**WHEREAS**, pursuant to Resolution 2013-19, the Urban Renewal Agency circulated a Notice of Intent to be Lead Agency (“Notice of Intent”) dated September 19, 2013 providing for the Urban Renewal Agency to serve as Lead Agency under SEQRA for the environmental review of the Proposed Action; and

9

**WHEREAS**, by Resolution 2013-22 adopted on October 30, 2013, the Urban Renewal Agency declared itself to be the Lead Agency for the Proposed Action for purposes of environmental review under SEQRA, determined that the Proposed Action is a Type I Action under SEQRA and adopted a Positive Declaration of environmental significance; and

**WHEREAS**, after conducting a public scoping process, the Urban Renewal Agency adopted Resolution 2014-1 on January 3, 2014 adopting a Final Scope for the preparation of a Draft Generic Environmental Impact Statement For the Proposed Action; and

**WHEREAS**, On May 12, 2014, the Urban Renewal Agency received a Draft Generic Environmental Impact Statement ("DGEIS") dated May, 2014 prepared by Ferrandino & Associates on behalf of the Urban Renewal Agency for the Proposed Action; and

**WHEREAS**, the Urban Renewal Agency subsequently received from Ferrandino & Associates a memorandum dated May 19, 2014 attaching an updated copy of Section 4.3 of the DGEIS incorporating a response from the New York State Office of Parks, Recreation and Historic Preservation with regard to the impact or effect of the Proposed Action on the archaeological and historic resources within and immediately surrounding the Urban Renewal Area, and

**WHEREAS**, prior to the submission of the DGEIS to the Urban Renewal Agency, the DGEIS had been revised to incorporate and respond to comments received from Urban Renewal Agency and City of Mount Vernon staff (together "City Staff"), SEQRA counsel and other counsel to the Urban Renewal Agency; and

**WHEREAS**, the Urban Renewal Agency reviewed the DGEIS and considered the comments from City Staff, SEQRA Counsel, counsel and consultants and other advice, information and impressions available to them; and

**WHEREAS**, on May 30, 2014 the Urban Renewal Agency acting as Lead Agency for the Proposed Action determined that the DGEIS was adequate with respect to its scope and content for purposes of commencing the public review under SEQRA in accordance with NYS Department of Environmental Conservation Rule 617.9 (6 NYCRR Section 617.9) and set a Public Hearing on the DGEIS to be held on June 26, 2014 at 6:00 p.m. in the City Council Chambers, 2<sup>nd</sup> Floor, City Hall, One Roosevelt Square, Mount Vernon, New York, and at such times and dates thereafter to which the hearing may be adjourned; and

**WHEREAS**, on June 26, 2014 the Urban Renewal Agency held a Public Hearing on the DGEIS at which all those present were given an opportunity to be heard and on that date the Public Hearing was closed and written public comments on the DGEIS were accepted until July 11, 2014; and

**WHEREAS**, by Resolution 2014-025 dated July 17, 2014, the Urban Renewal Agency extended the period for written public comments from July 11, 2014 to August 8, 2014; and

**WHEREAS**, on September 8, 2014, the Urban Renewal Agency received a proposed Final Generic Environmental Impact Statement ("FGEIS") dated September 2014 ("Draft September 2014 FGEIS") prepared by Ferrandino & Associates on behalf of the Urban Renewal Agency for the Proposed Action; and

**WHEREAS**, on September 16, 2014 the Urban Renewal Agency accepted the FGEIS and directed City Staff and/or consultants and counsel to prepare, file and publish a Notice of Completion of FGEIS, to post the FGEIS on a publicly accessible website and to distribute copies of the FGEIS in accordance with Rule 617.9 and Rule 617.12 (6 NYCRR 617.9 and 617.12 of the SEQRA Regulations; and

OCT 22 2014  
9

9

SCHEDULE A

PROPOSED CHANGES TO THE CITY'S ZONING ORDINANCE

“ The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

APR 22 2014  
9

Section 1. Subsection (C) of Section 267-5. Special Zoning Districts, of Chapter 267 Zoning of the Code of the City of Mount Vernon is hereby amended as follows:

C. Special Zoning Districts.

- R1-TH One-Family Townhouse Residence
- RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone
- UR-PUD Urban Renewal Planned Development
- PUD-2 Planned Unit Development
- UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone

Section 2. Section 267-15. Purposes of Chapter 267 Zoning of the Code of the City of Mount Vernon is hereby amended by adding a new subsection C (5) to read as follows:

C. Special Zoning Districts

(5) For the UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone, to preserve the special character of architecturally and culturally significant structures while fostering the development of high-rise mixed use structures within the South Fourth Avenue-East Third Street Urban Renewal Area.

Section 3. Section 267-21. List of Special Zoning District Uses of Chapter 267 Zoning of the Code of the City of Mount Vernon is hereby amended by adding a new subsection E to read as follows:

E. District UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone as regulated by § 267-26.

(1) Permitted principal uses.

- (a) Multifamily dwellings
- (b) Community purpose buildings
- (c) Business, professional or governmental offices
- (d) Business incubator space
- (e) Stores and shops exclusively for sales at retail for the performance of customary personal services
- (f) Museums and/or art galleries
- (g) Theaters and/or concert halls
- (h) Office space for physicians, surgeons and dentists
- (i) Retail laundries or retail dry cleaners

(j) Bakeries, retail

(k) Restaurants

(l) Restaurants, carry-out

(m) Restaurants, fast-food (excluding drive-up window service)

(n) Day-care centers

(o) Nursery Schools

(p) Banks

(q) Public Schools

(r) Health and fitness centers, including ancillary services such as wellness, physical rehabilitation facilities and prevention health education activities

(s) Municipal uses of the City of Mount Vernon and uses of other governmental agencies as regulated by § 267-30

(2) Permitted Accessory Uses

(a) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located

(b) Office in residence of a professional person and customary home occupations as regulated by § 267-19A.

(3) Uses Allowed By Special Permit

(a) Churches, mosques, synagogues or other places of worship

(b) Universities, colleges and private schools

(c) Business and/or trade schools

(d) Bars, night clubs and catering halls

(e) Bowling alleys and billiard halls

(f) Funeral parlors

(g) Medical and/or dental laboratories

(h) Hotels or motels

(i) Manufacture and/or assembly of products for retail sale on premises only”

Section 4. Chapter 267 Zoning of the Code of the City of Mount Vernon is hereby amended by adding a new Section 267-26 to read as follows:

Section 267-26. UR-PUD-S4 South Fourth Avenue – East Third Street Urban Renewal Planned Unit Development Overlay Zone; UR-PUD-S4-TP Townhouse Preservation Sub-District.

OCT 22 2014  
9

A. Purpose. The purpose of this Overlay Zone is to preserve the special character of architecturally and culturally significant structures while fostering the development of high-rise mixed use structures within the South Fourth Avenue-East Third Street Urban Renewal Area. South Fourth Avenue is a unique shopping street within the City's downtown; accordingly the enhancement, growth and expansion of this shopping street is essential to the future growth and stability of the area.

To further this objective, a sub-district shall be established herein to preserve the architecturally and culturally significant "brownstone" style urban flats that fall within the South Fourth Avenue-East Third Street Urban Renewal Area. The intent is to foster this type of unique urban housing along the streets that are directly adjacent to the high-rise mixed use structures. Although the UR-PUD-S4 Overlay Zone is to be developed in a coordinated and unified fashion, the sub-district has a tailored purpose and site development standards reflective of its location, function and desired appearance.

B. Eligibility. The UR-PUD-S4 Overlay Zone shall apply only to those parcels located in the area officially designated as the South Fourth Avenue-East Third Street Urban Renewal Area, deemed appropriate for urban renewal by the City Council of the City of Mount Vernon and rezoned, reclassified and re-designated by the City Council to the UR-PUD-S4 Overlay Zone

C. Boundary. The boundaries of the UR-PUD-S4 Overlay Zone shall be fixed by amendment to the official City Zoning Map as authorized by the City Council. A metes and bounds perimeter description of the overlay zone, including Section, Block and Lot of all parcels, within such Overlay Zone, shall be kept on file in the Office of the City Clerk.

D. Applicability. In accordance with Section 267-53 of the Zoning Code, the City Council may from time to time, on its own motion or on petition by applicants and after public notice and hearing as required by law, act to amend, supplement, repeal or change the existing regulations and provisions and rezone property to the UR-PUD-S4 S Overlay Zone established under this Chapter.

E. Use Requirements. Permitted principal, accessory and special permit uses as set forth in Section 267-21 E of the Zoning Code.

F. Standards. The following standards are hereby established as the minimum or maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate by the City Council, based upon consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in § 267-15(C)(5) hereof.

(1) Requirements.

(a) Building Height.

(1.) A maximum of 120 feet in height from the finished grade and not more than 11 stories.

(2) The number of floors shall include all floors located above the finished grade. Portions of the building, such as basements or podiums that are substantially or partly submerged, shall not be counted as a floor as long as they do not extend more than five feet above grade. Floors that extend more than five feet above grade shall be counted as a floor.

(b) Building Coverage. The maximum lot coverage per individual lot or lots comprising the development site shall be 80% for buildings.

OCT 22 2014

9

(c) Impervious Coverage. The maximum lot coverage per individual lot or lots comprising the development site shall be 100% for all impervious surfaces.

(d) Lot Area. The minimum lot area shall not be less than 5,000 square feet.

(e) Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be 300 square feet.

(f) Lot Width and Frontage. The minimum lot width and frontage shall be 50 feet.

(g) Front Yard Setback. At least 70% of the aggregate length of the street wall along a commercial corridor shall be located at the property line. The front yard setback along a non-commercial corridor shall not be less than the average front yard setback for the existing building on the same side of the street.

(h) Secondary Front Yard Setback. The maximum secondary front yard setback along a commercial corridor shall not exceed the property line. The minimum secondary front yard setback on a non-commercial corridor shall not be less than the average front yard setback for the existing buildings on the same side of the street.

(i) Side Yard Setback. The minimum side yard setback for properties fronting on a non-commercial corridor shall not be less than the average side yard setback for the existing buildings on the same side of the street.

(j) Rear Yard Setback. The minimum rear yard setback for structures shall be 20 feet.

(k) Primary Front Yard.

(1) Primary Front Yard on corner lots. The owner of lots having frontages on intersecting streets, ingress and egress shall be along East Third Street or South Fourth Avenue to accommodate public access.

(2) Primary Front Yard on through lots. The owner of lots having frontages on more than one street, ingress and egress shall be along South Fourth Avenue.

#### G. Building Entrances.

(1) The building(s) shall have at least one primary entrance facing a street; secondary entrances shall be directly accessible by a sidewalk or plaza.

(2) Main building entrances shall be open directly to the outside.

(3) Every building shall have at least one entrance that does not require passage through a parking lot or garage to gain access.

(4) Entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail or ground floor uses.

#### H. Buffers.

(1) Any application to construct or alter a structure in this Urban Renewal Area shall include provisions for a buffer screening area along any lot line abutting a privately-owned lot in a residence district. The Planning Board may allow for the construction of a wall, fencing, landscaping and/or any

9

other item that in its judgment will appropriately screen the activity involved or structure(s) involved from the neighboring residential property. Where such buffer screening is required, it shall be of a design, materials, location, type, height, spacing and arrangement to the satisfaction of the Planning Board. These requirements may be waived by the Planning Board in situations where the Planning Board determines that adjoining land uses, abutting street(s), topographic features or existing vegetation satisfy the same purpose. The plan and specifications for such buffer screening shall be filed with the plans for the use of the lot. All required landscaping shall be properly trimmed and maintained in healthy growing condition at all times.

OCT 22 2014

9

I. Density Bonus. Upon approval by the City Council during its review of a preliminary development concept plan, an applicant may be granted a density bonus by providing physical, social or cultural community benefits or amenities such as, but not limited to, plazas, parks and displays of public art. In such instances where the City Council finds the proposed benefits or amenities to be acceptable, the applicant shall be afforded a bonus not to exceed three (3) additional stories of building height.

J. Merging tax lots. A property owner who owns two or more contiguous parcels of land and seeks the use of the UR-PUD-S4 Overlay Zone designation shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor.

#### K. Off Street Parking Space Requirements

(1) The total parking requirement shall be the sum of all individual requirements for uses. A joint use parking agreement, if executed according to the standards set forth below, would allow a reduction in the total requirement for a building or project.

#### (2) Number of Required Parking Spaces

(a) The minimum number of parking spaces required for multi-family dwelling units shall be 1.0 per dwelling unit, except that for senior dwelling units 0.25 per dwelling unit.

(b) The minimum number of parking spaces required for office and commercial/retail space shall be: 1 per every 1,000 square feet of office and commercial/retail space.

(c) The minimum number of required parking spaces for all other permitted principal uses and uses allowed by special permit are as provided in the zoning code; except, where not so provided, the parking requirement shall be determined by the City Council, upon the recommendation of the Commissioner of Planning and Community Development, as part of its review of a preliminary development concept plan.

(d) For mixed-use developments, approval by the City Council of shared parking facilities may effectively reduce the total number of required parking spaces by up to a maximum of 25% or to a rate of 0.75 spaces per multi-family residential dwelling units, whichever is less.

(d) Municipal parking spaces displaced by a UR-PUD-S4 development shall be replaced at a ratio of 1:1 and shall be provided as public parking spaces in a location to be determined by the City Council as part of its review of a preliminary development concept plan.

#### (3) Location of Required Parking Spaces

(a) The City Council may allow all or part of the required parking to be located: (i) on site; (ii) in a municipal garage or lot within 500 feet of

the dwelling units or other permitted uses for which the parking spaces are required, as measured from the edge of the site to the closest edge of the municipal garage or lot; or (iii) a combination of both (i) and (ii), the amount of parking spaces provided in each category to be determined by the City Council as part of its preliminary development concept plan review.

OCT 22 2014

9

(b) Where the City Council approves the location of such parking spaces on a lot different from the lot occupied by the structure or use served, the City Council shall require a legal instrument, in form and filing, satisfactory to the Corporation Counsel assuring the continued use of said parking spaces in connection with the uses or structures served.

L. Shared use parking facilities serving mixed-use developments are encouraged.

(1) Applicants may proposed less than the total required number of parking spaces for all uses if the spaces are provided as part of a shared use parking facility. Shared use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. A request for shared use of required parking spaces must be submitted in writing to the City Council as part of its preliminary development concept plan review:

(a) The names and addresses of the uses and of the owners or tenants who are sharing the parking;

(b) The location and number of parking spaces that are being shared;

(c) An analysis, prepared by a qualified planning or engineering professional, showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and

(d) A legal instrument such as an easement or deed restriction that guarantees access to the shared parking for all uses.

M. Usable Open Space. Except as provided herein, all structures shall be developed so that at least 10% of the total area of the development remains permanently as usable open space.

(1) For purposes of this section, usable open space is defined as an area that:

(a) Is not encumbered with any substantial structure;

(b) Is not devoted to use as a roadway, parking area, sidewalk or above-ground stormwater retention/detention area;

(c) Is either:

(i) Properly planted or landscaped, or

(ii) Enhances the pedestrian environment

(d) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;

(e) Is legally and practicably accessible to the residents of the development from which the required open space is taken, or to the public.



OCT 22 2014

9

- (2) These areas may include, but are not limited to, active and passive recreation areas, tot lots and community gardens on individual plots, green roofs, and landscaped courtyards that may include water features, benches or low walls with seating areas, free-standing planters, public art or other pedestrian space or design features integrated into the overall design of the development. Such areas shall be shown on the site plan.
- (3) Structures on less than 10,000 square feet are not subject to open space requirements unless the project is part of or subsequently becomes a part of a series of projects or phases of a larger development, in which case the original project shall be joined with all subsequent projects or phases in order to determine the required open space for the whole.

N. Design Standards. Development within the UR-PUD-S4 Overlay Zone shall be in accordance with the South Fourth Avenue-East Third Street Urban Renewal Design Guidelines attached to the Plan, as determined by the Planning Board during site plan review and by the Architectural Review Board during Certificate of Appropriateness review. Furthermore, any development within the Overlay Zone shall incorporate the following design elements:

- (1) Buildings shall maximize the number of façade openings for windows and doors in keeping with the intended function of the building and the architectural character of the street.
- (2) All sides of a building open to public view shall employ architectural features such as windows, a variety of colors, patterns and complex massing to achieve interest especially at the pedestrian level. Flat, blank walls along public right-of-ways shall be prohibited.
- (3) Complex massing shall be used for all structures proposed. Building designs featuring a single geometric shape, such as a simple rectangle, shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.
- (4) Each building on a site shall have clearly defined, highly visible ground floor entryway(s).

O. Supplemental Development Standards

- (1) There shall be set aside an area or areas for recreational purposes exclusively for the use of occupants of the development and their guests. These areas may include, but are not limited to, green roofs, community room(s), sitting areas and group game areas, active and passive recreation areas, tot lots, and community gardens on individual plots. Such areas shall be shown on the site plan and/or within the proposed buildings.
- (2) Where a UR-PUD-S4 Overlay Zone approved pursuant to this authorization results in the permanent preservation of open spaces or the creation of commonly used lands or facilities, including streets and driveways and parking lots, their location, design, ownership and use shall be as approved as part of the application review process, using as a guide the purposes set forth in the Plan.
- (3) Utilities are required to be underground and any aboveground equipment shall be located away from major pedestrian streets and corners. Equipment boxes and vaults must be placed in back of the sidewalk and where landscaping can minimize or screen their impact. Relocation and provisions for private and public underground utility systems will be made, as needed, to adequately serve redevelopment undertaken in accordance with this Plan. The costs of relocating the underground utility lines will, where appropriate,

9

be borne by the utility companies, pursuant to the appropriate laws, regulations and ordinances concerned with the redevelopment of the project area.

OCT 22 2014  
9

(4) Adequate facilities shall be provided for the removal of snow, trash, garbage, and recyclables and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent platforms that shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three (3) sides by opaque screening or other treatment to be approved by the Planning Board in its site plan review.

(5) Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of all residents. However, such outdoor lighting shall not project light onto, nor shall light sources be visible from, adjacent properties. No outdoor light source shall be more than ten (10) feet above the ground level underneath it.

(6) Parking areas shall be paved in accordance with the Zoning Ordinance. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum width which is in accordance with the City's standards.

(7) The City of Mount Vernon shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

P. Occupancy Restrictions. Within the UR-PUD-S4 Overlay Zone, affordable housing shall be limited to occupancy for income eligible persons or families according to Federal income guidelines as set forth by the U.S. Department of Housing and Urban Development (HUD) or any other requirements under the financing for the project (when the project is financed using government funding), and the Land Disposition Agreement (LDA).

Q. Review Process. Following determination by the Urban Renewal Agency and approval by the City Council of a designated redeveloper(s), the application by the designated redeveloper(s) for development approval within a UR-PUD-S4 Overlay Zone shall follow a two-phased review process:

- Application for preliminary development concept plan approval by the City Council; and
- Application for subdivision and/or site plan approval by the Planning Board and Certificate of Appropriateness from the Architectural Review Board.

Timing of the submission of preliminary development concept plan, site plan and Certificate of Appropriateness applications to the City Council, Planning Board and Architectural Review Board will be coordinated to minimize the length of the review process.

(1) Application Process

(a) The application for a preliminary development concept plan review shall be submitted to the City Clerk, who will forward the Application to the Commissioner of Planning and Community Development, for the Commissioner's review for substantial compliance with application standards, prior to its referral to the City Council. The Application shall include:

(b) A preliminary development concept plan showing the various proposed land uses and their spatial arrangement, including the proposed general location

OCT 22 2014

9

of buildings, parking areas, public community and/or recreation facilities, utility and maintenance facilities and open space. An indication of the approximate square footage of buildings and the approximate number of dwelling units (if applicable). An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized. An indication of need for phasing of construction of the project. The configuration of any interior road system and connection/access to the adjoining City road system. The general configuration of pedestrian circulation systems. Descriptions, sketches and elevations showing the general architectural treatment and design scheme for the entire development. Any proposed "green" design features and technologies to be incorporated into the development. Density bonus and bulk and/or area variances sought. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or final site plan.

- (c) Such plans shall be accompanied by a brief analysis, in written form, explaining the preliminary development concept plan and the planning purposes which will be achieved and the benefits to be derived by the City and the immediately surrounding neighborhood in accordance with the South Fourth Avenue-East Third Street Urban Renewal Plan.
- (2) Upon receipt by the Commissioner of Planning and Community Development of a preliminary development concept plan application in substantial compliance with application standards, the application shall be returned to the City Clerk for placement on the City Council's agenda. The City Council shall refer the application to the Planning Board and Architectural Review Board for review and report. Within 65 days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall make its report to the City Council, and within 65 days of the date on which such referral is filed with the Secretary of the Architectural Review Board, the Architectural Review Board shall make its report to the City Council. No action shall be taken by the City Council until the City Council's receipt of the Planning Board report or the expiration of the Planning Board 65 day review period, and the City Council's receipt of the Architectural Review Board report or the expiration of the Architectural Review Board's 65 day review period. Either or both of said review periods may be extended by resolution of the City Council.
- (3) City Council review of preliminary development concept plan will be in accordance with the State Environmental Quality Review Act. During the course of its review of a preliminary development concept plan, the City Council may request such additional information as it deems necessary in order to properly evaluate the Application.
- (4) The City Council shall hold at least one public hearing, with notice published in the City's official newspaper in accordance with City Code, on the application for preliminary development concept plan approval. The Applicant must notify all property owners within 500 feet of any boundary of the development site which is the subject of the application of the public hearing; such notices shall be given by registered mail or certified mail, return sender requested or by regular mail to such property owners whose names appear as the owners of record in the Office of the Assessor. Such notice shall be mailed not more than 21 days prior to and not less than 10 days before the date of the public hearing. The Applicant shall file with the City Council, not less than 9 days prior to the date of the public hearing, a duly sworn affidavit attesting that such property owners were so notified. Where the City Council is serving as lead agency under SEQRA and determines to hold a SEQRA hearing, the SEQRA hearing may be conducted jointly with this public hearing if practicable.
- (5) Within 45 days of the close of the public hearings and completion of the SEQRA process, the City Council shall approve, approve with modifications or disapprove the preliminary development concept plan.

The review period may be extended by resolution of the City Council as circumstances require.

- OCT 22 2014  
9
- (6) Approval or approval with modifications of the preliminary development concept plan by the City Council is required for and shall be deemed to authorize the Applicant to proceed with the detailed design of the proposed development in accordance with such preliminary development concept plan and to submit a site plan and/or subdivision application to the Planning Board for approval per Article VII of §267 of City Code and submit a Certificate of Appropriateness application to the Architectural Review Board. Such plans shall be approved by the Planning Board and the Architectural Review Board in accordance with the municipal zoning code, prior to issuance of a building permit.
  - (7) Preliminary development concept plan approval shall expire 12 months from the date of City Council approval unless all required approvals from the Planning Board and ARB are received prior to that date. Upon request of the Applicant, the City Council may extend that time period in increments for not more than 6 months, each time an extension is granted.

R. Townhouse Preservation Sub-district (UR-PUD-S4-TP).

- (1) Purpose. The purpose of the Townhouse Preservation Sub-district is to preserve the architecturally and culturally significant "brownstone" style urban flats that fall within the South Fourth Avenue-East Third Street Urban Renewal Area through the use of preservation and rehabilitation strategies.
- (2) Boundaries. The boundaries of the UR-PUD-S4-TP Sub-District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council. A metes and bounds perimeter description of the sub-district, including Section, Block and Lot of all parcels, within such Sub-District, shall be kept on file in the Office of the City Clerk.
- (3) Requirements. Multifamily residential uses, not to exceed three units, shall be permitted in the Townhouse Preservation Sub-district.
- (4) Rehabilitation.

Under this sub-district, redeveloper(s) and/or property owner(s) shall make every effort to preserve, maintain and restore all structures within this sub-district. As such, any exterior alteration, restoration, reconstruction, demolition or new construction of properties in this sub-district will maintain the materials, height, bulk, setbacks, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements which affect the appearance and cohesiveness of the "Modern Flats". In the event that a building(s) or structure(s) of which or a portion of which is destroyed or damaged by any means to an extent of 75 percent or more of the replacement cost of such building or structure, the building(s) or structure(s) shall be reconstructed as prescribed in the §267-26 R (5).

- (5) Reconstruction.

In the event the Building Commissioner determines that a building or structure, all or a portion of which is destroyed or damaged by any means to an extent of 75 percent or more of the replacement cost of the entire building or structure, the redeveloper(s) and/or property owner(s) depending on the number of properties may elect one (1) of the following:

- To construct a multi-family building(s), not to exceed three (3) dwelling units, within the existing building footprint(s) which is in keeping with the architectural style of the Modern Flats as determined by the Architectural Review Board during Certificate of Appropriateness review;

- To merge the parcel(s) into the overall UR-PUD-S4 Overlay Zone and follow all regulations governing development in that Overlay Zone provided that the redeveloper(s) and/or property owner(s) demonstrate to the City Council that efforts to find a purchaser interested in acquiring the property(ies) for preservation purposes have failed and that the property is incapable of earning a reasonable return.

OCT 22 2014

9

S. Conflicts with other zoning requirements.

- (1) In approval of a preliminary development concept plan under this §267-26, the City Council may vary the bulk and area requirements that would otherwise apply under any other provision of this chapter.
- (2) If any provision of the UR-PUD-S4 Overlay Zone conflicts with any other requirement of the Zoning Code, the UR-PUD-S4 Overlay Zone provision shall supersede that other requirement to the extent of such inconsistency.

Section 5. The Official Zoning Map of the City of Mount Vernon is hereby amended as follows:

A. The Official Zoning Map of the City of Mount Vernon is amended to reflect that the following premises are hereby rezoned, reclassified and re-designated to a UR-PUD-S4 South Fourth Avenue – East Third Street Urban Renewal Planned Unit Development Overlay Zone:

<b>Address</b>	<b>Section-Block-Lot</b>
158 S. 4 <sup>th</sup> Ave.	165.78-3088-21
160 S. 4 <sup>th</sup> Ave.	165.78-3088-22
162 S. 4 <sup>th</sup> Ave.	165.78-3088-23
7 W. 3 <sup>rd</sup> St.	165.78-3088-24
9 W. 3 <sup>rd</sup> St.	165.78-3088-25
9 E. 3 <sup>rd</sup> St.	165.78-3110-19
163 S. 4 <sup>th</sup> Ave.	165.78-3110-20
161 S. 4 <sup>th</sup> Ave.	165.78-3110-21
159 S. 4 <sup>th</sup> Ave.	165.78-3110-22
157 S. 4 <sup>th</sup> Ave.	165.78-3110-23
201 S. 6 <sup>th</sup> Ave.	169.22-3084-01
26 W. 3 <sup>rd</sup> St.	169.22-3084-02
24 W. 3 <sup>rd</sup> St.	169.22-3084-03
204 S. 5 <sup>th</sup> Ave.	169.22-3084-04
205 S. 6 <sup>th</sup> Ave.	169.22-3084-36
208 S. 5 <sup>th</sup> Ave.	169.22-3084-37
205 S. 5 <sup>th</sup> Ave.	169.22-3089-01
10 W. 3 <sup>rd</sup> St.	169.22-3089-02
202 S. 4 <sup>th</sup> Ave.	169.22-3089-03
206 S. 4 <sup>th</sup> Ave.	169.22-3089-04
208 S. 4 <sup>th</sup> Ave.	169.22-3089-05
210-224 S. 4 <sup>th</sup> Ave.	169.22-3089-06
226 S. 4 <sup>th</sup> Ave.	169.22-3089-11
230 S. 4 <sup>th</sup> Ave.	169.22-3089-12
232 S. 4 <sup>th</sup> Ave.	169.22-3089-13
234 S. 4 <sup>th</sup> Ave.	169.22-3089-14
238 S. 4 <sup>th</sup> Ave.	169.22-3089-16
242 S. 4 <sup>th</sup> Ave.	169.22-3089-17
246 S. 4 <sup>th</sup> Ave.	169.22-3089-18
256 S. 4 <sup>th</sup> Ave.	169.22-3089-19

9

OCT 22 2014

9

256 S. 4 <sup>th</sup> Ave.	169.22-3089-20
258 S. 4 <sup>th</sup> Ave.	169.22-3089-21
260 S. 4 <sup>th</sup> Ave.	169.22-3089-22
264 S. 4 <sup>th</sup> Ave.	169.22-3089-23
227 S. 5 <sup>th</sup> Ave.	169.22-3089-38
223 S. 5 <sup>th</sup> Ave.	169.22-3089-39
217 S. 5 <sup>th</sup> Ave.	169.22-3089-40
215 S. 5 <sup>th</sup> Ave.	169.22-3089-41
213 S. 5 <sup>th</sup> Ave.	169.22-3089-42
209 S. 5 <sup>th</sup> Ave.	169.22-3089-43
207 S. 5 <sup>th</sup> Ave.	169.22-3089-44
2 E. 3 <sup>rd</sup> St.	169.22-3109-01
10 E. 3 <sup>rd</sup> St.	169.22-3109-02
12 E. 3 <sup>rd</sup> St.	169.22-3109-03
16 E. 3 <sup>rd</sup> ST.	169.22-3109-04
230 S. 3 <sup>rd</sup> Ave.	169.22-3109-08
234 S. 3 <sup>rd</sup> Ave.	169.22-3109-09
238 S. 3 <sup>rd</sup> Ave.	169.22-3109-10
253 S. 4 <sup>th</sup> Ave.	169.22-3109-16
270 S. 3 <sup>rd</sup> Ave.	169.22-3109-18
267 S. 4 <sup>th</sup> Ave.	169.22-3109-20
229 S. 4 <sup>th</sup> Ave.	169.22-3109-29
217 S. 4 <sup>th</sup> Ave.	169.22-3109-30
215 S. 4 <sup>th</sup> Ave.	169.22-3109-31
211 S. 4 <sup>th</sup> Ave.	169.22-3109-32
209 S. 4 <sup>th</sup> Ave.	169.22-3109-33
207 S. 4 <sup>th</sup> Ave.	169.22-3109-34
203 S. 4 <sup>th</sup> Ave.	169.22-3109-35
7 East 4 <sup>th</sup> Street	169.22-3109-36

B. The Official Zoning Map of the City of Mount Vernon is amended to reflect that the following premises are hereby rezoned, reclassified and re-designated to a UR-PUD-S4-TP Townhouse Preservation Sub-district:

Address	Section-Block-Lot
240 S. 3 <sup>rd</sup> Ave.	169.22-3109-11
242 S. 3 <sup>rd</sup> Ave.	169.22-3109-12
244 S. 3 <sup>rd</sup> Ave.	169.22-3109-13
246 S. 3 <sup>rd</sup> Ave.	169.22-3109-14
248 S. 3 <sup>rd</sup> Ave.	169.22-3109-15

9

Section 6. The Schedule of Dimensional Regulations for Special Zoning Districts is hereby amended to read as follows:

City of Mount Vernon  
Schedule of Dimensional Regulations  
Special Zoning Districts

District	Maximum Dimensional Requirements					Minimum Dimensional Requirements							
	Floor Area Ratio	Building Height		Buildings	Coverage (%) Impervious Surfaces	Lot Area (Square Feet)	Lot Area Per Dwelling Unit (Square Feet)	Lot Width and Frontage	Front			Side	Rear
		Stories	Feet						Feet	For Lots With Dwellings (Feet)	For All Other Uses (Feet)	For Lots With Dwellings (Feet)	For All Other Uses (Feet)
R1-TH	-	3	35	20	35	200,000	7,800	500	25	30	NA	40	NA
RMF-SC	-	(See Note 1)	(See Note 1)	50	80	10,000	250	100	(See Note 1)	(See Note 1)		20	
UR-PUD (See Note 2)													
PUD-2 (See Note 3)													
UR-PUD-S4	-	11	120	80	100	5,000	300	50	(See Note 4)	(See Note 4)	(See Note 4)	20	20

OCT 22 2014  
9

Note:

1. Refer to Section 267-23.
2. Refer to Section 267-24.
3. Refer to Section 267-25.
4. Refer to Section 267-26.

F:\LDS\Special Zoning Table.doc

Section 7. The foregoing amendments to Chapter 267 Zoning of the Code of the City of Mount Vernon and to the Official Zoning Map of the City of Mount Vernon shall take effect immediately upon adoption by the City Council.”

OCT 22 2014

9

**WHEREAS**, on October 15, 2014 the Urban Renewal Agency as Lead Agency for the Proposed Action adopted a SEQRA Findings Statement certifying that the requirements of the SEQRA Regulations have been met and certifying that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable, and approved the Urban Renewal Plan; and

**WHEREAS**, the City Council is desirous of commencing its review of the Urban Renewal Plan and the legislation necessary to implement the Urban Renewal Plan; and

**WHEREAS**, on October 22, 2014, the proposed legislation to amend the City's Zoning Ordinance (Chapter 267) to implement the Urban Renewal Plan ("Zoning Amendments"), see attached as Exhibit A, was introduced for consideration by the Mount Vernon City Council ("City Council"):

**NOW, THEREFORE**, be it:

**RESOLVED**, that the proposed Zoning Amendments are hereby referred by the City Council to the City's Planning Board, Board of Architectural Review and Corporation Counsel and to the Westchester County Planning Board for review and comment; and be it further

**RESOLVED**, that a Public Hearing on the proposed Zoning Amendments will be held on December 10, 2014 at 7:00 p.m. in the City Council Chambers, City Hall, 1 Roosevelt Square, Mount Vernon, New York 10550 and that notice of such public hearing shall be published and posted as required by law; and be it further

**RESOLVED**, that City Staff shall take all necessary steps to implement the foregoing resolution.

**APPROVED AS TO FORM**

Osafu Barlow  
Assistant Corporation Counsel

\_\_\_\_\_  
**APPROVED**  
Dept. \_\_\_\_\_

[Signature]  
Councilperson

**THIS ORDINANCE  
ADOPTED BY CITY COUNCIL**

[Signature]  
President

**ATTEST:**

[Signature]  
City Clerk

**APPROVED  
OCT 23 2014**

\_\_\_\_\_  
Date  
By [Signature]  
Mayor

9