

**Draft Amendments to the City of Mount Vernon Zoning Code and Zoning Map for
the MX-1 Commercial Corridor District**

SECTION 1. Chapter 267: Zoning of the Code of the City of Mount Vernon is hereby amended as follows:

Article V

§ 267-15. Purposes.

B. Mixed Use districts.

(1) For the MX-1 Commercial Corridor District, to promote the development of a wide variety of interrelated and compatible commercial, office, residential, civic, and entertainment uses in a pedestrian oriented environment which appropriately conceal density and foster creative and aesthetically pleasing building design.

SECTION 2. Section 267-4. Definitions, of Chapter 267 Zoning of the Code of the City of Mount Vernon is hereby amended by adding the following definitions:

AUTOMATED PARKING FACILITY

An “automated parking facility” refers to an off-street parking facility or public parking garage where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an automated parking facility.

BUSINESS INCUBATOR

A facility and/or program, managed by public and/or private agencies, established to nurture young (startup) firms during their early months or years. It provides affordable space/shared offices and a combination of services, including hands-on management training, marketing support and access to financing, etc.

MIXED USE BUILDING

A building designed and constructed for a mixture of residential and commercial, institutional or office uses, typically with residential uses located above non-residential uses.

USABLE OPEN SPACE

An area that is not encumbered with any substantial structure or devoted to use as a roadway, parking area or sidewalk and is either properly planted or landscaped, or enhances the pedestrian environment and is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation. These areas may include: tot lots, community gardens, green roofs and hardscape courtyards.

VOCATIONAL SCHOOL

A privately-owned or publicly owned post-secondary school, other than a community college or four year "College/university institution", providing occupational or job skills in technical subjects and/or trades for specific occupations.

SECTION 3. Section 267-20A, of Chapter 267 Zoning of the Code of the City of Mount Vernon, is hereby added to read as follows:

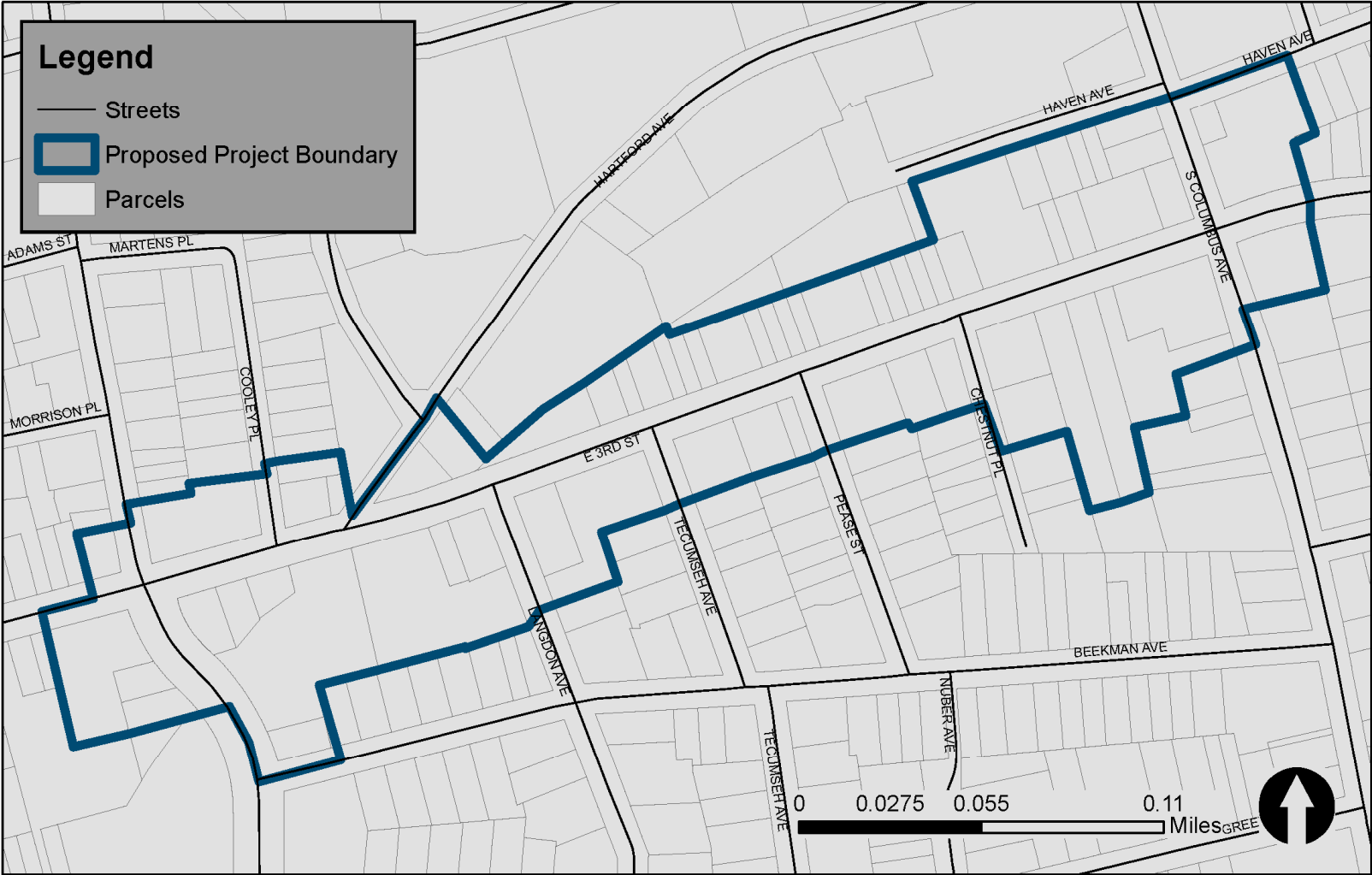
Section 267-20.A. MX-1 Commercial Corridor District.

- (A) Purpose. The MX-1 Commercial Corridor District is intended to encourage mixed use residential and commercial uses to activate the street-level environment and promote the development of a vibrant and pedestrian-oriented commercial corridor.
- (B) Boundary. The boundaries of the MX-1 Commercial Corridor District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council. Section, Block and Lot of all parcels, within such District, shall be kept on file in the Office of the City Clerk.

ADDRESS	SBL
0 THIRD ST E	165.72-4006-09
317 THIRD ST E	165.72-4006-10
317 THIRD ST E	165.72-4006-11
303 THIRD ST E	165.72-4006-12
301 THIRD ST E	165.72-4006-13
299 THIRD ST E	165.72-4006-14
287 THIRD ST E	165.72-4006-15
275 THIRD ST E	165.72-4006-16
0 THIRD ST E	165.72-4006-17
271 THIRD ST E	165.72-4006-18
319 THIRD ST E	165.72-4006-30
0 HAVEN AV	165.72-4006-32
277 THIRD ST E	165.72-4006-33
0 THIRD ST E	165.72-4006-34
311 THIRD ST E	165.72-4006-36
285 THIRD ST E	165.72-4006-37
138 COLUMBUS AV S	165.73-4006-01
397 THIRD ST E	165.73-4006-02
389 THIRD ST E	165.73-4006-04
325 THIRD ST E	165.73-4006-06
323 THIRD ST E	165.73-4006-07
315 THIRD ST E	165.73-4006-08
56 HAVEN AV	165.73-4006-22
60 HAVEN AV	165.73-4006-23
64 HAVEN AV	165.73-4006-24
0 HAVEN AV	165.73-4006-25
140 COLUMBUS AV S	165.73-4006-39

403 THIRD ST E	165.73-4032-26
185 COLUMBUS AV S	165.73-4032-42
203 COLUMBUS AV S	165.73-4033-14
390 THIRD ST E	165.73-4034-01
388 THIRD ST E	165.73-4034-44
206 FULTON AV S	165.80-3156-10
208 FULTON AV S	165.80-3156-12
212 FULTON AV S	165.80-3156-13
167 THIRD ST E	165.80-3159-14
215 THIRD ST E	165.80-4002-09
0 THIRD ST E	165.80-4003-12
37 COOLEY PL	165.80-4003-13
31 COOLEY PL	165.80-4003-14
0 HARTFORD AV	165.80-4005-18
10 HARTFORD AV	165.80-4005-19
265 THIRD ST E	165.80-4006-19
253 THIRD ST E	165.80-4006-20
257 THIRD ST E	165.80-4006-28
269 THIRD ST E	165.80-4006-29
294 THIRD ST E	165.80-4034-27
300 THIRD ST E	165.80-4034-28
304 THIRD ST E	165.80-4034-29
284 THIRD ST E	165.80-4035-01
270 THIRD ST E	165.80-4035-14
282 THIRD ST E	165.80-4035-15
256 THIRD ST E	165.80-4036-01
252 THIRD ST E	165.80-4036-11
242 THIRD ST E	165.80-4037-01
232 THIRD ST E	165.80-4037-02
221 FULTON AV S	165.80-4037-11
0 FULTON AV S	165.80-4037-12
206 THIRD ST E	165.80-4037-13
212 THIRD ST E	165.80-4037-15
240 THIRD ST E	165.80-4037-16
222 THIRD ST E	165.80-4037-17
316 THIRD ST E	165.81-4034-30
318 THIRD ST E	165.81-4034-31
0 CHESTNUT PL	165.81-4034-40
0 THIRD ST E	165.81-4034-42

Figure 1
Proposed East Third Street/South Fulton Avenue Rezoning Area



City of Mount Vernon, NY
 Data Source: Westchester County Data
 Date: January 2015
 Prepared by: Ferrandino & Associates Inc.

(C) Use Requirements.

(1) Permitted principal uses.

- (a) Multifamily dwellings, provided that the ground floor shall consist of a commercial use
- (b) Municipal uses of the City of Mount Vernon and uses of other governmental agencies as regulated by § 267-30
- (c) Animal Hospital
- (d) Bakeries, retail
- (e) Banks (excluding drive-up window service)
- (f) Business, professional or governmental offices
- (g) Business incubator space
- (h) Day-care centers
- (i) Health and fitness centers, including ancillary services such as wellness, physical rehabilitation facilities and prevention health education activities
- (j) Hotels or motels
- (k) Museums and/or art galleries
- (l) Nursery Schools
- (m) Office space for physicians, surgeons and dentists
- (n) Stores and shops exclusively for sales at retail or the performance of customary personal services
- (o) Restaurants
- (p) Restaurants, carry-out
- (q) Restaurants, fast-food (excluding drive-up window service)
- (r) Retail laundries or retail dry cleaners
- (s) Vocational Schools

(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 § 267-18.

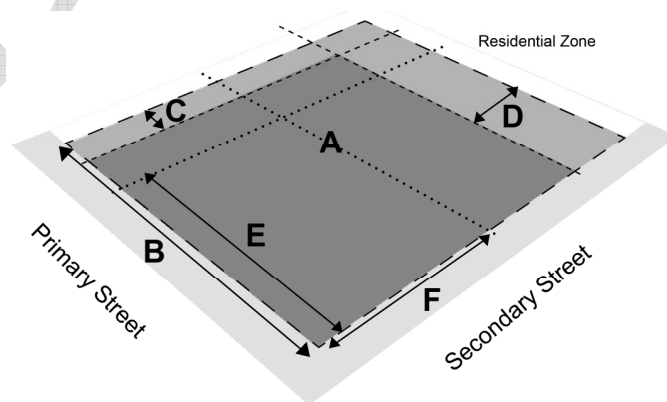
(3) Uses Allowed By Special Permit

- (a) Bars, night clubs and catering halls
- (b) Business and/or trade schools
- (c) Churches, mosques, synagogues or other places of worship
- (d) Funeral parlors
- (e) Manufacture and/or assembly of products for retail sale on premises only
- (f) Medical and/or dental laboratories
- (g) Motor vehicle dealership
- (h) Motor vehicle service station
- (i) Motor vehicle rental agencies
- (j) Off-street parking facility
- (k) Public utility
- (l) Theaters and/or concert halls
- (m) Universities, colleges and private schools
- (n) Wireless Telecommunication Facilities

(D) 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 Planning Board, based upon consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in § 267-20.A. hereof.

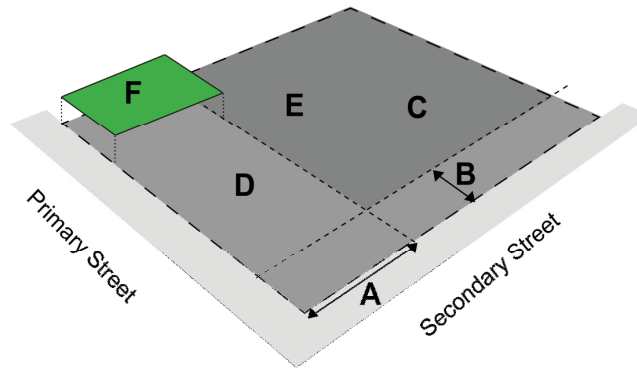
The MX-1 Commercial Corridor zone permits mixed use buildings and commercial buildings. In order to preserve the commercial character of the corridor, all new or substantially renovated structures are required to have a ground floor commercial use(s) at a minimum with direct access onto the primary street.

(1) Lot Placement and Setbacks.



- (a) Lot area. See table in §267-20.A (D)(3)(a) below.
- (b) Frontage. See table in §267-20.A. (D)(3)(a) below.
- (c) Building setback from non-residence (common) lot line: 0', maximum.
- (d) Building setback from residence lot line: 20 foot, minimum.
- (e) Build-to-line, as percentage of lot line, along primary street: 70 percent, minimum.
- (f) Build-to-line, as percentage of lot line, along secondary street: 35 percent, minimum.

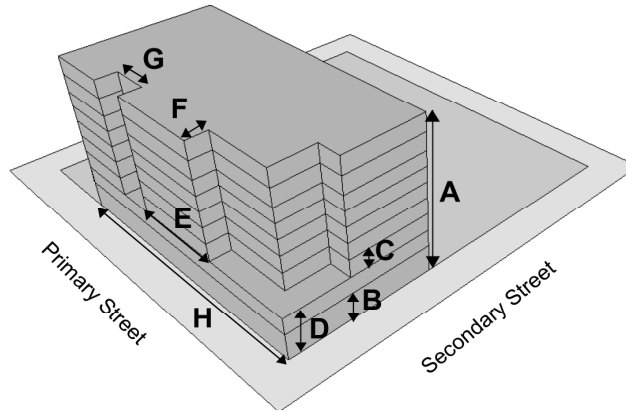
(2) Parking and Lot Coverage.



- (a) Parking setback from primary street: 30 foot, minimum.
- (b) Parking setback from secondary street: 10 foot, minimum.
- (c) Parking location: behind building.
- (d) Building coverage, as percent of total lot area: 80 percent, maximum.
- (e) Impervious coverage, as percent of total lot area: 100 percent, maximum.
- (f) Usable open space, as percentage of total lot area: 10 percent, minimum.

All usable open space shall be legally and practicably accessible to the occupants of the development from which the required open space is taken, but need not be exclusively for the use of the occupants of the development. The Planning Board shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required to ensure the usable open space remains as such for perpetuity.

(3) Height and Mass.



(a) Building height.

<u>Minimum Lot Area (SF)</u>	<u>Minimum Lot Frontage</u>	<u>Building Height (Stories)</u>	<u>Density Bonus (see §267-20.A. (E))</u>
<u>15,000 SF</u>	<u>90'</u>	<u>12 stories</u>	<u>3 stories</u>
<u>7,000 SF</u>	<u>65'</u>	<u>5 stories</u>	<u>2 stories</u>
<u>Under 7,000 SF</u>	<u>20'</u>	<u>3 stories</u>	<u>None</u>

(b) Ground floor story height (floor to ceiling): 13 feet, minimum.

(c) Upper story height (floor to ceiling): 9 feet, minimum.

(d) Building base height: 2 stories, minimum and 4 stories, maximum.

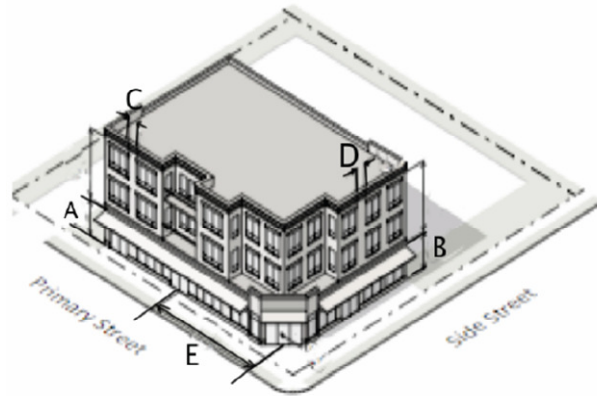
(e) Length of upper story wall, above building base height, without offset: 75 feet, maximum.

(f) Upper story offset depth: 4 feet, minimum.

(g) Upper story offset length: 8 feet, minimum.

(h) Building length above base height: 200 feet, maximum.

(4) Activation.



- (a) Transparency, as percentage of ground floor along primary street: 60 percent, minimum.
- (b) Transparency, as percentage of ground floor along secondary street: 20 percent, minimum.
- (c) Blank wall length along primary street: 35 feet, maximum.
- (d) Blank wall length along secondary street: 40 feet, maximum.
- (e) Distance between functional entries: 80 feet, maximum.
- (f) Area of garage or service bay openings along street-wall: 20 percent, maximum.

(E) Density Bonus. An applicant may apply to the Planning Board for one or more density bonuses in exchange for providing amenities to the City.

(1) Eligibility. The Planning Board may, at its discretion and subject to the standards and considerations set forth below, grant a density bonus of up to the maximum number of stories permitted for amenity(ies) offered by developers, for structures in the MX-1 Commercial Corridor District. Per the table in §267-20.A. (D)(2)(a) “Building Height”, for sites that have a minimum of 15,000 SF the maximum density bonus is 3 stories, for sites between 7,000 – 15,000 SF the maximum density bonus of 2 additional stories and for sites under 7,000 SF no density bonus is permitted. A density bonus may be granted in exchange for an applicant providing one or more of the following amenities equaling approximately 0.5 percent of the total development cost of the project, with the Planning Board considering the proportionality of the cost of one or more amenities to the density bonus being considered:

- Provision, renovation, or rehabilitation of a public open space amenity. By contributing a significant provision, renovation, donation and/or rehabilitation of a public open space amenity to include but not limited to a public park and/or other public open space, a density bonus may be granted.

The required 10 percent usable open space, as a percentage of total lot area shall not count towards this amenity.

- Historic preservation: preserving a significant portion of a building(s) or structure(s) identified by the Commissioner of Planning and Community Development and agreed to by the Planning Board as having historical, cultural and/or architectural significance.
- Brownfield or derelict property remediation: applicants may apply for a density bonus for providing brownfield or derelict property (as defined in the City Code) remediation on lots other than those currently before the Planning Board for development under the MX-1 district, to prepare the property(ies) for either dedication for public use or for redevelopment by a public or private owner. The Building Department shall supply a list of preferred properties for rehabilitation.
- Contribution to non-site-related infrastructure improvements: non-site-related improvements are considered significant improvements that are not directly needed, required or related to the subject site development but may indirectly improve the area. Infrastructure improvements may include, but are not limited to, significant provisions, renovations, creation, donation, installation and/or rehabilitation of public solid waste and recycling receptacles, traffic calming measures, public seating, wider than required sidewalks, specialty pavers or utility covers as part of a district “branding”, repaving of a street(s), intersection upgrades (including street lights and crosswalks) and bus shelters. The City Department of Public Works may provide recommendations to the Planning Board.
- Provision of creating alternative off-site parking facilities: By contributing to the creation of an off-site parking facility, above and beyond the off-street parking requirements for the proposed development included in this District, which may include but is not limited to the creation of a public off-street parking garage, dedicating land for the creation of a public off-street parking facility, or the creation of a privately operated parking facility a density bonus may be granted, that would provide additional parking proportionate to the size and scope of the project.
- Provision of public artwork: incorporation of a publicly accessible artwork including but not limited to sculpture(s), monument(s) or other permanent aesthetic structure(s) on a site or at a designated off-site location as deemed appropriate by the Planning Board.
- Provision of housing for persons with disabilities: for developments with public financing the provision of housing for persons with disabilities must go above and beyond the requirements set forth in the applicable public financing source, setting aside a minimum of 10 percent of units for persons with physical disabilities with 2 percent for persons with sight or hearing

disabilities inclusive. Developments with no public financing shall make its best effort to meet the United States Housing and Urban Development Section 504 minimum requirements for accessibility or demonstrate to the satisfaction of the Planning Board the inability to do so.

(2) Granting the density bonus. In awarding a bonus for the amenities listed above, the Planning Board shall consider the following criteria:

- The incentives being proposed and the degree to which the proposed amenity is compatible with the goals and objectives for the MX-1 District, Section 267, Article V-15 of the Zoning Code and the City's long range planning strategy.
- Set forth in the public record, in detail, the amenities to be provided by the applicant, how those amenities further the purposes of the MX-1 District and the City's long range planning strategies, how they preserve and enhance the aesthetic, environmental and/or historical qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.
- The associated maintenance schedule and ownership of the proposed amenity(ies).
- The density bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass, size, and shape of the proposed structure(s).
- The density bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass and/or size of the surrounding area.
- Set forth in the public record, in detail, the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus. The public benefit improvements provided shall be roughly proportional in nature and extent to the bonus granted, and their proportionality shall be demonstrated by the applicant and agreed to by the Planning Board. The cost of the improvements need not equal the value of the benefits granted. The granting or denial of any density bonus shall be solely within the discretion of the Planning Board using the criteria set forth in this section.
- In the event an application for a zoning variance is made to the Zoning Board of Appeals to increase the number of stories in excess of the 12 stories permitted, the Zoning Board of Appeals should, in balancing the equities,

consider whether it is practical for the applicant to provide any of the listed amenities in order to obtain a density bonus in lieu of a variance.

(F) 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 structure.

(2) Number of Required Parking Spaces

(a) The minimum number of parking spaces required for multi-family dwelling units shall follow:

Number of Bedrooms	Parking Requirement
Studio	.5 per dwelling unit
1 Bedroom	0.75 per dwelling unit
All Other Bedroom Counts	1.0 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 use permit are as provided in the zoning code; except, where not so provided, the parking requirement shall be determined by the Planning Board upon the recommendation of the Commissioner of Planning and Community Development, as part of its site plan review.

(d) For mixed-use developments, approval by the Planning Board of shared parking facilities may effectively reduce the total number of required parking spaces by up to a maximum of 25%, subject to the criteria set forth below.

(d) Municipal parking spaces displaced by a MX-1 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 Planning Board as part of its site plan review.

(3) Location of Required Parking Spaces

(a) The Planning Board may allow all or part of the required parking to be located: (i) on site; (ii) in a garage or lot within 1,000 feet “as you walk” of the dwelling units or other permitted uses for which the parking spaces

are required, as measured from the edge of the structure to the closest edge of the 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 Planning Board as part of its site plan review.

(b) Where the Planning Board approves the location of such parking spaces on a lot different from the lot occupied by the structure or use served, the Planning Board 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.

(4) Applicants may propose 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 shall be submitted in writing to the Planning Board as part of its site 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 but not limited an easement or deed restriction that guarantees access to the shared parking for all uses.

(e) Provisions that in the event of a proposed change in use(s), such change may not take place unless there is sufficient parking to meet the standards for parking for each use or an application shall be submitted to the Planning Board in order to obtain approval for shared parking for the new use(s).

(5) Applicants may propose to utilize attendant parking or automated parking facility in order to meet the off-street parking provisions where space for parking is limited. In any case where a reduction of the required area per parking space is permitted on the basis of the Applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available

to handle the parking and moving of automobiles at all times when such spaces are in use.

(6) Private parking spaces constructed under the MX-1 District may be open to the public, with the restriction that all tenants of the structures for which the parking is constructed be given first right of refusal.

(7) In certain cases, where Applicants have difficulties supplying all required off-street parking on-site and have not been able to arrange alternative off-street parking within 1,000 feet of the structure, may, upon approval by the planning board, pay into a fee in lieu fund for the parking spaces not provided. In no instance shall the fee in lieu cover more than 10 percent of the required off-street parking for any structure.

(G) Site Design Standards. Structure(s) within the MX-1 Commercial Corridor District shall be in accordance with the standards below, as determined by the Planning Board during site plan review and by the Architectural Review Board during Certificate of Appropriateness review.

(1) Use of green building techniques. After construction, the development shall be eligible to receive US Green Building Council's LEED Gold Certification, LEED Silver Certification and/or Enterprise Green or a similar level of standards. Documentation on Certification eligibility shall be provided to the Building Department and Planning Board for review. The Planning Board may modify the eligible LEED certification level if the applicant is able to demonstrate that the particularities of the development warrant modification due to site constraints or financial hardships that are directly related to the development of the project.

An applicant pursuing a similar standard shall demonstrate that the green building best practices being incorporated into the project are of similar or greater efficiency in water and energy usage or conservation and produce a carbon footprint that is similar or smaller than the LEED certification.

(2) Buffers. Any application to construct or alter a structure in the MX-1 Commercial Corridor District shall include provisions for a buffer screening area along any lot line abutting a privately-owned lot in a residence district. 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.

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

(H) Architectural Design Requirements. Structure(s) within the MX-1 Commercial Corridor District shall be in accordance with the requirements below, as determined by the Planning Board during site plan review and by the Architectural Review Board during Certificate of Appropriateness review.

(1) Architectural detail: architectural details are those elements that do not contribute structurally to a building's construction, but add visual interest, identify building styles, create building prominence and often display superior craftsmanship. All new structures or structures with significant façade renovation in the MX-1 District shall include architectural detail(s) on the structures' façade where visible by the public. Architectural details shall include, but are not limited to: ornate or detailed brickwork, window details, pediments, cornices, ornate lighting, hand rails and fencing, downspouts and paving materials.

(2) Building materials: each new structure shall be considered a long-term addition to the neighborhood, the exterior design and building materials shall exhibit permanence and design excellence that shall continue to be architecturally relevant. The design employed and the materials used shall complement the surrounding architecture and contribute to the overall development of the neighborhood character.

(3) Building transition: attention during the structures' design phase shall assure appropriate bulk and height of structures adjacent to lower density residential neighborhoods. The massing of taller structures shall be organized in such a way that the apparent bulk and height of new structures is minimized at the District's edge.

(4) Ground floor activation: spaces for ground-level uses shall be designed to engage the passerby, in particular pedestrians, with the activities taking place inside. An active streetscape includes, but shall not be limited to:

- Major entryways to buildings shall be highly visible and incorporate at least one (1) of the following: recessed or projected entryway, canopies or porticoes, overhangs, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, planters, wing walls, and any other architectural detail(s) or feature(s) that accentuates the entryways for the public.
- Rear and side entryways shall be enhanced for public access, where

appropriate.

- Rear and side elevations shall be enhanced where visible from the public realm.
- Structures located on corner lots shall be designed with multiple front facades to include, but not be limited to, architectural details and elements that enhance the pedestrian experience by creating a continuous pedestrian friendly public realm.

(5) Sidewalks and Curbs: sidewalks and curbs shall be maintained in a state of good repair. The City of Mount Vernon requires a minimum of seven feet from the building line to the curb line in front of a store. Further design guidance for sidewalks can be found in the NYS DOT Highway Design Manual and in Section 227 of the City of Mount Vernon Code. Curb and sidewalks shall be replaced by the applicant as necessary. A curb and adjacent sidewalk shall not be constructed monolithically. When it is desired and/or required to construct an adjoining curb and sidewalk, the curb shall be constructed first then a layer of building paper (held in proper position and extending the full thickness of the sidewalk) shall be used as a separator between the concrete of the curb and the concrete of the walk. Exception: The depressed curb for a driveway may be poured monolithically with the driveway. All curb cuts shall be made with an abrasive type power saw. This ensures a smooth cut.

(6) Signage: high quality, creative and unique sign designs are encouraged. Signage requirements under Chapter 267 Article XIII of the Mount Vernon City Code shall apply.

(7) Canopies and awnings: long expanses of continuous canopies or awnings shall not be allowed. Canopies and awnings shall be proportional to the building and complementary to nearby buildings and awnings.

(8) Street trees: street trees shall be hardy species (preferably native), tolerant to compaction, salt and air pollution to maximize the tree's chance of survival. The City of Mount Vernon Code lists of approved species for planting which include but are not limited to: the red oak, the pin oak and the scarlet oak.

(9) Use of native plantings: All plants to be planted, installed and/or located within this MX-1 Zoning District shall be drought tolerant, hardy and appropriate for this area based on USDA Plant Hardiness Zone. Native plants are preferable.

(I) Supplemental Standards

(1) Merging tax lots. A property owner who owns two or more contiguous parcels of land that are subject to the same mortgages, liens or encumbrances within the MX-1 Commercial Corridor District shall merge all directly or indirectly

associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor.

(2) Utilities shall be installed underground and any aboveground equipment shall be located away from pedestrian streets and corners. Equipment boxes and vaults should 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 shall be made, as needed. These requirements may be waived by the Planning Board in situations where it determines that the underground installation of utilities is not appropriate and/or that adjoining land uses, topographic features or existing vegetation satisfy the same purpose in terms of minimizing or screening equipment boxes and/or vaults. The costs of relocating the underground utility lines shall, where appropriate, be borne by the utility companies and/or private developers, pursuant to the appropriate laws, regulations and ordinances.

(3) Historic commemoration. Applicants are required to commemorate any/all historically, culturally, architecturally and/or archaeologically significant site(s), as identified by the Department of Planning and Community Development staff. This commemoration shall include at a minimum of at least but not limited to one of the following: a monument; memorial; marker; plaque; mural and/or other method acceptable to the Planning Board. Such commemoration shall be approved by the Planning Board during site plan approval. The Planning Board shall consider the following when rendering its decision:

- Location of commemoration;
- Ownership of commemoration;
- Appropriateness of commemoration;
- Maintenance of commemoration;
- Durability of materials;
- Scale of commemoration; and
- Level of design/craftsmanship incorporated.

(4) Interior Construction. To foster and encourage larger total commercial floor area along the ground floor of structure(s) within the MX-1 zoning district, interior commercial space along the ground floor shall be constructed and/or designed to maximize the total amount of usable commercial ground floor area. Accordingly, structural supports and/or beams shall be located, placed, installed, constructed and/or designed to allow the flexibility of ground floor commercial space to be temporarily internally subdivided without affecting the structural integrity of the overall structure(s) in the event the internal ground floor commercial space must be recombined for greater marketability purposes.

(J) Review Process.

(1) The procedure for site plan approval by the Planning Board shall follow the Zoning Code, Article VII. In addition to requirements under §267, Article VII-38 of the Zoning Code the application shall include:

- (a) Proposed location of any public community and/or recreation facilities;
- (b) A description of any alternative means of parking to be utilized;
- (c) Any proposed amenities in accordance with the Density Bonus Section identified previously within this Chapter.

(2) The procedure for Certificate of Appropriateness approval by the Architectural Review Board shall follow Chapter 10 of the City Code and shall include:

- (a) Proposed location of any public community and/or recreation facilities;
- (b) Any proposed amenities in accordance with the Density Bonus Section identified previously within this Chapter.

(K) Conflicts with Other Zoning Requirements.

(1) If any provision of the MX-1 Commercial Corridor District conflicts with any other requirement of the Zoning Code, the MX-1 Commercial Corridor District provision shall supersede the other requirement to the extent of such inconsistency.