

RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone

Whereas, the City Council understands that Mount Vernon’s senior population is a growing segment of the city’s population and should be afforded housing opportunities to “age in place” by creating an RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone that will provide housing opportunities within close proximity to their social i.e. places of worship and daily i.e. shopping activities while remaining close to their families.

Whereas, the City Council seeks to provide additional senior citizen services which complement Westchester County's Department of Senior Programs and Services initiatives within the City; and

Whereas, the City Council seeks to make the City's Zoning Code consistent with the City's Long Range Planning Strategy regarding senior citizen housing; and

Whereas, the City Council seeks to implement current planning practices for senior citizen housing with regard to transit oriented development and maximizing the use of existing infrastructure while fostering greater walk-ability within the community through its Zoning Code; and

Whereas, additionally the City Council desires to create senior citizen housing with exceptional and creative design while improving the surrounding streetscape and enhancing the aesthetic value of the site; wherein the proposed will not present a substantial detriment to public health, safety and welfare of the community.

Whereas, the City Council sought the Planning Board and Architectural Review Board recommendations regarding building or architectural design, site design, proposed locations, operational standards for senior citizen housing developments, demographic trends, population trends, decision making criteria, allowable uses, associated bulk requirements or protocols; and

Whereas, the Planning and Architectural Review Board conducted their own independent studies and analysis and responded on _____ to the City Council regarding the aforementioned items; and

Whereas, the City Council received and reviewed analysis, data and reports regarding the need for senior citizen housing; and

Whereas, based on the aforementioned, the City Council desires to better accommodate senior citizen housing within the City by the creation of a “Senior Citizen Housing” Floating Overlay Zone zoning designation with associated uses, bulk requirements or provisions in the City’s Zoning Code; and

Whereas, the City Council seeks to make the City's Zoning Code consistent with United States Department of Housing and Urban Development's initiatives; and

Whereas, the City Council seeks to make the City's Zoning Code consistent with New York State's Department of Health Division of Aging initiatives; and

Whereas, the City Council seeks to make the City's Zoning Code consistent with State's Long Range Planning Strategy as it relates to housing, economic development and transportation; and

Whereas, the City Council seeks to make the City's Zoning Code consistent with Westchester County's Long Range Planning Strategy as identified in "Westchester 2025"; and

Whereas, the City Council desires to make the City's Zoning Code consistent with Metropolitan Transportation Authority Metro-North Railroad's transit oriented development strategies; and

Whereas, the City's Zoning Code as last adopted in 1996 created a Zoning District entitled "RMF-SC-25 Multifamily Senior Citizen Residence District" with permitted uses and associated provisions identified in Section 267-17, Section 267a and Section 267c of the Zoning Code; and

Grace Plaza	153 South Fifth Avenue	165.78	3088	26	NB
	159 South Fifth Avenue	165.78	3088	27	NB
	15 East Third Street	165.78	3088	28	RFM-10, NB & DB
St. John The Devine Senior Housing	259 South Columbus Avenue	165.81	4044	21	R2-4.5
	265 South Columbus Avenue	165.81	4044	20	R2-4.5
Sandford Terrace	21 West Sandford Boulevard	169.39	3082	23	NB
Unity Gardens	125 South Second Avenue	165.79	3122	24	RFM-6.75
Grace House	229 South Seventh Avenue	169.22	3070	31	RFM-6.75
Intown Towers	11 North Fifth Avenue	165.62	1118	8	RMF-10
	19 West Sidney Avenue	165.62	1120	15	RMF-6.75
Mt. Vernon Hospital Parking Lot	1 North Sixth Avenue	165.61	1111	14	H
	15 North Seventh Avenue	165.61	1111	19	H
Macedonia Towers	150 South Fifth Avenue	165.78	3085	7	DB

; and

Whereas, the City Council requires that any property owner seeking the "RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone" Zoning designation shall follow and meet the requirements identified in Section 267-21B, Section 267-23 and any or all other Sections of this ordinance; and

Whereas, any dimensional non-conformities that prevail as result of the aforementioned action shall be deemed as *de minimis* exceptions and; therefore, are permitted; and

Whereas, by letter dated October 26, 2012 the Commissioner of the Department of Planning and Community Development has requested legislation amending various sections of Chapter 267 of the City Code of the City of Mount Vernon entitled Zoning,

NOW THEREFORE; The City of Mount Vernon City Council convened does hereby ordain and enact:

Section 1. Section 267-4 Article II of Chapter 267 of the Zoning Code of the City of Mount Vernon is hereby amended as follows:

Section 2. Legal nonconforming structures. Where a structure lawfully existed at the time of the rezoning of the subject property to any Senior Citizen Floating Overlay Zone district, and which would not be allowed by the provisions of this Article because of either building placement or orientation, building design, parking placement or design, parking requirements, or site and vehicular access, such structure may continue to exist and be enlarged , altered or added to provided that the alteration or addition does not increase the nonconformity.

- (a) Any new addition or expansion to a nonconforming structure shall comply with all provisions within Section 267.23.

Article II
§ 267-4. Definitions.

ACCESSORY USE

A use which is customarily incidental and subordinate to the principal use on the same lot therewith, except that where specifically so provided, accessory off-street parking need not be located on the same lot.

ADULT ENTERTAINMENT BUSINESS

A business establishment with any one of the following: adult entertainment store, adult live entertainment business or adult motion-picture show as defined in this chapter. This definition shall not include adult massage establishments or adult hotels or motels or sexual encounter establishments which are expressly prohibited in Mount Vernon, and which are defined below.

[Added 2-3-1999]

ADULT ENTERTAINMENT MERCHANDISE

Any one of the following items: books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, compact disks or other visual representations; audio tapes, cassettes, records, compact disks or other audio representations or any other similar material that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

[Added 2-3-1999]

ADULT ENTERTAINMENT STORE

An establishment that has a significant amount or more than 25% of its stock-in-trade or more than 20 square feet of public sales space devoted to the sale, distribution, rent or for any form of consideration adult entertainment merchandise as defined herein. Adult entertainment merchandise offered for sale, rent or other consideration is not used, read, viewed or otherwise consumed on the premises.

[Added 2-3-1999]

ADULT HOTEL OR MOTEL

A hotel or motel or similar commercial establishment which offers a sleeping room for rent for a period of time that is less than 10 hours or allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours. These establishments are prohibited in the City of Mount Vernon because they may encourage unlawful activity to occur. (See New York State Penal Code, Article 230). This definition shall not be interpreted to include conventional hotels and motels, which are rented on an overnight basis, normally for a twenty-four-hour period for the convenience of travelers.

[Added 2-3-1999]

ADULT LIVE ENTERTAINMENT BUSINESS

A nightclub, bar, restaurant or any type of business establishment that features live performances or any employees or subcontractees that are characterized by the exposure of specified anatomical areas or specified sexual activities, whether or not the live performances are considered incidental to the primary operations of the business, and whether or not the employee or subcontractee is normally considered an entertainer.

[Added 2-3-1999]

ADULT MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. These massages are normally given to provide sexual stimulation or satisfaction to paying customers. This definition shall not be construed to include such health-related facilities as a hospital, nursing home, medical clinic, health club or the office of any health-care massage practitioner duly licensed by the State of New York, nor barber shops or beauty parlors in which massages are administered to the scalp, face, neck or shoulders, nor a nonprofit organization operating a community center, swimming pool, tennis court or other educational athletic facilities for the welfare of the residents of the area. Adult massage establishments are expressly prohibited in the City of Mount Vernon because they may encourage unlawful activity to occur. (See New York State Penal Code, Article 230).

[Added 2-3-1999]

ADULT MOTION PICTURE THEATER

Any establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown to patrons that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

[Added 2-3-1999]

ADULT RETIREMENT COMMUNITY

A planned residential development for senior citizens, which consists of multifamily dwelling units or single-family units, in which each individual living unit contains a kitchen and bathroom, and which include universal design features and are handicap adaptable, and that may provide social and recreational activities for its residents and may provide supportive amenities such a dining program, transportation, linen services, housekeeping services, beauty parlor, library, convenience store or café, swimming pool, computer room, and others, with such activities and amenities being provided within the development or in a space or building dedicated for those purposes.

ALTER

To change, enlarge or rearrange the structural parts, either interior or exterior, or the exit or entrance facilities of a structure or to move a building from one location or position to another or to modify the construction of a building or its building equipment.

ANIMAL HOSPITAL

A building for the medical and/or surgical care of animals.

APPLICATION

The application form and all accompanying documents and exhibits required of an applicant by an approving agency for review.

APPROVED CONDITIONS

Physical conditions and use of a building, structure, land or part thereof, approved under a valid permit issued by the Department of Buildings.

ASSISTED LIVING FACILITY

A multiunit residential facility constructed, operated, and providing oversight pursuant to Article 46-B of New York State Public Health Law (Assisted Living Reform Act of 2004), NYCRR Title 10, Section 4662, Part 1001.

ATTIC

That part of a building between the uppermost story and the roof.

BAR

A business enterprise primarily engaged in the retail sale of alcoholic beverages, such as beer, wine or liquor to patrons seated at a table or counter, served for consumption on the premises.

BASE HEIGHT

The base height of a building is the maximum permitted height of the front wall of a building before any required setback. A building is required to meet a minimum base height only when the height of the building will exceed the maximum base height.

BUILDING

Any structure having a roof, self-supporting or supported by columns, walls, air pressure or similar supports, which is affixed to the ground and intended for the housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY

A building subordinate to the principal building or buildings on the lot and used for purposes customarily incidental to that of the principal building. When an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

BUILDING AREA

The maximum horizontal cross-section of a building, including roofed-over porches, decks and balconies more than three feet above the average adjoining ground elevation, but excluding cornices, roof overhangs or gutters projecting not more than three feet from the exterior building wall.

BUILDING COVERAGE

The percentage of lot area covered by the combined building area of all buildings on a lot.

BUILDING HEIGHT

The vertical distance from grade to the level of the highest point of the roof if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type.

BUILDING LENGTH

The horizontal distance measured between the furthestmost exterior of the finished walls of the building in a generally perpendicular direction.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which said building is located.

BUILDING SETBACK

A setback is the portion of a building that is set back above the base height (or street wall or perimeter wall) before the total height of the building is achieved.

CAR WASH

A car wash is an establishment engaged in washing, waxing, and/or polishing of motor vehicles or in furnishing facilities for the self-service washing of motor vehicles.

CATERING HALL

A business enterprise engaged in preparing and serving food and beverages selected in advance for a predetermined number of people, often large in number, at a specified time, including, but not limited to, the provision of live or mechanical entertainment and dancing.

CERTIFICATE OF OCCUPANCY

A Certificate issued by the Commissioner of the Department of Buildings upon completion of the construction of a new building or addition or upon a change in the use of a building or use of the land which certifies that all requirements of this chapter the City Code and the New York State Uniform Code have been complied with and authorizes the occupancy of the premises in accordance with such certificate and all applicable codes rules and regulations. When the term "certificate of occupancy" is used in this chapter, it shall be deemed to include the term "certificate of tenancy and "letter of completion" where such may be appropriate.

CERTIFICATE OF TENANCY

A Certificate of Occupancy issued by the Commissioner of the Department of Buildings for a tenancy space. The certificate of tenancy is issued to the business owner and authorizes the occupancy of the tenancy space in accordance with such certificate and all applicable codes rules and regulations.

CHANGE OF USE

Any change in the use of a building or land which results in a different use classification or use nomenclature in the Lists of Use Regulations listed in this chapter.

COMMUNITY PURPOSE BUILDING

A building used and occupied by a not-for-profit religious or membership corporation providing religious, charitable, recreation, entertainment, guidance, counseling or other similar amenities and facilities on a nonprofit basis similar to organizations commonly described as "YM's," "YW's," "Boys and Girls Clubs," "Scout groups" and other fraternal membership groups.

COMMUNITY CENTER

A structure, lot, room or dedicated space used principally by the community for clubs, fraternities, organizations and other types of social groups for the purposes of providing a meeting place.

CONVERSION

See change of use.

COURT or COURTYARD

An open, uncovered and unoccupied space, bounded on two or more sides by the walls of a building. An inner court is a court entirely within the exterior walls of a building. All other courts are outer courts.

CUSTOMARY PERSONAL SERVICES

Services to the general public for personal or household use such as beauty salon, barber shop, spa, exercise outfit, tailoring, upholstery repair, household appliances repairs, etc.

DAY-CARE CENTER

A program, licensed by the New York State Department of Social Services, which provides care for three or more children away from their home for more than three hours per day, excluding those children receiving family day care, or group family day care as defined in this section.

DENSITY

The number of residential units allowed on a parcel based on the lot area requirements specified in the zone district and the City's long range planning strategy.

DENSITY BONUS

A density increase over the otherwise maximum allowable residential density under the applicable Zoning Ordinance and Master Plan as of the date of application by the developer to the City.

DESIGN EXCEPTIONS

See waivers.

DE MINIMIS

Within the context of land use law, an applicant can obtain an exception to the City's zoning ordinance when there is only a minor deviation from the zoning ordinance and rigid compliance is not necessary to protect the public policy concerns inherent in the ordinance.

DWELLING

A building containing one or more dwelling units.

DWELLING, MULTIFAMILY

A dwelling containing three or more dwelling units, or a part of a mixed use building containing three or more dwelling units.

DWELLING, ONE-FAMILY

A dwelling containing only one principal dwelling unit.

DWELLING, TWO-FAMILY

A dwelling containing only two principal dwelling units, whether located side by side or in any other manner.

DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family, including independent cooking, sanitary and sleeping facilities.

DWELLING UNIT ATTACHED

A dwelling unit sharing one or more common side or rear walls with another dwelling unit or units, but occupying the entire volume within its portion of the building from the lowest level to the roof and having its own separate entrance or entrances to the outside. This type of dwelling unit is also sometimes known as a "townhouse."

DWELLING UNIT, DETACHED

A dwelling unit located in its own separate building which does not abut any other dwelling.

FAMILY

One or more persons having a common domestic bond who live together in one dwelling unit as a traditional family or its functional equivalent, headed by one or more resident persons who have the authority over the care, functioning or management of their common household.

FLOATING ZONE

A floating zone is a zoning designation that is unmapped on the official zoning map that at the discretion of the City Council may be superimposed on one or more qualifying parcels of land to impose supplemental restrictions on uses within the district, permit uses that are otherwise not permitted or implement incentives to foster development. Floating zones can be affixed to qualifying parcel(s) by the application of the owner of a parcel or by the City Council initiative. Upon approval, the parcel(s) is governed by the uses, dimensions and other provisions under the Floating Zone Ordinance.

FLOATING OVERLAY ZONE

A floating overlay zone is a zoning designation that is unmapped on the official zoning map that at the discretion of the City Council may be superimposed on one or more qualifying parcels of land to impose supplemental restrictions on uses within the district, permit uses that are otherwise not permitted or implement incentives while retaining the underlying zoning to foster development. Floating overlay zones can be affixed to qualifying parcel(s) by the application of the owner of a parcel or by the City Council initiative. Upon approval, the parcel(s) is governed by the uses, dimensions and other provisions under the Floating Overlay Zone Ordinance.

FLOOR AREA

The horizontal area of a story of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the center line of such common walls, but excluding unroofed porches, balconies, raised platforms, roof overhangs, gutters and chimneys.

FLOOR AREA, GROSS

The sum of the floor areas of all stories of all principal buildings on a lot, excluding floor area used for accessory off-street parking purposes.

FLOOR AREA RATIO (F.A.R.)

The gross floor area divided by the lot area.

GRADE

The average level of the ground surrounding and 10 feet distant from the exterior walls of the building, but within the property.

HEALTH CLUB

Membership facilities designed and used for body conditioning and rehabilitation, including activities such as aerobic and related class exercises. Health clubs may contain equipment such as whirlpools, saunas, steam rooms, showers, locker facilities and, as an accessory use, a health food bar.

HOME OCCUPATION, CUSTOMARY

An occupation of a service character accessory to and customarily incidental to the use of a dwelling unit by a resident thereof, the conduct of which is clearly secondary to the use of the dwelling unit for living purposes, does not change the character thereof or have any exterior evidence of such secondary use and does not involve the keeping of stock of merchandise for sale in connection therewith. Tutoring and instruction, including art, music, voice, violin or other musical instrument, limited to a single pupil at a time shall be deemed a customary home occupation. Group instruction in dancing, vocal or instrumental music, tea rooms, barber shops, beauty parlors, real estate offices, insurance offices and tourist homes are not customary home occupations.

HOTEL/MOTEL

Any building or group of buildings containing rooms occupied by transient guests who are lodged with or without meals, in facilities also commonly referred as inns, motor lodges and other such similar designations.

IMPERVIOUS SURFACE

Any surface or material through which water will not flow under ordinary hydrostatic pressure and including structures, parking areas, driveways, sidewalks, terraces and paved areas.

LEGAL CONDITIONS

Conditions of a building structure land or part thereof sanctioned by a certificate of occupancy or tenancy or a letter of completion.

LEGALIZATION

The type of permit application and/or work required from the owner to bring a building structure land or portion thereof which use or physical conditions have been changed or altered without a permit issued by the Department of Buildings to approved and legal conditions.

LETTER OF COMPLETION

A certificate issued by the Commissioner of the Department of Buildings indicating the satisfactory completion of alterations in accordance with the permit issued thereof.

LIQUEFIED PETROLEUM GAS (LPG) DISTRIBUTION FACILITY

A business enterprise engaged in the distribution of LPG, received by truck transport, and having on-site bulk storage of more than 2,000 gallons of LPG and usually having container-filling and truck-loading facilities.

LIQUEFIED PETROLEUM GAS (LPG) DISTRIBUTION POINT

A business enterprise engaged in the retail sale and distribution of LPG in small portable tanks, cylinders or containers and having on-site storage facilities of 100 gallons or more. Notwithstanding the above, the incidental retail sale of LPG in small portable tanks, cylinders or containers of less than 20 pounds or as prescribed by National Fire Protection Association (NFPA) 58, Chapter 5, whichever is more restrictive, shall not be considered a liquefied petroleum gas distribution point.

LOADING SPACE

An off-street space available for the loading or unloading of goods and having direct usable access to a street.

LOT

A recorded piece, plot or parcel of land or assemblage of recorded contiguous parcels of land, all in common ownership, occupied or to be occupied by principal and accessory buildings and uses and having its principal frontage on a street or on such other means of access as may be deemed, in accordance with the provisions of law, to be adequate as a condition of the issuance of a building permit for a building or buildings on such land.

LOT AREA

The total horizontal area included within the lot boundaries.

LOT, CORNER

A lot located at the intersection of two or more streets where the interior angle formed by the intersection of the streets is 135° or less; all corner lots are presumed to have two front yards, one primary and one secondary.

[Amended 3-10-1999, approved 3-11-1999]

LOT, THROUGH

A lot having frontage on two parallel or approximately parallel streets.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

LOT FRONTAGE

The continuous extent of a lot along a street.

LOT LINE

A property line bounding a lot.

LOT LINE, FRONT

In the case of a lot abutting upon only one street, the lot line separating the lot from the street. In the case of a corner lot, the owner may elect any street line as the front lot line, except that where the majority of lots in any block are developed, the front lot line shall be the same as that used by such other lots. In the case of a through lot having frontage on two

streets, the front yard setbacks and other requirements of this chapter applicable to front yards shall apply for both streets. For a lot with less than 70% of the minimum frontage required for the district in which it is located, the front lot line shall be deemed to be a line within the lot and which is parallel to the street and at least equal in length to the minimum frontage requirement.

LOT LINE, REAR

The lot line which is generally opposite the front lot line and most distant therefrom. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE

Any lot line other than the front lot line and the rear lot line.

LOT WIDTH

The mean horizontal distance between the side lot lines, measured perpendicular to the lot depth.

MEDICAL OFFICE

The office of recognized licensed medical practitioners, including but not limited to doctors, dentists, dental surgeons, veterinarians, chiropractors, podiatrists, psychologists and licensed therapists.

MOTOR VEHICLE BODY REPAIR SHOP

An establishment engaged in the repair of automotive tops, bodies and interiors or in automotive painting, detailing and refinishing.

MOTOR VEHICLE DEALERSHIP

An establishment primarily engaged in the retail sale of new automobiles and which may include, as an accessory use, the sale of used automobiles, parts and accessories for said automobiles, including minor service and repair work.

MOTOR VEHICLE RENTAL AGENCY

Establishments primarily engaged in the short-term rental of vehicles without drivers and including the on-site storage of such vehicles.

MOTOR VEHICLE SERVICE AND REPAIR FACILITIES

An establishment engaged in the installation, repair, and/or sale of automotive exhaust systems, front-end wheel alignment, glass, tires, electrical components, transmissions and similar types of functions.

MOTOR VEHICLE SERVICE STATION

An establishment engaged in the retail sale of motor vehicle fuel and lubricating oils and the sale of parts, accessories and services for motor vehicles, excluding body repair.

MULTIFAMILY AGE RESTRICTED DWELLINGS

A development of land as a unified residential community, constructed expressly for use and residence by persons who have attained a minimum specified eligible age, while also incorporating the preservation of natural open space areas as an integral element of the development. An age restricted housing development shall be permitted only within the RFM-SC Multifamily Senior Citizen Housing Floating Overlay Zoning District.

NIGHTCLUB

A business enterprise which provides live or mechanical music or theatrical entertainment and permits dancing in connection with the service of food or beverage. The term "nightclub" shall include cabarets, dance halls, discotheques or other similar establishment.

NOT-FOR-PROFIT CORPORATION

A corporation formed or existing under the Not-For-Profit Corporation Law of New York state.

NURSERY SCHOOL

A social and educational program for children, operated for less than three hours per session, two to five times a week, often following a school-year schedule, and registered with the New York State Education Department.

OVERLAY ZONE

A mapped overlay district superimposed on one or more established underlying zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program

PARKING FACILITY

An off-street area for the parking of licensed motor vehicles on a transient basis. This does not include any motor vehicle storage areas.

PARKING SPACE

An off-street space available for the parking of one licensed motor vehicle on a transient basis and having direct usable access to a street.

PERMIT HOLDER

The contractor listed on the permit.

PERSON

Any individual or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies.

PRIVATE SCHOOL

An institution conducting a regularly scheduled academic curriculum of study similar to that of public schools and operated in accordance with the Education Law of the State of New York.

PROFESSIONAL PERSON

An attorney admitted to practice in the State of New York; or a certified public accountant, a professional engineer, an architect, a landscape architect, a physician, a dentist, a speech pathologist, an audiologist, a chiropractor, a podiatrist, a physical therapist, an optometrist or an individual licensed to practice psychology and all others as defined and regulated in the Education Law of the State of New York.

PUBLIC AMENITIES

Areas designated for public access, public traffic, and/or public accommodation within private or public development projects.

PUBLIC ART

Original works of art accessible to the public and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

PUBLIC PLAZA

A public square or area designed as a gathering place for the public and designated by the City Council as a privately owned open area adjacent to buildings and accessible to the public which is generally at grade with the adjoining sidewalk.

PUBLIC SCHOOL

An educational institution operated by a public school district in accordance with the Education Law of the State of New York.

PUBLIC UTILITY

Any person duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewage treatment, steam, cable TV or telephone, cellular telephone or telegraph service.

RESIDENTIAL HEALTH CARE FACILITY

Residential facilities providing rooms, supportive assistance, health care, skilled nursing care, and therapies. Referred to as nursing homes, skilled nursing facilities, or Green Houses, these facilities are constructed, operated, and overseen pursuant to Article 28 of New York State Public Health Law, NYCRR Title 10, Section 86.2.

RESTAURANT

A business enterprise primarily engaged in preparing and serving food selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises.

RESTAURANT, CARRY-OUT

A business enterprise primarily engaged in the retail sale of food products for consumption off the premises but which may also include the incidental sale of ready-to-consume food and beverages from a counter-type installation for consumption on the premises where patrons usually select their orders from a posted menu and service and cleanup is generally

performed by the customer, provided that the area devoted to customer seating represents less than 25% of the gross floor area of the establishment. The term carry-out restaurant shall not include bakeries, delicatessens, grocery stores or other food sales establishments not providing customer seating on the premises.

RESTAURANT, FAST-FOOD

A business enterprise primarily engaged in the retail sale of ready-to-consume food served in disposable containers and selected by patrons from a limited number of specialized items, such as, but not limited to, hamburgers, chicken, fish and chips, pizza, tacos and hot dogs, which are prepared according to standardized procedures for consumption either on or off the premises. The term fast-food restaurant shall include, but not be limited to, facilities where a substantial portion of the sales to the public is by stand-up service.

RETAIL

The selling of goods and merchandise to the general public for personal or household use.

RETAIL DRY CLEANERS

A business enterprise having facilities for the cleaning and pressing of clothing which deals directly with ultimate consumers, does not exceed 2,500 square feet of gross floor area, uses only solvents with a flash point of not less than 138.2° F. and has a total aggregate dry load capacity of machines not exceeding 60 pounds.

RETAIL LAUNDRY

A business enterprise with facilities for the washing of clothing which deals directly with ultimate consumers and does not exceed 2,500 square feet of gross floor area.

ROOMER

An occupant of a rooming unit. The term shall also include boarder.

ROOMING UNIT

A portion of a dwelling unit, including access to cooking, sanitary and sleeping facilities, which is leased for occupancy by no more than one person.

[Amended 3-10-1999, approved 3-11-1999]

SATELLITE EARTH STATION OR DISH ANTENNA

A combination of antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; a coaxial cable whose purpose is to carry the signals into the interior of the buildings.

SENIOR CITIZEN

The term "senior citizen" is defined as any person 55 years and older. Age requirements may vary depending upon the type of project and/or the source of funding requested.

SENIOR CITIZEN HOUSING

~~Housing which is designed for and specifically limited in occupancy to senior citizens and may be constructed by private not for profit philanthropic institutions or foundations with federal or state subsidies pursuant to the provisions of Section 201 of the Federal Housing Act of 1959 or any amendments or revisions thereof.~~

SENIOR CITIZEN HOUSING

Housing which is designed for occupancy by senior citizens and which is limited in occupancy to those meeting the definition of senior citizens (unless specified otherwise in the law establishing the development's construction funding source) and which may be constructed with federal, state, or local subsidies, or constructed with conventional funding sources.

SEXUAL ENCOUNTER ESTABLISHMENT

An establishment, other than a hotel, motel or similar establishment, offering accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in any connection with specified sexual activities. This definition shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of New York engages in sexual therapy. Sexual encounter establishments are expressly prohibited in the City of Mount Vernon because they may encourage unlawful activity to occur. (See New York State Penal Code Article 230).

[Added 2-3-1999]

SPECIFIED ANATOMICAL AREAS

Includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

[Added 2-3-1999]

SPECIFIED SEXUAL ACTIVITIES

Includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, or bestiality; masturbation, actual or simulated; or excretory functions as part or in connection with any of the activities set forth above in this definition.

[Added 2-3-1999]

SITE PLAN

A map showing the layout, arrangement and use of buildings and land, including accessory uses, structures, facilities and services and meeting the informational requirements of this chapter.

SOLAR ENERGY COLLECTOR

A device or combination of devices which relies upon solar radiation as an energy source and that is employed for the purpose of heating or cooling a building, the heating of water or the generation of electricity.

STORY

That portion of a building which is between one floor level and the next higher floor level or the roof. Any floor of a building used for purposes other than storage or other mechanical equipment shall be counted as a story.

STREET

An existing state, county or city highway or road, or a road on a subdivision plat approved by the Planning Board or on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board and the grant to such Board of the power to approve subdivision plats, including all of the land within the right-of-way.

STREET LINE

Any line dividing a lot from a street.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Included are swimming pools, parking garages, decks not attached to a building, tents, basketball, tennis and paddle tennis courts, tents, but not anything requiring only simple paving or surfacing of the ground, such as parking lots, driveways or sidewalks.

STRUCTURE, MINOR ACCESSORY

A building containing less than 500 cubic feet of volume, not exceeding 15 feet in height and customarily found accessory to dwelling units, including dog houses, tree houses, playhouses, pigeon coops, storage sheds and greenhouses.
[Amended 3-10-1999, approved 3-11-1999]

SWIMMING POOL

A man-made body of water or receptacle for water having a depth of more than 24 inches and a water surface area of more than 80 square feet and constructed, installed or maintained in or above ground outside any building.

TENANCY SPACE

A building or portion thereof owned or leased by a business owner to conduct such business. The term tenancy space shall be limited to space with residential use only.

UNIVERSITY OR COLLEGE

An institution of higher education operated in accordance with the Education Law of the State of New York.

USABLE OPEN SPACE, AREA OF

The required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors.

USE

The specific purpose for which property is designed, arranged, intended or for which it is or may be occupied or maintained.

UNDERLYING ZONING

The original zoning designation given to a parcel(s) of land within the City prior to a Zoning Overlay superimposed on the parcel(s). Please refer to Zoning District.

WAIVER

Permission to depart from the requirements of this chapter with respect to the submission of required information or documents.

YARD

The open space on a lot separating the lot line from the nearest building or, where there is no building, the minimum required yard for the district in which it is located.

YARD, FRONT

A yard extending across the full width of the lot and lying between the front lot line and the nearest building on the lot.

YARD, MINIMUM

The minimum yard as required in accordance with the applicable Schedule of Dimensional Regulations, *Editor's Note: The Schedule of Dimensional Regulations is included at the end of this chapter*; which yard shall be measured from the front, side or rear lot line, whichever the case may be.

YARD, REAR

A yard extending across the full width of the lot and lying between the rear lot line and the nearest building on the lot.

YARD, SIDE

A yard between a side lot line(s) and the nearest building on the lot, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front and rear lot line, as the case may be.

ZONING OVERLAY

A mapped overlay district superimposed on one or more established underlying zoning districts which may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of density bonus or incentive bonus program

ZONING DISTRICT

A designation given to parcel(s) within the City to govern the use of land and bulk of buildings.

**Article III
Section 267-5**

§ 267-5. District Classification.

The City of Mount Vernon is hereby divided into the following classes of districts:

A. Residence Districts.

- R1-7 One-Family Residence
- ~~R1-TH One-Family Townhouse Residence~~
- R1-4.5 One-Family Residence
- R1-3.6 One-Family Residence
- R2-4.5 Two-Family Residence
- RMF-6.75 Multifamily Residence
- RMF-10 Multifamily Residence
- RMF-15 Multifamily Residence
- ~~RMF-SC-25 Multifamily Senior Citizen Residence~~
- H Hospital

B. Nonresidence Districts.

- NB Neighborhood Business
- OB Office Business
- DB Downtown Business
- CB Commercial Business
- LI-15 Landscaped Industrial
- LI-7.5 Landscaped Industrial
- I Industry

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

§ 267-6. Zoning Map establishment.

The boundaries of all districts are hereby established as shown on a map entitled Zoning Map, City of Mount Vernon, New York, dated ~~October 16, 1997 XX XX~~, 2012, and as may be amended from time to time and certified by the City Clerk, which map accompanies and with all explanatory matter thereon is made part of this chapter. The official copy of this map is kept by the City Clerk, with copies thereof kept by the Department of Planning and Department of Buildings. Unofficial copies at a reduced scale are included with copies of this chapter. Whenever the City Council amends the Zoning Map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the official copy of the Zoning Map and to the copies kept by the Department of Planning and Department of Buildings.

~~Article IV~~

~~Section 267-13~~

~~A. Use of yards.~~

~~(1) Buildings and structures. No building shall be constructed on any portion of a lot which is less in width than the minimum required for the district in which it is located. No building or structure shall be permitted within any minimum required yard except:~~

~~(a) Decks or terraces not exceeding 18 inches above the level of the ground beneath them and not extending into a side or rear yard closer than three feet of any side or rear lot line.~~

~~(b) Swimming pools as regulated by § 267-14C.~~

~~(c) Fences as regulated by § 267-14B.~~

~~(d) Other minor accessory structures in a side or rear yard but no closer than three feet from any property line.~~

~~(e) Ground floor steps and entrance porches.~~

~~(2) Parking.~~

~~(a) No parking shall be permitted within any required yard except as provided in Article VIII.~~

~~(b) No parking or storage of means of conveyance, other than passenger motor vehicles, is permitted in residence district.~~

~~(c) No parking or storage of commercial vehicles, trucks, and other means of conveyance, other than passenger vehicles, is permitted in non-residence districts except as otherwise permitted in this chapter.~~

~~(3) Structural projections.~~

~~(a) Open one-story porches, roof overhangs, canopies and other similar architectural features may extend to within a minimum distance of the front lot line as follows:~~

~~[1] R1-7 District: 20 feet.~~

~~[2] R1-4.5, R1-3.6, R2-4.5 and RMF-6.75 Districts: 15 feet.~~

~~[3] RMF-10 and RMF-15 Districts: 10 feet.~~

~~(b) The ordinary projections of window sills, belt courses, chimneys, cornices, eaves and other similar architectural features shall not project more than two feet into any side or rear yard.~~

~~B. Front on corner lots:~~

~~(1) The owner of a corner lot in a residence district may elect either yard fronting on a street as the required front yard, with the secondary front yard being equal to at least the following:~~

~~(a) R1-TH: 30 feet.~~

~~(b) R1-7: 18 feet. (c) R1-4.5: 12 feet~~

~~(d) R1-3.6, R2-4.5: eight feet.~~

~~(e) RMF-6.75: 10 feet.~~

~~(f) RMF-10, RMF-SC-15: 15 feet.~~

~~(g) RMF-15: 20 feet.~~

~~(2) The owner of a corner lot in a landscaped industrial district may elect either yard fronting on a street as the required front yard, with the secondary front yard equal to at least the following:~~

~~(a) LI-15: 18 feet.~~

~~(b) LI-7.5: 12 feet.~~

~~C. Obstruction to visibility at intersections. The following requirements with respect to obstruction to visibility at intersections shall apply to one and two family properties in residence districts only. Standards with regard to visibility affecting other properties shall be as determined adequate by the Planning Board as set forth in Article VII of this chapter.~~

~~(1) Driveway intersections. Obstructions to visibility which exceed 2 1/2 feet in height shall be prohibited in the triangles formed by the edge of the paved street, the edge of the driveway and a line joining points located along the street pavement edge 30 feet therefrom and the driveway edge 15 feet therefrom.~~

~~(2) Street intersections. Obstructions to visibility which exceed 2 1/2 feet in height shall be prohibited in the triangle formed by intersecting street pavement edges and a line joining points located along said street pavement edges which are 40 feet from the theoretical point of intersection of such lines, as extended.~~

Article V

§ 267-15. Purposes.

~~In addition to the general purposes of this chapter as set forth in § 267-1, the following specific purposes are set forth for residence and nonresidence districts:~~

~~A. Residence Districts.~~

- ~~(1) To promote and encourage a suitable environment for family life where safe streets, wide yards and quiet neighborhoods are of paramount importance.~~
- ~~(2) To avoid, as far as possible, commercial traffic and through traffic of all kinds in residential areas.~~
- ~~(3) To encourage a balanced variety of housing types, sizes and densities, consistent with the character of existing neighborhoods and the provision of adequate open space, sunlight and air.~~
- ~~(4) For the R1-TH Townhouse Residence District, to promote the development of one-family attached or detached dwellings on sites where topographic features, landscape resources, locational characteristics and acreage suggest clustering of buildings as the most appropriate building type.~~
- ~~(5) For the RMF-6.75 Multifamily Residence District, to provide a medium density housing environment that promotes the development of one and two family dwellings, also, for the conversion of large existing dwellings to multifamily use, and encourages the construction of new multifamily dwellings, not to exceed three units, on sites where adequate on-site parking and open space can be provided.~~
- ~~(6) For all RMF Multifamily Residence Districts, to encourage the development of dwelling units suitable for a variety of household sizes at higher densities which will allow for the construction of such housing at a relatively more moderate cost. Such districts are generally intended to be located in convenient proximity to employment, shopping, transportation and community facilities. Adequate on-site parking and open space must be provided.~~

- ~~(7) For the RMF-SC-25 Multifamily Senior Citizen Residence District, to provide low-cost housing opportunities for senior citizens in locations convenient to shopping, transportation and community facilities.~~
- ~~(8) For the Urban Renewal Planned Development, to encourage a predominately residential mixed-use planned-unit development of a large tract of land in such a manner as to permit a variety of compatible land uses, encourage flexibility of design and development, to expand the city's tax base and to otherwise promote development in connection with the stated goals and objectives of the city.~~
- ~~(9) For the PUD-2 Planned Unit Development, to encourage flexibility of design and development of land in such a manner as to minimize negative environmental impacts, provide for excellence in architectural design of buildings, maximize fiscal benefits for the city and otherwise promote the most environmentally desirable form of future development.~~
- ~~(10) For the H Hospital District, to ensure the development and continuation of hospital and medical-related facilities needed to serve the city's health-care needs.~~

~~B. Nonresidence districts:~~

- ~~(1) For the OB Office Business District, to provide a medium-density office district which is intended to encourage the development of modern office buildings within the downtown area of the city.~~
- ~~(2) For the NB Neighborhood Business District, to serve the retail and service convenience shopping needs of residential areas and to provide the opportunity for the continuation of pedestrian-oriented retail and service business uses in the city's residential neighborhoods.~~
- ~~(3) For the DB Downtown Business District, to allow the future growth and orderly development of the major downtown area in the city with a wide variety of retail, office and service business uses.~~
- ~~(4) For the CB Commercial Business Districts, to provide a wide variety of retail, office and service business uses in character and scale with existing and planned future development along some of the major arterial commercial streets of the city.~~
- ~~(5) For the LI Landscaped Industrial District, to promote a combination of manufacturing, warehousing, wholesale storage and other industrial type uses in areas with good highway access and which have already developed an industrial character.~~

- (6) ~~For the I Industry District, to provide appropriate location and development standards for more intensive types of industrial development.~~

~~§ 267-16. List of use regulations and Schedule of Dimensional Regulations.~~

~~The accompanying list of use regulations (§§ 267-17 and 267-18) and Schedule of Dimensional Regulations *Editor's Note: The Schedule of Dimensional Regulations is included at the end of this chapter.* list and define the permitted uses of land, buildings and structures, and the minimum and maximum dimensional requirements to be met in connection with such uses. All permitted uses are set forth in the list of use regulations by district. Any use not specifically listed as being permitted shall be deemed to be prohibited. Only in multifamily and nonresidence districts is more than one permitted principal use allowed on a single lot.~~

~~§ 267-17. List of residence district uses.~~

~~[Amended 3-10-1999, approved 3-11-1999]~~

~~A. District R1-7 One-Family Residence. *Editor's Note: Former District R-1a.*~~

~~(1) Permitted principal uses.~~

- ~~(a) One-family dwellings.~~
- ~~(b) Public schools.~~
- ~~(c) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~
- ~~(c) Swimming pools as regulated by § 267-14C.~~
- ~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~
- ~~(e) Office in residence of a professional person and customary home occupations as regulated by § 267-19A.~~
- ~~(f) Minor accessory structures.~~

~~(3) Uses allowed by special permit.~~

- ~~(a) Churches, mosques, synagogues or other places of worship.~~
- ~~(b) Universities, colleges and private schools as regulated by § 267-28A.~~
- ~~(c) Domiciliary care facilities as regulated by § 267-28B.~~
- ~~(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
- ~~(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~
- ~~(f) Public utility uses as regulated by § 267-28H.~~
- ~~(g) Uses of other governmental agencies as regulated by § 267-30.~~

~~B. District R1-TH One Family Townhouse Residence *Editor's Note: Formerly District R 4.* as regulated by § 267-20.~~

~~(1) Permitted principal uses.~~

- ~~(a) One family dwellings and attached dwelling units.~~
- ~~(b) Municipal uses of the City of Mount Vernon.~~

~~(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) Swimming pools as regulated by § 267-14C.~~
- ~~(c) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~
- ~~(d) Customary home occupations as regulated by § 267-19A.~~

~~(3) Uses allowed by special permit.~~

- ~~(a) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
- ~~(b) Public utility uses as regulated by § 267-28H.~~
- ~~(c) Uses of other governmental agencies as regulated by § 267-30.~~

~~C. District R1-4.5 One Family Residence. *Editor's Note: Former District R 1b.*~~

~~(1) Permitted principal uses:~~

~~(a) One-family dwellings:~~

~~(b) Public schools:~~

~~(c) Municipal uses of the City of Mount Vernon:~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~

~~(c) Swimming pools as regulated § 267-14C.~~

~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

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

~~(f) Minor accessory structures:~~

~~(3) Uses allowed by special permit:~~

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

~~(b) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(c) Domiciliary care facilities as regulated by § 267-28B.~~

~~(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~

~~(f) Public utility uses as regulated by § 267-28H.~~

~~(g) Uses of other governmental agencies as regulated by § 267-30.~~

~~D. District R1-3.6 One-Family Residence. *Editor's Note: Former District R-1c.*~~

~~(1) Permitted principal uses:~~

~~(a) One-family dwellings.~~

~~(b) Public schools.~~

~~(c) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~

~~(c) Swimming pools as regulated by § 267-14C.~~

~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

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

~~(f) Minor accessory structures.~~

~~(3) Uses allowed by special permit.~~

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

~~(b) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(c) Domiciliary care facilities as regulated by § 267-28B.~~

~~(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~

~~(f) Public utility uses as regulated by § 267-28H.~~

~~(g) Uses of other governmental agencies as regulated by § 267-30.~~

~~E. District R2-4.5 Two-Family Residence. *Editor's Note: Former District R-2.*~~

~~(1) Permitted principal uses.~~

~~(a) One-family dwellings as regulated in the R1-4.5 Residence District.~~

- ~~(b) Attached dwelling units.~~
 - ~~(c) Two-family dwellings.~~
 - ~~(d) Public schools.~~
 - ~~(e) Municipal uses of the City of Mount Vernon.~~
- ~~(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) The keeping of not more than one roomer in one rooming unit.~~
 - ~~(c) Swimming pools as regulated by § 267-14C.~~
 - ~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~
 - ~~(e) Office in residence of a professional person and customary home occupations as regulated by § 267-19A.~~
 - ~~(f) Minor accessory structures.~~
- ~~(3) Uses allowed by special permit.~~
- ~~(a) Churches, mosques, synagogues or other places of worship.~~
 - ~~(b) Day-care centers.~~
 - ~~(c) Nursery schools.~~
 - ~~(d) Domiciliary care facilities as regulated by § 267-28B.~~
 - ~~(e) Universities, colleges and private schools as regulated by § 267-28A.~~
 - ~~(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
 - ~~(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~
 - ~~(h) Public utility uses as regulated by § 267-28H.~~
 - ~~(i) Uses of other governmental agencies as regulated by § 267-30.~~

~~F. District RMF-6.75 Multifamily Residence. Editor's Note: Former District R-3.~~

~~(1) Permitted principal uses:~~

- ~~(a) One-family dwellings as regulated in the R1-4.5 Residence District.~~
- ~~(b) Attached dwelling units and two-family dwellings as regulated in the R2-4.5 District.~~
- ~~(c) Multifamily dwellings, not to exceed three units per building.~~
- ~~(d) Public schools.~~
- ~~(e) Community purpose buildings.~~
- ~~(f) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~
- ~~(c) Swimming pools as regulated by § 267-14C.~~
- ~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~
- ~~(e) Office in residence of a professional person and customary home occupations as regulated by § 267-19A.~~
- ~~(f) Minor accessory structures.~~

~~(3) Uses allowed by special permit.~~

- ~~(a) Churches, mosques, synagogues or other places of worship.~~
- ~~(b) Day-care centers.~~
- ~~(c) Nursery schools.~~
- ~~(d) Domiciliary care facilities as regulated by § 267-28B.~~
- ~~(e) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~

~~(h) Public utility uses as regulated by § 267-28H.~~

~~(i) Uses of other governmental agencies as regulated by § 267-30.~~

~~G. District RMF-10 Multifamily Residence. *Editor's Note: Former District A-1.*~~

~~(1) Permitted principal uses:~~

~~(a) One family dwellings as regulated in the R1-4.5 Residence District.~~

~~(b) Attached dwelling units and two family dwellings as regulated in the R2-4.5 District.~~

~~(c) Multifamily dwellings containing no more than three units per building as regulated in the R-6.75 Residence District.~~

~~(d) Multifamily dwellings.~~

~~(e) Public schools.~~

~~(f) Community purpose buildings.~~

~~(g) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~

~~(c) Swimming pools as regulated by § 267-14C.~~

~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

~~(e) 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) Day-care centers.~~
- ~~(c) Nursery schools.~~
- ~~(d) Domiciliary care facilities as regulated by § 267-28B.~~
- ~~(e) Universities, colleges and private schools as regulated by § 267-28A.~~
- ~~(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
- ~~(g) Off-street parking facilities. (See Article VIII.)~~
- ~~(h) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~
- ~~(i) Public utility uses as regulated by § 267-28H.~~
- ~~(j) Uses of other governmental agencies as regulated by § 267-30.~~

~~H. District RMF-15 Multifamily Residence. *Editor's Note: Formerly District A-2.*~~

~~(1) Permitted principal uses:~~

- ~~(a) One-family dwellings as regulated in the R1-4.5 Residence District.~~
- ~~(b) Attached dwelling units and two-family dwellings as regulated in the R2-4.5 Residence District.~~
- ~~(c) Multifamily dwellings containing no more than three units per building as regulated in the R-6.75 Residence District.~~
- ~~(d) Multifamily dwellings.~~
- ~~(e) Public schools.~~
- ~~(f) Community purpose buildings.~~
- ~~(g) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~

~~(c) Swimming pools as regulated by § 267-14C.~~

~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

~~(e) 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) Day care centers.~~

~~(c) Nursery schools.~~

~~(d) Domiciliary care facilities as regulated by § 267-28B.~~

~~(e) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~

~~(h) Off street parking facilities. (See Article VIII.)~~

~~(i) Public utility uses as regulated by § 267-28H.~~

~~(j) Uses of other governmental agencies as regulated by § 267-30.~~

~~I. District RMF-SC-25 Multifamily Senior Citizen Residence. *Editor's Note: Formerly District A-3.*~~

~~(1) Permitted principal uses:~~

~~(a) One family dwellings as regulated in the R1-4.5 Residence District.~~

~~(b) Attached dwelling units and two family dwellings as regulated in the R2-4.5 Residence District.~~

~~(c) Multifamily dwellings.~~

~~(d) Public schools.~~

~~(e) Community purpose buildings.~~

~~(f) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~

~~(c) Swimming pools as regulated by § 267-14C.~~

~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

~~(3) Uses allowed by special permit.~~

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

~~(b) Day-care centers.~~

~~(c) Nursery schools.~~

~~(d) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(e) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(f) Radio towers for licensed amateur radio stations as regulated by § 267-28C.~~

~~(g) Public utility uses as regulated by § 267-28H.~~

~~(h) Uses of other governmental agencies as regulated by § 267-30.~~

~~J. District H Hospital. *Editor's Note: Former District P-1.*~~

~~(1) Permitted principal uses.~~

~~(a) Hospital and related facilities, including nursing schools and housing for staff members, nurses and interns, resident physicians, researchers, employees, faculty members, students and their immediate families; sanitariums for noncontagious diseases; private proprietary nursing homes; and private proprietary convalescent homes.~~

~~(b) Medical and dental offices.~~

~~(c) Medical care facilities.~~

- ~~(d) Medical laboratories.~~
 - ~~(e) One-family dwellings as regulated in the R1-4.5 Residence District.~~
 - ~~(f) Attached dwelling units, two-family dwellings and multifamily dwellings as permitted and regulated in the RMF-10 Residence District.~~
 - ~~(g) Public schools.~~
 - ~~(h) Community purpose buildings.~~
 - ~~(i) Municipal uses of the City of Mount Vernon.~~
- ~~(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) The keeping of not more than one roomer in one rooming unit.~~
 - ~~(c) Swimming pools as regulated by § 267-14C.~~
 - ~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~
 - ~~(e) 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) Day-care centers.~~
 - ~~(c) Nursery schools.~~
 - ~~(d) Universities, colleges and private schools as regulated by § 267-28A.~~
 - ~~(e) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
 - ~~(f) Off-street parking facilities. (See Article VIII.)~~
 - ~~(g) Public utility uses as regulated by § 267-28H.~~
 - ~~(h) Uses of other governmental agencies as regulated by § 267-30.~~

~~K. District UR-PUD Urban Renewal Planned Unit Development as regulated by § 267-21.~~

~~(1) Permitted principal uses:~~

- ~~(a) One-family dwellings and attached dwelling units.~~
- ~~(b) Two-family dwellings.~~
- ~~(c) Multifamily dwellings.~~
- ~~(d) Public schools.~~
- ~~(e) Community purpose buildings.~~
- ~~(f) Office space for physicians, surgeons and dentists, located within the lobby or lowest residential story of a multifamily dwelling, limited to not more than 30% of the total rentable floor area of that story, and subject to all the off-street parking requirements as set forth in Article VIII of this chapter.~~
- ~~(g) Business, professional or governmental offices.~~
- ~~(h) Hotels.~~
- ~~(i) Banks.~~
- ~~(j) Restaurants.~~
- ~~(k) Museums and art galleries.~~
- ~~(l) Theaters and/or concert halls.~~
- ~~(m) Municipal uses of the City of Mount Vernon.~~

~~(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) The keeping of not more than one roomer in one rooming unit.~~
- ~~(c) Swimming pools as regulated by § 267-14C.~~
- ~~(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.~~

~~(e) 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) Day-care centers.~~

~~(c) Nursery schools.~~

~~(d) Domiciliary care facilities as regulated by § 267-28B.~~

~~(e) Universities, colleges and private schools as regulated by § 267-28A.~~

~~(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(g) Public utility uses as regulated by § 267-28H.~~

~~(h) Uses of other governmental agencies as regulated by § 267-30.~~

~~§ 267-18. list of nonresidence district uses.~~

~~A. District NB Neighborhood Business. *Editor's Note: Formerly District B-2.*~~

~~(1) Permitted principal uses.~~

~~(a) Public schools.~~

~~(b) Business, professional or governmental offices.~~

~~(c) Stores and shops exclusively for sales at retail or the performance of customary personal services.~~

~~(d) Museums and/or art galleries.~~

~~(e) Medical and/or dental offices.~~

~~(f) Medical laboratories.~~

~~(g) Business and/or trade schools.~~

~~(h) Retail laundries or retail dry cleaners.~~

~~(i) Hotels and motels.~~

- ~~(j) Motor vehicle dealerships.~~
- ~~(k) Retail laundries and retail dry cleaners.~~
- ~~(l) Bars, nightclubs and catering halls as regulated by § 267-23A.~~
- ~~(m) Bakeries, retail.~~
- ~~(n) Restaurants.~~
- ~~(o) Restaurants, carry-out.~~
- ~~(p) Restaurants, fast food (excluding drive-up window service).~~
- ~~(q) Municipal uses of the City of Mount Vernon.~~
- ~~(2) Permitted accessory uses. Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.~~
- ~~(3) Uses allowed by special permit.~~
 - ~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
 - ~~(b) Day care centers.~~
 - ~~(c) Nursery schools.~~
 - ~~(d) Funeral parlors.~~
 - ~~(e) Offices for drug rehabilitation purposes.~~
 - ~~(f) Universities, colleges and private schools as regulated by § 267-28A.~~
 - ~~(g) Banks.~~
 - ~~(h) Motor vehicle service stations as regulated by § 267-28G.~~
 - ~~(i) Motor vehicle rental agencies.~~
 - ~~(j) Off-street parking facilities. (See Article VIII.)~~
 - ~~(k) Public utility uses as regulated by § 267-28H.~~
 - ~~(l) Uses of other governmental agencies as regulated by § 267-30.~~
 - ~~(m) Social clubs as regulated by § 267-23A.~~

~~B. District OB Office Business. *Editor's Note: Formerly District B-1.*~~

~~(1) Permitted principal uses:~~

~~(a) Business, professional or governmental offices.~~

~~(b) Medical and/or dental offices.~~

~~(c) Hotels.~~

~~(d) Banks.~~

~~(e) Restaurants.~~

~~(f) Bars, nightclubs and catering halls as regulated by § 267-23A.~~

~~(g) Stores and shops exclusively for sales at retail or the performance of customary personal services.~~

~~(h) Medical laboratories.~~

~~(i) Public schools.~~

~~(j) Museums and art galleries.~~

~~(k) Municipal uses of the City of Mount Vernon.~~

~~(2) Permitted accessory uses. Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.~~

~~(3) Uses allowed by special permit:~~

~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(b) Day care centers.~~

~~(c) Nursery schools.~~

~~(d) Motor vehicle rental agencies.~~

~~(e) Funeral parlors.~~

~~(f) Theaters and/or concert halls.~~

~~(g) Off-street parking facilities.~~

~~(h) Offices for drug rehabilitation purposes.~~

~~(i) Public utility uses as regulated by § 267-28H.~~

~~(j) Uses of other governmental agencies as regulated by § 267-30.~~

~~C. District DB Downtown Business. *Editor's Note: Formerly District B-3.*~~

~~(1) Permitted principal uses:~~

~~(a) Business, professional or governmental offices.~~

~~(b) Stores and shops for sales at retail or the performance of customary personal services.~~

~~(c) Hotels.~~

~~(d) Bakeries, retail.~~

~~(e) Restaurants.~~

~~(f) Restaurants, carry-out.~~

~~(g) Restaurants, fast food (excluding drive-up window service).~~

~~(h) Bars, nightclubs and catering halls as regulated by § 267-19A.~~

~~(i) Medical and dental offices.~~

~~(j) Theaters and/or concert halls.~~

~~(k) Museums and/or art galleries.~~

~~(l) Retail laundries and retail dry-cleaners.~~

~~(m) Motor vehicle dealerships.~~

~~(n) Municipal uses of the City of Mount Vernon.~~

~~(2) Permitted accessory uses. Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.~~

~~(3) Uses allowed by special permit:~~

~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(b) Day care centers.~~

- ~~(c) Nursery schools.~~
- ~~(d) Banks.~~
- ~~(e) Funeral parlors.~~
- ~~(f) Offices for drug rehabilitation purposes.~~
- ~~(g) Motor vehicle rental agencies.~~
- ~~(h) Motor vehicle service stations as regulated by § 267-28G.~~
- ~~(i) Off-street parking facilities. (See Article VIII.)~~
- ~~(j) Public utility uses as regulated by § 267-28H.~~
- ~~(k) Uses of other governmental agencies as regulated by § 267-30.~~

~~D. District CB Commercial Business. *Editor's Note: Formerly District B-4.*~~

- ~~(1) Permitted principal uses.~~
 - ~~(a) Hotels and/or motels.~~
 - ~~(b) Community purpose buildings.~~
 - ~~(c) Business, professional or governmental offices.~~
 - ~~(d) Stores and shops for sales at retail or the performance of customary personal services.~~
 - ~~(e) Manufacture and/or assembly of products for retail sale on the premises only, provided that not more than 50% of the gross floor area of any establishment be so used.~~
 - ~~(f) Retail laundries or retail dry cleaners.~~
 - ~~(g) Banks.~~
 - ~~(h) Bakeries, retail.~~
 - ~~(i) Restaurants.~~
 - ~~(j) Restaurants, carry-out.~~
 - ~~(k) Restaurants, fast food (excluding drive-up window service).~~
 - ~~(l) Bars, nightclubs and catering halls as regulated by § 267-23A.~~

- ~~(m) The storage of commercial vehicles within fully enclosed buildings.~~
- ~~(n) Funeral parlors.~~
- ~~(o) Beverage bottling and distribution as regulated by § 267-23B.~~
- ~~(p) Bowling alleys and billiard halls.~~
- ~~(q) Printing plants.~~
- ~~(r) Medical and/or dental offices.~~
- ~~(s) Medical and/or dental laboratories.~~
- ~~(t) Car washes as regulated by § 267-23B.~~
- ~~(u) Theaters and/or concert halls.~~
- ~~(v) Animal hospitals.~~
- ~~(w) Motor vehicle dealerships.~~
- ~~(x) Municipal uses of the City of Mount Vernon.~~
- ~~(2) Permitted accessory uses. Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.~~
- ~~(3) Uses allowed by special permit.~~
 - ~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~
 - ~~(b) Restaurants, fast food, with drive-up window service as regulated by § 267-28F.~~
 - ~~(c) Offices for drug rehabilitation purposes.~~
 - ~~(d) Motor vehicle service stations as regulated by § 267-28G.~~
 - ~~(e) Wholesale businesses, including storage, warehousing and distribution in fully enclosed buildings.~~
 - ~~(f) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings, as regulated by § 267-25V.~~
 - ~~(g) Off-street parking facilities. (See Article VIII.)~~
 - ~~(h) Public utility uses as regulated by § 267-28H.~~

~~(i) Uses of other governmental agencies as regulated by § 267-30.~~

~~(j) Social clubs as regulated by § 267-23A.~~

E. District LI-7.5, LI-15 Landscaped Industrial. *Editor's Note: Formerly Districts L-a and L-b.*

~~(1) Permitted principal uses.~~

~~(a) Business, professional or governmental offices.~~

~~(b) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings.~~

~~(c) Motor vehicle dealerships.~~

~~(d) Banks.~~

~~(e) Restaurants, fast food (excluding drive-up window service).~~

~~(f) Restaurants.~~

~~(g) Funeral parlors.~~

~~(h) Retail dry cleaning.~~

~~(i) Animal hospitals.~~

~~(j) Printing plants.~~

~~(k) Municipal uses of the City of Mount Vernon.~~

~~(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) Stores and shops for sales at retail, provided that such products are manufactured or assembled on the premises.~~

~~(3) Uses allowed by special permit.~~

~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(b) Restaurants, fast food, with drive-up window service as regulated by § 267-28F.~~

~~(c) Bars, nightclubs and catering halls as regulated by § 267-23A.~~

~~(d) Wholesale businesses, including storage, warehousing and distribution, in fully enclosed buildings.~~

~~(e) Liquefied petroleum gas (LPG) distribution points as regulated by § 267-23B.~~

~~(f) Public utility uses as regulated by § 267-28H.~~

~~(g) Uses of other governmental agencies as regulated by § 267-30.~~

~~F. District I Industry:~~

~~(1) Permitted principal uses:~~

~~(a) Business, professional or governmental offices.~~

~~(b) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings.~~

~~(c) Animal hospitals.~~

~~(d) Car washes.~~

~~(e) Motor vehicle rental agencies.~~

~~(f) Motor vehicle dealerships.~~

~~(g) Banks.~~

~~(h) Restaurants, fast food (excluding drive up window service).~~

~~(i) Restaurants.~~

~~(j) Printing plants.~~

~~(k) Beverage bottling and distribution.~~

~~(l) Wholesale businesses, including storage, warehousing and distribution, in fully enclosed buildings.~~

~~(m) Storage of motor vehicles.~~

~~(n) Storage of commercial or industrial vehicles or construction equipment and/or supplies.~~

~~(o) Trucking terminals and truck trailer storage as regulated by § 267-23B.~~

~~(p) Fuel distribution businesses and/or facilities.~~

~~(q) Municipal uses of the City of Mount Vernon.~~

~~(2) Permitted accessory uses. Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.~~

~~(3) Uses allowed by special permit:~~

~~(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.~~

~~(b) Cemeteries.~~

~~(c) Restaurants, fast food, with drive-up window service as regulated by § 267-28F.~~

~~(d) Bars, nightclubs and catering halls as regulated by § 267-23A.~~

~~(e) Motor vehicle service stations as regulated by § 267-28G.~~

~~(f) Motor vehicle body repair shops as regulated by § 267-28G.~~

~~(g) Outdoor storage.~~

~~(h) LPG distribution points and/or facilities as regulated by § 267-23B.~~

~~(i) Asphalt heating and/or mixing facilities as regulated by § 267-25U.~~

~~(j) Public utility uses as regulated by § 267-28H.~~

~~(k) Uses of other governmental agencies as regulated by § 267-30.~~

~~(l) Adult entertainment store, subject to all conditions listed in § 267-28I.~~

~~[Added 2-3-1999]~~

~~(m) Adult live entertainment business, subject to all conditions listed in § 267-28I.~~

~~[Added 2-3-1999]~~

~~(n) Adult motion picture theater, subject to all conditions listed in § 267-28I.~~

~~[Added 2-3-1999]~~

~~§ 267-19. Additional regulations for residence districts.~~

~~A. Office in residence of a professional person and customary home occupations. In districts where permitted, one office of a professional person or a customary home occupation may be established in a dwelling unit subject to the following:~~

- ~~(1) Any such use must be located entirely within the dwelling unit of its practitioner and not elsewhere on the lot or in any accessory building or structure.~~
- ~~(2) No signs shall be permitted for a customary home occupation. For the office of a professional person, one sign meeting the requirements of the Sign Ordinance shall be permitted.~~
- ~~(3) The individual involved in such use must be domiciled in the dwelling unit.~~
- ~~(4) One nonresident partner, associate or employee shall be permitted to work on the premises, provided that site plan approval in accordance with Article VII of this chapter has been obtained or, in the case of an existing structure, such use has been registered with the Building Department.~~
- ~~(5) No more than 25% of the floor area of one story of the dwelling unit or 500 square feet, whichever is less, shall be used for such purposes.~~
- ~~(6) There may be only one patient, client, customer or any other kind of visitor being served at any one time.~~

~~§ 267-20. R1-TH Districts.~~

- ~~A. Eligibility. The minimum parcel size shall be no less than four acres and the maximum parcel size shall be no greater than 20 acres. Eligible parcels must abut a street with a paved roadway of such width as shall be deemed appropriate by the City Council after recommendation by the Planning Board.~~
- ~~B. Size of dwellings. All buildings may have up to four attached dwelling units. No more than 50% of the permitted dwelling units shall be in buildings with a maximum length of 120 feet. The balance of the permitted units shall be in buildings with a maximum permitted length of 100 feet. Where special topographical and/or environmental conditions, such as steep slopes, rock out croppings, wetlands, a stand of major trees or a unique ecological resource, would be better protected, the Planning Board may permit an increase in the number of dwelling units which may be in buildings of four attached units with a maximum length of 120 feet.~~
- ~~C. Recreation facilities. The use of any recreation buildings and structures shall be limited to the residents of the dwellings in the development and their nonpaying guests. No entertainment, live or mechanical, or the use of outdoor public address systems shall be permitted.~~

~~§ 267-21. UR-PUD Districts.~~

- ~~A. Eligibility. Eligible parcels for UR-PUD zoning shall be only those located in an area officially designated as appropriate for urban renewal by the City Council and having a minimum parcel size of 10 contiguous acres.~~

~~B. Standards. The following standards are hereby established as the minimum/maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate based upon consideration of the particular circumstances of the individual application to satisfy the purposes as set forth in § 267-15A(9) hereof.~~

~~(1) Maximum dimensional requirements for residential use.~~

~~(a) The maximum permitted floor area ratio shall be 2.50.~~

~~(b) The maximum building height shall be 200 feet in height from the finished grade.~~

~~(c) The maximum lot coverage by residential structures less than six stories but exclusive of any enclosed parking facilities whose roof and exposed sides are bermed and landscaped to screen such parking from public view is 30% of the total parcel area.~~

~~(d) The maximum lot coverage by residential structures greater than six stories but exclusive of any enclosed parking facilities whose roof and exposed sides are bermed and landscaped to screen such parking from public view is 20% of the total parcel area.~~

~~(2) Minimum dimensional requirements:~~

~~(a) The minimum lot area per dwelling unit shall be 545 square feet.~~

~~(b) There shall be a minimum of 200 square feet of usable open space per dwelling unit.~~

~~(3) Off-street parking requirements. The minimum off-street parking and loading requirements shall be as set forth in Article VIII of this chapter. Notwithstanding any other requirements of this chapter, where a parcel is located within 300 feet of a municipal parking facility, the parking requirements of the URA PUD District shall be as follows:~~

~~(a) Residential: A minimum of 0.75 parking spaces per dwelling unit.~~

~~(b) Commercial: zero.~~

~~(4) Maximum dimensional requirements for nonresidential use. The maximum building height shall be 160 feet in height from the finished grade.~~

~~§ 267-22. PUD-2 District.~~

~~A. Eligibility. The following are the minimum requirements for establishing the eligibility of any property for PUD-2 Planned Unit Development zoning:~~

~~(1) The minimum parcel size shall be two contiguous acres.~~

~~(2) The underlying zoning districts shall be:~~

~~(a) For residential development: RMF-6.75, RMF-10, RMF-15 and RMF-SC-25 Districts.~~

~~(b) For nonresidential developments: CB and I Districts.~~

~~B. Standards. The following standards are hereby established as the minimum/maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate based upon consideration of the particular circumstances of the individual application to satisfy the purposes as set forth in § 267-15A(9) hereof.~~

~~(1) Standards for residential uses.~~

~~(a) Building height.~~

~~[1] Low-rise or one-family attached or detached dwellings and/or multifamily dwellings the height of such buildings does not exceed 90 feet in height from the finished grade.~~

~~[2] Mid-rise multifamily dwellings consisting of attached units in structures of not more than 160 feet in height from the finished grade.~~

~~(b) Coverage. The maximum lot coverage for uses other than family detached dwellings shall be 25% for buildings and 50% for all impervious surfaces.~~

~~(c) Lot area per dwelling unit. The minimum lot area per dwelling unit shall be 545 square feet.~~

~~(d) Setbacks. The minimum yard setbacks for residential uses from all perimeter lot lines shall be 20 feet.~~

~~(e) The minimum distance between buildings shall be determined as part of the application review process. In no case shall such spacing be less than 25 feet or the average height of the two buildings, whichever requirement is more restrictive.~~

~~(2) Standards for nonresidential use.~~

~~(a) Building height. A maximum of 160 feet in height from the finished grade.~~

~~C. Procedure. Uses in § 2167-17 of the PUD-2 District may be established by the City Council either on its own motion or on petition of the property owner.~~

~~(1) Development concept plan. In the case of an application of a property owner requesting the establishment of a use or uses as permitted by § 267-17 of the PUD-2 District, the applicant shall submit a preliminary development concept plan of the proposed~~

~~development concept showing all proposed buildings and uses on the site, proposed building spacing and yard setbacks, the proposed location and design of all streets, driveways, parking lots, screening, landscaping, open spaces and recreation areas, proposed architectural features of all building, the relationship of the proposed development to adjacent land, health, safety and general welfare of the community. Such plans shall be accompanied by a brief analysis, in written form, explaining the proposed development concept and the planning purposes of § 267-15A(9) which will be derived for the city and the immediately surrounding neighborhood.~~

- ~~(2) Planning Board referral. The City Council may refer any such application to the Planning Board which shall report to it as to whether the establishment of such zone will be in accordance with the standards contained herein and will be of benefit to the city by satisfying the intent and purposes as set forth in § 267-15A(9) hereof.~~
- ~~(a) Notification. Upon receipt, the Planning Board shall refer a copy of the proposal to such city boards, agencies and departments as it determines to be appropriate. A copy of the proposal shall also be mailed to the neighborhood association(s) representing the neighborhood(s) within which the proposed PUD-2 District is to be located and to any such association(s) representing a neighborhood(s) located within 1,500 feet of such development.~~
- ~~(b) Preliminary meeting. The applicant and the licensed professional preparing the preliminary development concept plan shall attend a preliminary, informal meeting with the Planning Board for the purpose of representing and discussing this proposal. Appropriate neighborhood associations, as defined in § 267-22C(2)(a) above, shall be notified of such meeting by the applicant at least 10 days in advance.~~
- ~~(c) Report and recommendation. Following completion of its review, the Planning Board shall prepare and submit its report and recommendations to the City Council with respect to the potential applicability of PUD-2 zoning to the subject property and, where applicable, with respect to the proposed preliminary development concept plan.~~
- ~~(3) Public hearing. Upon receipt of the report and recommendations of the Planning Board, the City Council may schedule and hold a public hearing. Notice of the public hearing shall be published on at least three different dates in the city's official newspaper, the first insertion to be not less than 10 nor more than 30 days prior to the date of the hearing. In addition, the neighborhood association(s) shall be notified as required in § 267-22C(2)(a). A copy of such notice, with proof of mailing, shall be filed in the City Clerk's office by the applicant on or before the date of the public hearing.~~
- ~~(4) Council action. Following the close of the public hearing and completion of the SEQRA process, the City Council shall act to approve the proposed rezoning and, where applicable, the proposed development concept plan, either with or without modifications, or shall disapprove the application. In the event of its approval,~~

~~notification of the action taken and copies of all application materials shall be forwarded to the Planning Board for its further review and action, as appropriate.~~

~~(5) Planning Board approval. Prior to any construction within a PUD-2 District, application shall be made for site and, where appropriate, subdivision approval by the Planning Board. If a subdivision is required, such application shall be filed with the Planning Board simultaneously with the site plan and shall be processed in accordance with the requirements of the City of Mount Vernon subdivision regulations.~~

~~(a) Referrals for review and report. The Planning Board shall refer the site plan application for review and report to all other boards, agencies and officials of the city which it deems appropriate. All such boards, agencies and officials to which referral is made shall have not less than 30 days from the date of forwarding to submit their reports.~~

~~(b) Report from the Commissioner of Planning. The Commissioner of Planning shall report to the Planning Board whether the proposed site and/or subdivision plan complies with all of the standards and requirements of the PUD-2 District and its purposes.~~

~~(c) Public hearing. The Planning Board shall schedule a public hearing on the proposed site plan within 45 days of the date of its receipt of a complete application in proper form and in compliance with all SEQRA requirements. Notice of the public hearing shall be as required by law.~~

~~D. Common lands and facilities.~~

~~(1) Where a PUD-2 District approved pursuant to this authorization results in the permanent, preservation of open spaces or the creation of commonly used lands or facilities, including streets, 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 herein and in § 37 of the General City Law.~~

~~(2) Subject to approval as a part of the combination of the following arrangements:~~

~~(a) As a general rule, all such lands and facilities shall be owned by a property owners association as described in § 267-22D (2) (b) below.~~

~~(b) The lands and facilities may be conveyed to a recognized conservation organization dedicated to the preservation and maintenance of open space, provided that such organization has indicated its agreement to maintain such lands, and further provided that such organization is acceptable to the City Council.~~

~~(c) Such lands and facilities may be dedicated to the City of Mount Vernon, provided that public access is assured and the City Council has voted to accept such offer.~~

~~(d) All or the balance of the common lands which are not to be conveyed or dedicated in accordance with § 267-22D(2)(b) or 267-22D(2)(c) above, and any private common facilities, shall be owned and maintained by a property owners association, subject to the following requirements:~~

~~{1} The property owners association shall be a legal entity, including but not limited to a condominium corporation, cooperative corporation or a not for profit membership corporation created by a trust agreement or certificate of incorporation, approved as to form and sufficiency by the Corporation Counsel and designed to assure the permanent preservation, protection and maintenance of the common lands and any improvements thereon for their intended purpose.~~

~~{2} The property owners association shall be made responsible for the continued future maintenance, ownership and use of all such common lands and facilities.~~

~~{3} The property owners association shall not be permitted to be dissolved and shall not dispose of any common land or any improvements thereon or thereunder, by sale or otherwise, except to an organization established to own and maintain such common land and improvements as hereinabove referred to and subject to the same restrictions on maintenance and use as the first such legal entity, as well as approval by the Planning Board as set forth above.~~

~~{4} The property owners association shall be subject to an agreement with the city, provided that in the event it, or any successor organization, shall at any time after approval of the development fail to maintain the common land or any improvements thereon in reasonable order or condition in accordance with the approved plan, the city may serve written notice upon such legal entity or successor organization, or upon the property owners within the development, setting forth the manner in which the association has failed to maintain the common land or any improvements thereon, and said notice shall include a demand that such deficiencies be corrected within a designated time frame. If the deficiencies are not corrected within the designated timeframe, the City of Mount Vernon, in order to preserve the taxable values of the property within the development and to prevent the common land and improvements thereon from becoming a public nuisance, may enter upon and take possession of said common land and improvements and maintain the same until such time as the City Council shall determine that the property owners association is ready and able to maintain the common land and improvements in proper condition. Said entry and maintenance shall not vest in the public any rights to use the common land or improvements except when the same is voluntarily dedicated to the public by the property owners association and the offer of dedication is accepted by the City Council. The decision of the city with respect to the action described in this section shall constitute a final administrative decision subject to review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules. The cost to the city of any such maintenance shall be assessed against the properties within the PUD-2 District and, in the event of the failure or refusal of~~

~~any property owner to pay any such charges when due, the unpaid amount thereof shall become a lien against his property and, together with interest from the due date thereof, shall be included in the annual tax levy of the city upon such property for each such fiscal year, and the amount so levied shall be collected in the same manner as other city taxes.~~

~~{5} The property owners association agreement shall require that every property owner within the PUD-2 District shall automatically be and remain a member of the association and shall be subject to a charge for his proportionate share of expenses of the association's activities, including but not limited to the maintenance and operation of the common land and improvements thereon. The charge shall be a lien on the property in the event that it remains unpaid by the property owner for a period of more than 60 days after assessment thereof by the governing body of the property owners association. The obligation of each property owner to pay a proportionate share of the association's expenses may be enforced by an action in the name of the association or by the city as provided in § 267-22D(2)(d){3}, or in the name of both.~~

~~{6} The permanent preservation of common open space lands and facilities or their intended purposes shall further be legally assured to the satisfaction of the Planning Board and the Corporation Counsel by the filing of appropriate covenants, deed restrictions, easements or other forms of agreement. The permitted uses within such areas shall be limited to those specifically approved by the Planning Board and shown on the site development plan, plus other uses customarily incidental and accessory thereto. Subsequent to the approval of the final site development plan, the uses permitted within privately owned common land areas may be modified only upon approval by the Planning Board and only upon application by the entity owning such common land area. In each such case, a public hearing shall be held with the same notice as required by law for final site development plan approval. Such modification may permit a use in the same general category of use previously approved or may allow a change in the location of a particular use from one portion of the common land areas to another.~~

~~{7} Dedication of the common land areas, including any common facilities or improvements thereon, to the common use of all property owners within the PUD-2 District shall be recorded directly on the site development plan or by reference on the site development plan to a declaration of covenants, conditions and restrictions in a separate document recorded or to be recorded at or about the time of the filing of the approved final site development plan. Such declaration of covenants, conditions and restrictions shall permanently grant to each property owner in common with all other property owners within such PUD-2 District an easement in and to the common land areas and the common facilities thereon and of the use thereof.~~

~~E. Planning Board action. Within 62 days of the close of the public hearing, the Planning Board shall act either to approve, with or without modifications, or disapprove the~~

~~proposed site plan. The Planning Board decision shall be based upon the requirements of the City Council rezoning approval, the purposes, standards and regulations of the PUD-2 District and the requirements of SEQRA. Approval shall be required prior to the issuance of any building permit or certificate of occupancy within the PUD-2 District.~~

~~§ 267-23. Additional regulations for nonresidence districts.~~

~~A. Bars, nightclubs and catering halls. No bar, nightclub and/or catering establishment shall be permitted to be established within 200 feet of a building occupied exclusively as a public school, public housing project, church or other place of worship measured along street lines between their closest entrances.~~

~~B. Nonresidential uses prohibited adjacent to residence districts. Notwithstanding any other requirements of this chapter, the following nonresidential uses are prohibited on any lot directly adjoining and/or opposite a residence district:~~

~~(1) Beverage bottling and/or distribution.~~

~~(2) Car wash.~~

~~(3) LPG distribution points and/or facilities.~~

~~(4) Trucking terminals and truck trailer storage.~~

Article IV

Section 267-13 Provisions governing yards.

A. Use of yards.

(1) Buildings and structures. No building shall be constructed on any portion of a lot which is less in width than the minimum required for the district in which it is located. No building or structure shall be permitted within any minimum required yard except:

(a) Decks or terraces not exceeding 18 inches above the level of the ground beneath them and not extending into a side or rear yard closer than three feet of any side or rear lot line.

(b) Swimming pools as regulated by § 267-14C.

(c) Fences as regulated by § 267-14B.

(d) Other minor accessory structures in a side or rear yard but no closer than three feet from any property line.

(e) Ground floor steps and entrance porches.

(2) Parking.

(a) No parking shall be permitted within any required yard except as provided in Article VIII.

(b) No parking or storage of means of conveyance, other than passenger motor vehicles, is permitted in residence district.

(c) No parking or storage of commercial vehicles, trucks, and other means of conveyance, other than passenger vehicles, is permitted in non-residence districts except as otherwise permitted in this chapter.

(3) Structural projections.

(a) Open one-story porches, roof overhangs, canopies and other similar architectural features may extend to within a minimum distance of the front lot line as follows:

[1] R1-7 District: 20 feet.

[2] R1-4.5, R1-3.6, R2-4.5 and RMF-6.75 Districts: 15 feet.

[3] RMF-10 and RMF-15 Districts: 10 feet.

(b) The ordinary projections of window sills, belt courses, chimneys, cornices, eaves and other similar architectural features shall not project more than two feet into any side or rear yard.

B. Front on corner lots.

(1) The owner of a corner lot in a residence district may elect either yard fronting on a street as the required front yard, with the secondary front yard being equal to at least the following:

(a) R1-TH: 30 feet.

(b) R1-7: 18 feet. (c) R1 -4.5: 12 feet

(d) R1-3.6, R2-4.5: eight feet.

(e) RMF -6.75: 10 feet.

(f) RMF-10: 15 feet.

(g) RMF-15: 20 feet.

(2) The owner of a corner lot in a landscaped industrial district may elect either yard fronting on a street as the required front yard, with the secondary front yard equal to at least the following:

(a) LI-15: 18 feet.

(b) LI-7.5: 12 feet.

C. Obstruction to visibility at intersections. The following requirements with respect to obstruction to visibility at intersections shall apply to one- and two-family properties in residence districts only. Standards with regard to visibility affecting other properties shall be as determined adequate by the Planning Board as set forth in Article VII of this chapter.

(1) Driveway intersections. Obstructions to visibility which exceed 2 1/2 feet in height shall be prohibited in the triangles formed by the edge of the paved street, the edge of the driveway and a line joining points located along the street pavement edge 30 feet therefrom and the driveway edge 15 feet therefrom.

(2) Street intersections. Obstructions to visibility which exceed 2 1/2 feet in height shall be prohibited in the triangle formed by intersecting street pavement edges and a line joining points located along said street pavement edges which are 40 feet from the theoretical point of intersection of such lines, as extended.

Article V

§ 267-15. Purposes.

In addition to the general purposes of this chapter as set forth in § 267-1, the following specific purposes are set forth for residence and nonresidence districts:

A. Residence Districts.

(1) To promote and encourage a suitable environment for family life where safe streets, wide yards and quiet neighborhoods are of paramount importance.

(2) To avoid, as far as possible, commercial traffic and through traffic of all kinds in residential areas.

(3) To encourage a balanced variety of housing types, sizes and densities, consistent with the character of existing neighborhoods and the provision of adequate open space, sunlight and air.

(4) For the RMF-6.75 Multifamily Residence District, to provide a medium-density housing environment that promotes the development of one- and two-family dwellings, also, for the conversion of large existing dwellings to multifamily use, and encourages the construction of new multifamily dwellings, not to exceed three units, on sites where adequate on-site parking and open space can be provided.

(5) For all RMF Multifamily Residence Districts, to encourage the development of dwelling units suitable for a variety of household sizes at higher densities which will allow for the construction of such housing at a relatively more moderate cost. Such districts are generally intended to be located in convenient proximity to employment, shopping, transportation and community facilities. Adequate on-site parking and open space must be provided.

(6) For the H Hospital District, to ensure the development and continuation of hospital and medical-related facilities needed to serve the city's health care needs.

B. Nonresidence districts.

(1) For the OB Office Business District, to provide a medium-density office district which is intended to encourage the development of modern office buildings within the downtown area of the city.

(2) For the NB Neighborhood Business District, to serve the retail and service convenience shopping needs of residential areas and to provide the opportunity for the continuation of pedestrian-oriented retail and service business uses in the city's residential neighborhoods.

(3) For the DB Downtown Business District, to allow the future growth and orderly development of the major downtown area in the city with a wide variety of retail, office and service business uses.

(4) For the CB Commercial Business Districts, to provide a wide variety of retail, office and service business uses in character and scale with existing and planned future development along some of the major arterial commercial streets of the city.

(5) For the LI Landscaped Industrial District, to promote a combination of manufacturing, warehousing, wholesale storage and other industrial type uses in areas with good highway access and which have already developed an industrial character.

(6) For the I Industry District, to provide appropriate location and development standards for more intensive types of industrial development.

C. Special Zoning Districts

(1) For the R1-TH Townhouse Residence District, to promote the development of one-family attached or detached dwellings on sites where topographic features, landscape resources, locational characteristics and acreage suggest clustering of buildings as the most appropriate building type.

(2) For the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zoning District, to provide housing opportunities for senior citizens in locations convenient to shopping, transportation and community facilities which comprise of superior functional design, quality of construction, appearance and operational standards.

(3) For the Urban Renewal Planned Development, to encourage a predominately residential mixed use planned unit development of a large tract of land in such a manner as to permit a variety of compatible land uses, encourage flexibility of design and development, to expand the city's tax base and to otherwise promote development in connection with the stated goals and objectives of the city.

(4) For the PUD-2 Planned Unit Development, to encourage flexibility of design and development of land in such a manner as to minimize negative environmental impacts, provide for excellence in architectural design of buildings, maximize fiscal benefits for the city and otherwise promote the most environmentally desirable form of future development.

§ 267-16. List of use regulations and Schedule of Dimensional Regulations.

The accompanying list of use regulations (§§§ 267-17, 267-18 and 267-19) and Schedule of Dimensional Regulations *Editor's Note: The Schedule of Dimensional Regulations is included at the end of this chapter.* List and define the permitted uses of land, buildings and structures, and the minimum and maximum dimensional requirements to be met in connection with such uses. All permitted uses are set forth in the list of use regulations by district. Any use not specifically listed as being permitted shall be deemed to be prohibited. Only in multifamily and nonresidence districts is more than one permitted principal use allowed on a single lot.

§ 267-17. List of Residence District uses.

[Amended 3-10-1999, approved 3-11-1999] Residential

A. District R1-7 One-Family Residence. *Editor's Note: Former District R-1a.*

(1) Permitted principal uses.

(a) One-family dwellings.

(b) Public schools.

(c) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

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

(f) Minor accessory structures.

(3) Uses allowed by special permit.

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

(b) Universities, colleges and private schools as regulated by § 267-28A.

(c) Domiciliary-care facilities as regulated by § 267-28B.

(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(f) Public utility uses as regulated by § 267-28H.

(g) Uses of other governmental agencies as regulated by § 267-30.

B. District R1-4.5 One-Family Residence. [Editor's Note: Former District R-1b.]

(1) Permitted principal uses.

(a) One-family dwellings.

(b) Public schools.

(c) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

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

(f) Minor accessory structures.

(3) Uses allowed by special permit.

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

(b) Universities, colleges and private schools as regulated by § 267-28A.

(c) Domiciliary-care facilities as regulated by § 267-28B.

(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(f) Public utility uses as regulated by § 267-28H.

(g) Uses of other governmental agencies as regulated by § 267-30.

C. District R1-3.6 One-Family Residence. *Editor's Note: Former District R-1c.*

(1) Permitted principal uses.

(a) One-family dwellings.

(b) Public schools.

(c) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

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

(f) Minor accessory structures.

(3) Uses allowed by special permit.

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

(b) Universities, colleges and private schools as regulated by § 267-28A.

(c) Domiciliary-care facilities as regulated by § 267-28B.

(d) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(e) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(f) Public utility uses as regulated by § 267-28H.

(g) Uses of other governmental agencies as regulated by § 267-30.

D. District R2-4.5 Two-Family Residence. *Editor's Note: Former District R-2.*

(1) Permitted principal uses.

(a) One-family dwellings as regulated in the R1-4.5 Residence District.

(b) Attached dwelling units.

(c) Two-family dwellings.

(d) Public schools.

(e) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

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

(f) Minor accessory structures.

(3) Uses allowed by special permit.

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

(b) Day-care centers.

(c) Nursery schools.

(d) Domiciliary-care facilities as regulated by § 267-28B.

(e) Universities, colleges and private schools as regulated by § 267-28A.

(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(h) Public utility uses as regulated by § 267-28H.

(i) Uses of other governmental agencies as regulated by § 267-30.

E. District RMF-6.75 Multifamily Residence. *Editor's Note: Former District R-3.*

(1) Permitted principal uses.

(a) One-family dwellings as regulated in the R1-4.5 Residence District.

(b) Attached dwelling units and two-family dwellings as regulated in the R2-4.5 District.

(c) Multifamily dwellings, not to exceed three units per building.

(d) Public schools.

(e) Community purpose buildings.

(f) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

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

(f) Minor accessory structures.

(3) Uses allowed by special permit.

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

(b) Day-care centers.

(c) Nursery schools.

(d) Domiciliary-care facilities as regulated by § 267-28B.

(e) Universities, colleges and private schools as regulated by § 267-28A.

(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(h) Public utility uses as regulated by § 267-28H.

(i) Uses of other governmental agencies as regulated by § 267-30.

F. District RMF-10 Multifamily Residence. *Editor's Note: Former District A-1.*

(1) Permitted principal uses.

(a) One-family dwellings as regulated in the R1-4.5 Residence District.

(b) Attached dwelling units and two-family dwellings as regulated in the R2-4.5 District.

(c) Multifamily dwellings containing no more than three units per building as regulated in the R-6.75 Residence District.

(d) Multifamily dwellings.

(e) Public schools.

(f) Community purpose buildings.

(g) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

(e) 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) Day-care centers.

(c) Nursery schools.

- (d) Domiciliary-care facilities as regulated by § 267-28B.
- (e) Universities, colleges and private schools as regulated by § 267-28A.
- (f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.
- (g) Off-street parking facilities. (See Article VIII.)
- (h) Radio towers for licensed amateur radio stations as regulated by § 267-28C.
- (i) Public utility uses as regulated by § 267-28H.
- (j) Uses of other governmental agencies as regulated by § 267-30.

G. District RMF-15 Multifamily Residence. *Editor's Note: Formerly District A-2.*

(1) Permitted principal uses.

- (a) One-family dwellings as regulated in the R1-4.5 Residence District.
- (b) Attached dwelling units and two-family dwellings as regulated in the R2-4.5 Residence District.
- (c) Multifamily dwellings containing no more than three units per building as regulated in the R-6.75 Residence District.
- (d) Multifamily dwellings.
- (e) Public schools.
- (f) Community purpose buildings.
- (g) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.
- (c) Swimming pools as regulated by § 267-14C.
- (d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

(e) 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) Day-care centers.

(c) Nursery schools.

(d) Domiciliary-care facilities as regulated by § 267-28B.

(e) Universities, colleges and private schools as regulated by § 267-28A.

(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(g) Radio towers for licensed amateur radio stations as regulated by § 267-28C.

(h) Off-street parking facilities. (See Article VIII.)

(i) Public utility uses as regulated by § 267-28H.

(j) Uses of other governmental agencies as regulated by § 267-30.

H. District H Hospital. *Editor's Note: Former District P-1.*

(1) Permitted principal uses.

(a) Hospital and related facilities, including nursing schools and housing for staff members, nurses and interns, resident physicians, researchers, employees, faculty members, students and their immediate families; sanitariums for noncontagious diseases; private proprietary nursing homes; and private proprietary convalescent homes.

(b) Medical and dental offices.

(c) Medical-care facilities.

(d) Medical laboratories.

(e) One-family dwellings as regulated in the R1-4.5 Residence District.

(f) Attached dwelling units, two-family dwellings and multifamily dwellings as permitted and regulated in the RMF-10 Residence District.

(g) Public schools.

(h) Community purpose buildings.

(i) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

(e) 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) Day-care centers.

(c) Nursery schools.

(d) Universities, colleges and private schools as regulated by § 267-28A.

(e) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(f) Off-street parking facilities. (See Article VIII.)

(g) Public utility uses as regulated by § 267-28H.

(h) Uses of other governmental agencies as regulated by § 267-30.

§ 267-18. Additional regulations for Residence Districts.

A. Office in residence of a professional person and customary home occupations. In districts where permitted, one office of a professional person or a customary home occupation may be established in a dwelling unit subject to the following:

- (1) Any such use must be located entirely within the dwelling unit of its practitioner and not elsewhere on the lot or in any accessory building or structure.
- (2) No signs shall be permitted for a customary home occupation. For the office of a professional person, one sign meeting the requirements of the Sign Ordinance shall be permitted.
- (3) The individual involved in such use must be domiciled in the dwelling unit.
- (4) One nonresident partner, associate or employee shall be permitted to work on the premises, provided that site plan approval in accordance with Article VII of this chapter has been obtained or, in the case of an existing structure, such use has been registered with the Building Department.
- (5) No more than 25% of the floor area of one story of the dwelling unit or 500 square feet, whichever is less, shall be used for such purposes.
- (6) There may be only one patient, client, customer or any other kind of visitor being served at any one time.

§ 267-19. List of Nonresidence District uses.

A. District NB Neighborhood Business. *Editor's Note: Formerly District B-2.*

(1) Permitted principal uses.

- (a) Public schools.
- (b) Business, professional or governmental offices.
- (c) Stores and shops exclusively for sales at retail or the performance of customary personal services.
- (d) Museums and/or art galleries.
- (e) Medical and/or dental offices.
- (f) Medical laboratories.
- (g) Business and/or trade schools.
- (h) Retail laundries or retail dry cleaners.
- (i) Hotels and motels.
- (j) Motor vehicle dealerships.

(k) Retail laundries and retail dry cleaners.

(l) Bars, nightclubs and catering halls as regulated by § 267-23A.

(m) Bakeries, retail.

(n) Restaurants.

(o) Restaurants, carry-out.

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

(q) Municipal uses of the City of Mount Vernon.

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

(3) Uses allowed by special permit.

(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(b) Day-care centers.

(c) Nursery schools.

(d) Funeral parlors.

(e) Offices for drug rehabilitation purposes.

(f) Universities, colleges and private schools as regulated by § 267-28A.

(g) Banks.

(h) Motor vehicle service stations as regulated by § 267-28G.

(i) Motor vehicle rental agencies.

(j) Off-street parking facilities. (See Article VIII.)

(k) Public utility uses as regulated by § 267-28H.

(l) Uses of other governmental agencies as regulated by § 267-30.

(m) Social clubs as regulated by § 267-23A.

B. District OB Office Business. *Editor's Note: Formerly District B-1.*

(1) Permitted principal uses.

- (a) Business, professional or governmental offices.
- (b) Medical and/or dental offices.
- (c) Hotels.
- (d) Banks.
- (e) Restaurants.
- (f) Bars, nightclubs and catering halls as regulated by § 267-20A.
- (g) Stores and shops exclusively for sales at retail or the performance of customary personal services.
- (h) Medical laboratories.
- (i) Public schools.
- (j) Museums and art galleries.
- (k) Municipal uses of the City of Mount Vernon.

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

(3) Uses allowed by special permit.

- (a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.
- (b) Day-care centers.
- (c) Nursery schools.
- (d) Motor vehicle rental agencies.
- (e) Funeral parlors.
- (f) Theaters and/or concert halls.

(g) Off-street parking facilities.

(h) Offices for drug rehabilitation purposes.

(i) Public utility uses as regulated by § 267-28H.

(j) Uses of other governmental agencies as regulated by § 267-30.

C. District DB Downtown Business. *Editor's Note: Formerly District B-3.*

(1) Permitted principal uses.

(a) Business, professional or governmental offices.

(b) Stores and shops for sales at retail or the performance of customary personal services.

(c) Hotels.

(d) Bakeries, retail.

(e) Restaurants.

(f) Restaurants, carry-out.

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

(h) Bars, nightclubs and catering halls as regulated by § 267-20A.

(i) Medical and dental offices.

(j) Theaters and/or concert halls.

(k) Museums and/or art galleries.

(l) Retail laundries and retail dry cleaners.

(m) Motor vehicle dealerships.

(n) Municipal uses of the City of Mount Vernon.

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

(3) Uses allowed by special permit.

- (a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.
- (b) Day-care centers.
- (c) Nursery schools.
- (d) Banks.
- (e) Funeral parlors.
- (f) Offices for drug rehabilitation purposes.
- (g) Motor vehicle rental agencies.
- (h) Motor vehicle service stations as regulated by § 267-28G.
- (i) Off-street parking facilities. (See Article VIII.)
- (j) Public utility uses as regulated by § 267-28H.
- (k) Uses of other governmental agencies as regulated by § 267-30.

D. District CB Commercial Business. *Editor's Note: Formerly District B-4.*

(1) Permitted principal uses.

- (a) Hotels and/or motels.
- (b) Community purpose buildings.
- (c) Business, professional or governmental offices.
- (d) Stores and shops for sales at retail or the performance of customary personal services.
- (e) Manufacture and/or assembly of products for retail sale on the premises only, provided that not more than 50% of the gross floor area of any establishment be so used.
- (f) Retail laundries or retail dry cleaners.
- (g) Banks.
- (h) Bakeries, retail.

- (i) Restaurants.
- (j) Restaurants, carry-out.
- (k) Restaurants, fast-food (excluding drive-up window service).
- (l) Bars, nightclubs and catering halls as regulated by § 267-20A.
- (m) The storage of commercial vehicles within fully enclosed buildings.
- (n) Funeral parlors.
- (o) Beverage bottling and distribution as regulated by § 267-20B.
- (p) Bowling alleys and billiard halls.
- (q) Printing plants.
- (r) Medical and/or dental offices.
- (s) Medical and/or dental laboratories.
- (t) Car washes as regulated by § 267-20B.
- (u) Theaters and/or concert halls.
- (v) Animal hospitals.
- (w) Motor vehicle dealerships.
- (x) Municipal uses of the City of Mount Vernon.

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

(3) Uses allowed by special permit.

- (a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.
- (b) Restaurants, fast-food, with drive-up window service as regulated by § 267-28F.
- (c) Offices for drug rehabilitation purposes.

- (d) Motor vehicle service stations as regulated by § 267-28G.
- (e) Wholesale businesses, including storage, warehousing and distribution in fully enclosed buildings.
- (f) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings, as regulated by § 267-25V.
- (g) Off-street parking facilities. (See Article VIII.)
- (h) Public utility uses as regulated by § 267-28H.
- (i) Uses of other governmental agencies as regulated by § 267-30.
- (j) Social clubs as regulated by § 267-20A.

E. District LI-7.5, LI-15 Landscaped Industrial. *Editor's Note: Formerly Districts L-a and L-b.*

(1) Permitted principal uses.

- (a) Business, professional or governmental offices.
- (b) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings.
- (c) Motor vehicle dealerships.
- (d) Banks.
- (e) Restaurants, fast-food (excluding drive-up window service).
- (f) Restaurants.
- (g) Funeral parlors.
- (h) Retail dry cleaning.
- (i) Animal hospitals.
- (j) Printing plants.
- (k) Municipal uses of the City of Mount Vernon.

(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) Stores and shops for sales at retail, provided that such products are manufactured or assembled on the premises.

(3) Uses allowed by special permit.

- (a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.
- (b) Restaurants, fast-food, with drive-up window service as regulated by § 267-28F.
- (c) Bars, nightclubs and catering halls as regulated by § 267-23A.
- (d) Wholesale businesses, including storage, warehousing and distribution, in fully enclosed buildings.
- (e) Liquefied petroleum gas (LPG) distribution points as regulated by § 267-23B.
- (f) Public utility uses as regulated by § 267-28H.
- (g) Uses of other governmental agencies as regulated by § 267-30.

F. District I Industry.

(1) Permitted principal uses.

- (a) Business, professional or governmental offices.
- (b) Manufacture, fabrication, finishing or assembling of products, in fully enclosed buildings.
- (c) Animal hospitals.
- (d) Car washes.
- (e) Motor vehicle rental agencies.
- (f) Motor vehicle dealerships.
- (g) Banks.

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

(i) Restaurants.

(j) Printing plants.

(k) Beverage bottling and distribution.

(l) Wholesale businesses, including storage, warehousing and distribution, in fully enclosed buildings.

(m) Storage of motor vehicles.

(n) Storage of commercial or industrial vehicles or construction equipment and/or supplies.

(o) Trucking terminals and truck trailer storage as regulated by § 267-20B.

(p) Fuel distribution businesses and/or facilities.

(q) Municipal uses of the City of Mount Vernon.

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

(3) Uses allowed by special permit.

(a) Satellite earth station or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(b) Cemeteries.

(c) Restaurants, fast-food, with drive-up window service as regulated by § 267-28F.

(d) Bars, nightclubs and catering halls as regulated by § 267-20A.

(e) Motor vehicle service stations as regulated by § 267-28G.

(f) Motor vehicle body repair shops as regulated by § 267-28G.

(g) Outdoor storage.

(h) LPG distribution points and/or facilities as regulated by § 267-23B.

(i) Asphalt heating and/or mixing facilities as regulated by § 267-25U.

(j) Public utility uses as regulated by § 267-28H.

(k) Uses of other governmental agencies as regulated by § 267-30.

(l) Adult entertainment store, subject to all conditions listed in § 267-28I.

[Added 2-3-1999]

(m) Adult live entertainment business, subject to all conditions listed in § 267-28I.

[Added 2-3-1999]

(n) Adult motion picture theater, subject to all conditions listed in § 267-28I.

[Added 2-3-1999]

§ 267-20. Additional regulations for Nonresidence Districts.

A. Bars, nightclubs and catering halls. No bar, nightclub and/or catering establishment shall be permitted to be established within 200 feet of a building occupied exclusively as a public school, public housing project, church or other place of worship measured along street lines between their closest entrances.

B. Nonresidential uses prohibited adjacent to residence districts. Notwithstanding any other requirements of this chapter, the following nonresidential uses are prohibited on any lot directly adjoining and/or opposite a residence district:

(1) Beverage bottling and/or distribution.

(2) Car wash.

(3) LPG distribution points and/or facilities.

(4) Trucking terminals and truck trailer storage.

§ 267-21. List of Special Zoning District uses.

A. District R1-TH One-Family Townhouse Residence. [Editor's Note: Formerly District R 4. as regulated by § 267-22].

(1) Permitted principal uses.

(a) One-family dwellings and attached dwelling units

(b) Municipal uses of the City of Mount Vernon.

(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) Swimming pools as regulated by § 267-14C.

(c) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

(d) Customary home occupations as regulated by § 267-19A.

(3) Uses allowed by special permit.

(a) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(b) Public utility uses as regulated by § 267-28H.

(c) Uses of other governmental agencies as regulated by § 267-30.

B. District RMF-SC Multifamily Senior Citizen Housing Floating Zone. Editor's Note: Formerly District A-3 and RMF-SC-25.

(1) Permitted principal uses.

(a) Multifamily Age Restricted Dwellings.

(b) Senior Residential Health-Care Facility.

(c) Assisted Living Residence.

(d) Residential Health Care Facility.

(e) Adult Retirement Community.

(f) Municipal uses of the City of Mount Vernon.

(2) Permitted accessory uses.

(a) Uses and structures which directly serve the residents of the primary use such as pharmacies, kitchens, personal services, parking facilities and offices.

- (b) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
- (c) Swimming pools as regulated by § 267-14C.
- (d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.
- (e) Hospital and related facilities, including nursing schools.
- (f) Medical and dental offices.
- (g) Medical-care facilities.
- (h) Public schools.
- (i) Business, professional or governmental offices.
- (j) Medical supply stores.
- (k) Museums and/or art galleries.
- (l) Medical laboratories.
- (m) Business and/or trade schools.
- (n) Retail laundries and retail dry cleaners.
- (o) Shops for the performance of customary personal services.
- (p) Universities, colleges and private schools as regulated by Section 267-28A.
- (q) Senior oriented adult day care.

C. District UR-PUD Urban Renewal Planned Unit Development as regulated by § 267-24.

(1) Permitted principal uses.

- (a) One-family dwellings and attached dwelling units.
- (b) Two-family dwellings.
- (c) Multifamily dwellings.
- (d) Public schools.

(e) Community purpose buildings.

(f) Office space for physicians, surgeons and dentists, located within the lobby or lowest residential story of a multifamily dwelling, limited to not more than 30% of the total rentable floor area of that story, and subject to all the off-street parking requirements as set forth in Article VIII of this chapter.

(g) Business, professional or governmental offices.

(h) Hotels.

(i) Banks.

(j) Restaurants.

(k) Museums and art galleries.

(l) Theaters and/or concert halls.

(m) Municipal uses of the City of Mount Vernon.

(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) The keeping of not more than one roomer in one rooming unit.

(c) Swimming pools as regulated by § 267-14C.

(d) Basketball courts, tennis courts and paddle tennis courts as regulated by § 267-14D, but not in required yard areas.

(e) 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) Day-care centers.

(c) Nursery schools.

(d) Domiciliary-care facilities as regulated by § 267-28B.

(e) Universities, colleges and private schools as regulated by § 267-28A.

(f) Satellite earth stations or dish antennas as regulated by § 267-28D, but only when accessory to a permitted principal use on the lot on which it is located.

(g) Public utility uses as regulated by § 267-28H.

(h) Uses of other governmental agencies as regulated by § 267-30.

D. District PUD-2 Planned Unit Development as regulated by § 267-25.

(1) Permitted principal uses.

(a) Multifamily dwellings

(b) Community purpose buildings

(c) Municipal uses of the City of Mount Vernon

(d) Business, professional or governmental offices

(e) Business incubator space

(f) Stores and shops exclusively for sales at retail for the performance of customary personal services

(g) Restaurants

(h) Universities, colleges and private schools

Permitted Accessory Uses

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

Uses Allowed By Special Permit

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

(b) Day-care centers

(c) Nursery schools

§ 267-22. R1-TH Districts.

- A. Eligibility. The minimum parcel size shall be no less than four acres and the maximum parcel size shall be no greater than 20 acres. Eligible parcels must abut a street with a paved roadway of such width as shall be deemed appropriate by the City Council after recommendation by the Planning Board.
- B. Size of dwellings. All buildings may have up to four attached dwelling units. No more than 50% of the permitted dwelling units shall be in buildings with a maximum length of 120 feet. The balance of the permitted units shall be in buildings with a maximum permitted length of 100 feet. Where special topographical and/or environmental conditions, such as steep slopes, rock outcroppings, wetlands, a stand of major trees or a unique ecological resource, would be better protected, the Planning Board may permit an increase in the number of dwelling units which may be in buildings of four attached units with a maximum length of 120 feet.
- C. Recreation facilities. The use of any recreation buildings and structures shall be limited to the residents of the dwellings in the development and their nonpaying guests. No entertainment, live or mechanical, or the use of outdoor public address systems shall be permitted.

§ 267-23. RMF-SC Senior Citizen Housing Floating Overlay Zone District.

- A. Purpose. The City Council determined that due to the rising population of senior citizens within the City, a provision for such housing is necessary to accommodate this growing segment of the population while retaining the City's existing character.

B. Definition.

GROUND FLOOR – The floor of a building at or nearest street level.

- C. Creation of sub areas. In order to effectively carry out the provisions of this section, there are hereby created and established certain “development intensity areas” which distinguishes the inclusion of senior citizen housing in the residential areas from the inclusion of senior citizen housing in the City's commercial areas. These areas are the Residential Area and Commercial Corridor Area.
- D. Eligibility. The RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone District is an established floating overlay zone for eligible parcel(s) officially designated as appropriate by the City Council within the prescribed senior citizen housing floating overlay zone area as shown on the Zoning Map.

(1) Residential Area.

(a) Definition. A development site where the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone may be applied to any parcel currently zoned RMF-10 or RMF-15.

(b) Residential Character Preservation. In an effort to retain the existing residential character of the development site designated with the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone and located on any parcel with the RMF-10 or RMF-15 underlying zoning may occupy only the ground floor with one (1) of the accessory uses as permitted in Section 267-21(B2). In event the developer elects to do so, the permitted accessory use shall not exceed the ground floor total area.

(2) Commercial Corridor Area.

(a) Definition. A development site where the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone may be applied to any parcel currently zoned CB, DB, OB, NB or H within the prescribed senior citizen housing floating overlay zone area as shown on the Zoning Map.

(b) Mixed Use Preservation. In an effort to facilitate the preservation of the mixed-used development pattern and the commercial presence along the City's commercial areas, the development site designated with the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone and located on any parcel currently zoned CB, DB, OB, NB or H shall occupy, at a minimum, the ground floor with a commercial use(s) as permitted in accordance with only the principal permitted uses of the underlying zoning.

E. Boundary. The boundaries of each RMF-SC Senior Citizen Housing Floating Overlay Zone District shall be fixed by amendment to the official City Zoning Map as a floating overlay zone which has been authorized by the City Council, wherever the district is applied. A metes and bounds description of each such district shall be kept on file in the Office of the City Clerk.

F. 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 RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zone District established under this Chapter.

G. 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(C2) hereof.

(1) Requirements.

(a) Building Height.

(1.) The maximum building height where Senior Citizen Housing is permitted in accordance with this ordinance shall not exceed 90' feet. The minimum base height shall not be less than 45' feet. For every 45' feet of building height along greater road function class there shall be a building step-back of 10' feet. For every 45' feet of building height along lesser road function class there shall be a building step-back of 15' feet.

(b) Building Coverage. The maximum lot coverage shall not exceed 50%.

(c) Impervious Coverage. The maximum impervious coverage shall not exceed 80%.

(d) Lot Area. The minimum lot area shall not be less than 10,000 square feet.

(e) Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be 250 square feet.

(f) Lot Width and Frontage. The minimum lot width and frontage shall be 100' feet.

(g) Front Yard Setback. The front yard setback shall be the average front yard setback of the existing buildings on the same side of the street.

(h) Secondary Front Yard Setback. Secondary Front Yard Setback shall be the average front yard setback of the existing buildings on the same side of the street in which the secondary front yard faces.

(i) Side Yard Setback. No building on that same side of the street within the same block shall be required to have a side yard setback no less than the average side yard setback of 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 the street with the lesser road function class to accommodate senior citizen drop-off point.

(2) Primary Front Yard on through lots. The owner of lots having frontages on more than one street, ingress and egress shall be the street with the greater road function class.

(l) Through Lots.

(1) Any application consisting of a through lot shall include provisions for a buffer screening area where the through lot abuts the street with the lesser road function class. The Planning Board may allow for the construction of a wall, fencing, landscaping and/or any other item in its judgment will appropriately screen the activity involved or structure(s) involved from the neighboring residential area and the abutting street(s). Where such a 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.

(m) Merging Tax Lots.

(1) The property owner who owns two or more contiguous parcels of land and seeks the Senior Citizen Housing Floating Overlay Zone designation shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor.

(3) Parking Requirements. All parking requirements and parking facilities shall be in accordance with Article VIII of the Zoning Ordinance.

(4) Density Bonus. Upon approval by the City Council, an applicant may be granted a density bonus by establishing public amenities such as but not limited to plazas, arcades and displays of public art. In such instances where the City Council finds the proposed public amenity to be acceptable, the applicant shall be afforded a bonus not to exceed 10 additional dwelling units.

H. De Minimis Exceptions, Design Exceptions and Waivers. Deviation from the development requirements, provisions, standards, uses and regulations may be necessary in unusual circumstances. To account for these circumstances the City Council has the ability

to waive or allow an applicant to deviate from this Section of the Ordinance based on existing conditions hardship or a special reasons hardship.

(a) Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant creates the hardship to enhance the building and site design, the City Council may grant exceptions from certain bulk, uses, parking or design requirements, provided that the applicant demonstrates:

- That the proposed design exception will not substantially impair the intent of the City's long range planning strategy.
- That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.
- That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.
- That the proposed design will advance the purposes of this ordinance.

I. Obtaining Approval of Design Exceptions and Waivers. The applicant shall demonstrate to the satisfaction of the City Council the following approval of an exception or waivers:

- The goals and objectives of this ordinance and the City's long range planning strategy shall be further advanced.
- The project will have no adverse impact on physical, visual and spatial character of the surrounding area.
- The project will enhance the physical, visual and spatial character of the streetscape.

(a) Deviations, exceptions or waivers shall not be granted for uses that are not specified in this Section of the ordinance and shall not be granted for height increases which exceed 10' feet beyond the maximum permitted height of this Section.

J. Conflicting Requirements.

(a) Within the areas designated by the City Council as RMF-SC Senior Citizen Housing Floating Overlay Zone District, all ordinances or parts of ordinances inconsistent with this Section of the Ordinance are repealed to the extent of such inconsistency only.

(b) If any standards, objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section of the Ordinance differ in content from provisions set forth in other section of the

Zoning Ordinance, unless otherwise specified, this section of the Ordinance shall prevail.

(c) If any provision or regulation of this section of the Ordinance shall be judged, ruled or deemed invalid by court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Section of the Ordinance and such section, subsection, paragraph, subdivision or clause of this Section of the Ordinance are hereby declared severable.

K. Design Standards. The purpose of these standards is to ensure that proposed senior citizen housing developments exhibit creativity and variety in design features so that the unique character of Mount Vernon is preserved. These guidelines shall be applicable to all proposed senior citizen housing developments.

(1) The placement, pattern, scale, size, and rhythm of window and door openings on building façades, including proportions and details around them make up building fenestration. The disposition and design of window and door openings of traditional buildings help determine their appeal and charm, and distinguish a building façade from a generic, uninteresting appearance. Buildings with poor fenestration appear visually uninteresting and/or boxy. The relationship of window and door openings to the wall surface of the façade contributes to a building’s appeal and character. The added architectural details, including materials, trims, bands and cornices bring visual interest to building façades, enhance the “box” and provide a human scaled backdrop to the street space.

- (a) Buildings shall maximize the number of street level façade openings for windows and doors.
- (b) Buildings shall maximize upper level façade openings for punched-in windows, or glass and metal curtain wall. (Note: a glass block-filled wall opening is part of the solid wall surface and not considered a window.)
- (c) Buildings shall set ground floor window frames at a height above the finished grade to reflect traditional main street building qualities.
- (d) Buildings shall recess all window frames, particularly along the ground floor, from the typical wall plane surface to provide a shadow line and accentuate the ground floor.
- (e) All windows shall exhibit proportional scale that appropriately indicates functions within the building.
- (f) Buildings shall delineate change in surface material by a reveal or a recess detail.
- (g) 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.
- (h) Architectural massing refers to the way a building is shaped. Building designs featuring a single geometric shape such as a simple rectangle shall not

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.

- (i) Each building on a site shall have clearly defined, highly visible ground floor entryways featuring no less than three of the following:
- Entryways shall be recessed or projected along the street level façade of the typical wall plane.
 - canopies or porticos,
 - overhangs,
 - recesses/projections,
 - raised corniced parapets over the door,
 - peaked roof forms,
 - arches,
 - outdoor patios,
 - planters,
 - wing walls, and
 - any other architectural detail or feature that accentuates the entryways for the public.

L. Green Standards and Strategies. In an effort to promote green/sustainable building and designing, the following standards should be implemented. These measures can increase energy efficiency, reduce greenhouse gas emissions and decrease other harmful environmental impacts.

(1) Use, Density and Bulk & Area Requirements

- (a) Produce gardens and greenhouses
- (b) Greater development densities
- (c) Smaller minimum lot sizes
- (d) Taller buildings
- (e) Reduced setback requirements

(2) Street Design & Transportation

- (a) Street trees
- (b) Lower traffic speeds and traffic-calming measures.

(3) Stormwater Management & Utilities

- (a) Sustainable stormwater management infrastructure that captures and deals with stormwater on site.
- (b) Green utilities; utility energy efficiency, recycled and reclaimed content in utilities, non-potable water from utilities.

(4) Site Features

- (a) Solar orientation: building orientation that maximizes solar access for development projects.

(5) Construction Standards

- (a) Required erosion and sedimentation control (ESC) plans for construction activities.
- (b) Tree preservation and protection requirements that compel applicants to maintain or replace on-site trees in accordance with set standards.
- (c) Construction impact zone standards that preserve a development site's pervious surfaces by limiting how much previously undeveloped land a project's construction zone may include.

(6) Open Space

- (a) Public Access to On-Site Open Space

(7) Design Standards that Increase Walkability

M. Review Process. Application for development approval with the RMF-SC Senior Citizen Housing Floating Overlay Zone District shall follow a three-phase review process. The site plan/subdivision review and certificate of appropriateness review may occur simultaneous.

- (1) Application for the Floating Overlay Zone designation and dimensional standards approval reviewed by the City Council.
- (2) Application for site plan approval reviewed by the Planning Board.
- (3) Application for Certificate of Appropriateness reviewed by the Architectural Review Board.

N. Procedure. Uses within the RMF-SC Senior Citizen Housing Floating Overlay Zone District may be established by the City Council either on its own motion, on petition of the property owner or its designee or recommendation of the Planning Board.

- (1) Development Concept Plan. In the case of an application of a property owner or its designee requesting the establishment of a use or uses as permitted by § 267-17(I) of RMF-SC Senior Citizen Housing Floating Overlay Zone District, the applicant shall submit a preliminary Development Concept Plan of the proposed development concept showing all proposed buildings and uses on the site, proposed building spacing, yard setbacks, the proposed location and design of all streets, driveways, parking lots, screening, landscaping, open spaces and recreation areas, proposed architectural features of all buildings, the relationship of the proposed development to adjacent land, and the health, safety and general welfare of the community. Such plans shall be accompanied by a brief analysis which shall include a market demand analysis and traffic analysis, in written form, explaining the proposed development concept and the planning purposes of § 267-15A(7) which will be derived for the City and the immediate surrounding neighborhood.

(2) Referrals for review and report. The City Council shall refer any such application or petition to the Corporation Counsel, Planning Board and Architectural Review Board which shall report to it as to whether the establishment of such Zone will be in accordance with the standards contained herein and will be of benefit to the City by satisfying the intent and purposes as set forth in Article V, § 267-15C(2) hereof. The Corporation Counsel shall report to the City Council regarding the form of the proposed amendment. The Planning Board shall report to the City Council regarding the proposed operation in terms of traffic demand in relationship to its location, compatibility with the City's long range goals and strategies and the form of the proposed application. The Architectural Review Board shall report to the City Council regarding the scale, mass, shape, style and size of all proposed structures in relationship to its location and the form of the proposed application.

(a) Report and recommendation. Following completion of their respective reviews, the Corporation Counsel, Planning Board and Architectural Review Board shall prepare and submit its report and recommendations to the City Council with respect to the potential applicability of the RMF-SC Senior Citizen Housing Floating Overlay Zone District to the subject property and, where applicable, with respect to the proposed preliminary Development Concept Plan and design.

(3) Public hearing. Upon receipt of the report and recommendations of the Planning Board and Architectural Review Board and any revised proposed amendment from an applicant or notification by the applicant that no revision will be made, the City Council may schedule and hold a public hearing on the proposed amendment.

(4) Notice of hearing. Notice of the public hearing shall be published on at least three different dates in the City's official newspaper, the first insertion to be not less than 10 nor more than 30 days prior to the date of the hearing. For proposed amendments to the Zoning Map, at least one week prior to the public hearing a notice of such hearing and a brief description of the proposed change shall be mailed to all owners of property, as shown by the tax assessment roll, within 200 feet of any land which would be affected by such change. A copy of such notice, with proof of such mailing, together with proof of notice in the official newspaper, shall be filed in the City Clerk's office on or before the date of the public hearing. The public hearing shall also be published on the City's website not less than 10 days nor more than 30 days prior to the date of the public hearing. In addition to notification and publication requirements, a sign shall be posted along all street frontages of the subject site at least fourteen (14) days prior to the hearing date which meets the following criteria:

1) Be at least twenty-four inches (24") by thirty-six inches (36").

2) Consist of sturdy and serviceable material.

3) Contain a white background with black letters.

4) Legible with lettering and at least two inches (2") in height.

5) Be placed in a location plainly visible from each street frontage upon which the property fronts.

6) Be placed more than five (5') feet back from the property line.

7) Not placed in the City's Right-of-Way.

8) Not be placed more than five (5') feet above ground.

9) Shall read as follows:

"THIS SITE IS PROPOSED FOR ISSUANCE OF A SENIOR CITIZEN HOUSING ZONE CHANGE. THIS MATTER IS SUBJECT TO A PUBLIC HEARING BEFORE THE CITY OF MOUNT VERNON CITY COUNCIL TO BE HELD AT CITY HALL ON _____ .

FOR FURTHER INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT AT (914) 699-7230."

The applicant shall file with the City Clerk a duly sworn affidavit attesting that such notification was completed. The sign must be removed forty-eight (48) hours after the public hearing. Failure to abide by these rules for public hearing notification will result in a delay of processing the application and scheduling of the public hearing.

(5) Referral to Westchester County Planning Board and adjacent municipalities. Not less than 10 days prior to the public hearing the City Clerk shall forward copies of the proposed amendment with the notice of public hearing to the Westchester County Planning Board and to the clerks of any abutting municipalities when required by law.

(6) Council action. Following the close of the public hearing and completion of the SEQRA process, the City Council shall act to approve the proposed floating overlay zone designation and, where applicable, the proposed Development Concept Plan, either with or without modifications, or shall disapprove the application. In the event of its approval, notification of the action taken shall be forwarded to the Planning Board and Architectural Review Board for their further review and action, as appropriate. The Planning Board and Architectural Review Board review and action may occur simultaneous.

(a) Rendering decisions. For every such application for the establishment of RMF-SC Senior Citizen Housing Floating Overlay Zone District on which the City Council may act, the City Council shall either approve, deny or approve with conditions based only upon making determinations based on the following criteria:

- Compatibility with the City's long range goals and planning strategy;
- Does not change the neighborhood character;
- Preservation of the mixed use development pattern within commercial areas and along commercial corridors;
- Conceal density through building design;
- That the proposed designation will encourage appropriate use of the land in accordance with general purposes, intent and spirit of this chapter and not detrimental to surrounding property values;
- That the safety, health, welfare or the order of the City shall not be adversely affected by the proposed use and its location;
- That the site is suitable for the location of such use in the City;
- That the proposed application shall not have a negative impact on groundwater, traffic, public services and other issues considered pursuant to SEQRA;
- That there is sufficient roadway access to provide for emergency services while reducing transportation needs;
- That proposed landscaping and buffer areas have natural and attractive plantings that are compatible with the adjacent area and terrain;
- That the applicant exhibits the wherewithal to complete the project;
- That the applicant provides for innovative and imaginative approaches to senior citizen housing that does not detract or severely depart from the existing neighborhood character; and
- That the proposed application has appropriate height, scale, mass, size, shape and density in relationship to its location.
- The historical, architectural and/or cultural significance of the existing site or existing structures to assess local significance.
- That there is the consideration of the Architectural Review Board and the Planning Board.

(7) Council vote. The action of the City Council to approve any proposed amendment to this chapter shall be by majority vote, except, however, if a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% or more of the area of any land included in such proposed change, or by the owners of 20% or more

of the area of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20% or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by a 3/4 vote of the City Council.

(8) Records. The City Clerk shall keep the official record copy of the Zoning Map and text sections, and shall be responsible for the posting of all changes thereto. Said Clerk shall also maintain a file of all such zoning maps and text sections which have been superseded by amendment of this chapter and must be available for public inspection.

(9) Planning Board and Architectural Review Board approval. Prior to any construction within the RMF-SC Senior Citizen Housing Floating Overlay Zone District, application shall be made for site and certificate of appropriateness approval by the Planning Board and the Architectural Review Board, respectively in accordance with each Boards' respective rules and procedures.

(a) Public hearing and Public meeting. The Planning Board and Architectural Review Board shall schedule a public hearing and public meeting, respectively, on the proposed site plan and certificate of appropriateness within 45 days of the date of its receipt of a complete application in proper form and in compliance with all SEQRA requirements. Notice of the public hearing shall be as required by law.

O. Planning Board and Architectural Review Board action. Within 62 days of the close of the public hearing or public meeting, the Planning Board and Architectural Review Board shall act either to approve, with or without modifications, or disapprove the proposed site plan/certificate of appropriateness, respectively. The Planning Board and Architectural Review Board decision shall be based upon the requirements of the City Council rezoning approval, the purposes, standards and regulations of the RMF-SC Senior Citizen Housing Floating Overlay Zone District, site plan standards in accordance with Article VIII of the Zoning Code. Chapter 10 of the City Charter and the requirements of SEQRA. Approval shall be required prior to the issuance of any building permit or certificate of occupancy.

P. Amendments During Construction.

(a) Minor amendments. During construction, the Commissioners of Building and Planning may authorize minor adjustments to the approved site plan and/or certificate of appropriateness when such adjustments appear necessary, appropriate and/or *De minimis* adjustments as the result of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. *De minimis* adjustments shall be given to provide for economic growth while protecting the integrity of the site, the surrounding neighborhood, the City's long range planning strategy and the intent of the Zoning Code.

(b) Substantial amendments. Where unforeseen conditions are encountered which require any change to an approved site plan and/or certificate of appropriateness which the Commissioner of Planning considers substantial, or where the applicant wishes to modify the approved site plan and/or certificate of appropriateness for other reasons, an amended site plan and/or certificate of appropriateness shall be filed for review and approval in accordance with the same procedures required for an initial site plan and/or certificate of appropriateness application.

Q. Amendments After Approval. An approved site with the RMF-SC Senior Citizen Housing Floating Overlay Zone designation shall be amended in the same manner and subject to the same limitations as any other regulation established by this chapter.

R. Expiration. A Floating Overlay Zone designation under this chapter shall automatically expire if a Building Permit for construction in accordance with the plans for which such Floating Zone designation was granted has not been issued within eighteen (18) months of the date of the approval and if all construction is not completed within two years of the date of issuance of the Building Permit, or if both have not occurred within such other time limits as may be established by the City Council in connection with its decision. Such time limits shall be tolled by any judicial proceedings to review the City Council's decision or other public approvals that may be required.

§ 267-24. UR-PUD Districts.

A. Eligibility. Eligible parcels for UR-PUD zoning shall be only those located in an area officially designated as appropriate for urban renewal by the City Council and having a minimum parcel size of 10 contiguous acres.

B. Standards. The following standards are hereby established as the minimum/maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate based upon consideration of the particular circumstances of the individual application to satisfy the purposes as set forth in § 267-15A(9) hereof.

(1) Maximum dimensional requirements for residential use.

(a) The maximum permitted floor area ratio shall be 2.50.

(b) The maximum building height shall be 200 feet in height from the finished grade.

(c) The maximum lot coverage by residential structures less than six stories but exclusive of any enclosed parking facilities whose roof and exposed sides are bermed and landscaped to screen such parking from public view is 30% of the total parcel area.

(d) The maximum lot coverage by residential structures greater than six stories but exclusive of any enclosed parking facilities whose roof and exposed sides are bermed and landscaped to screen such parking from public view is 20% of the total parcel area.

(2) Minimum dimensional requirements.

(a) The minimum lot area per dwelling unit shall be 545 square feet.

(b) There shall be a minimum of 200 square feet of usable open space per dwelling unit.

(3) Off-street parking requirements. The minimum off-street parking and loading requirements shall be as set forth in Article VIII of this chapter. Notwithstanding any other requirements of this chapter, where a parcel is located within 300 feet of a municipal parking facility, the parking requirements of the URA-PUD District shall be as follows:

(a) Residential: A minimum of 0.75 parking spaces per dwelling unit.

(b) Commercial: zero.

(4) Maximum dimensional requirements for nonresidential use. The maximum building height shall be 160 feet in height from the finished grade.

§ 267-25. PUD-2 District.

A. Eligibility. The following are the minimum requirements for establishing the eligibility of any property for PUD-2 Planned Unit Development zoning:

(1) The minimum parcel size shall be two contiguous acres. Where parcels comprising the development site are divided by existing City streets, the area of those streets between the lot lines of the subject parcels may be counted as parcel area to meet the two acre minimum.

(2) The [underlying] eligible existing zoning districts shall be:

(a) For residential development: RMF-6.75, RMF-10, RMF-15 and RMF-SC-25 Districts.

(b) For nonresidential developments: CB and I Districts.

(c) For residential/non-residential mixed use developments: subject to the further restrictions set forth in Section 267-22 B(3)(f), a combination of: (i) all three of the NB, CB and RMF-15 Districts; or (ii) the NB and RMF-15 Districts.

B. Standards. The following standards are hereby established as the minimum/maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate based upon consideration of the particular circumstances of the individual application to satisfy the purposes as set forth in §267-15A(9) hereof

(1) Standards for residential uses.

(a) Building height.

1. Low-rise or one-family attached or detached dwellings and/or multifamily dwellings the height of such buildings does not exceed 90 feet in height from the finished grade.

2. Mid-rise multifamily dwellings consisting of attached units in structures of not more than 160 feet in height from the finished grade.

(b) Coverage. The maximum lot coverage for uses other than family detached dwellings, shall be 25% for buildings and 50% for all impervious surfaces.

(c) Lot. Area per dwelling unit. The minimum lot area per dwelling unit shall be 545 square feet.

(d) Setbacks. The minimum yard setbacks for residential uses from all perimeter lot lines shall be 20 feet.

(e) The minimum distance between buildings shall be determined as part of the application review process. In no case shall such spacing be less than 25 feet or the average height of the two buildings, whichever requirement is more restrictive.

(2) Standards for non-residential use.

(a) Building height. A maximum of 160 feet in height from the finished grade.

(3) Standards for residential and non-residential mixed use.

(a) Building height. A maximum of 160 feet in height from the finished grade and not more than 14 stories.

(b) Coverage. For lots divided by mapped streets, the maximum lot coverage per individual lot or lots comprising the development site shall be 100% for buildings and 100% for all impervious surfaces.

(c) Lot area per dwelling unit. The minimum lot area per dwelling unit shall be 225 square feet based on qualifying parcel size as calculated pursuant to paragraph 267-22A(1) above.

(d) Setbacks. There are no minimum yard setbacks for residential and non-residential mixed uses.

(e) The minimum distance between buildings on an individual site with lots divided by a mapped street shall be determined as part of the application review process.

(f) Additional Limiting Eligibility Standards. A PUD-2 district of residential and non-residential mixed uses shall only be mapped on sites that: (i) contain a combination of all three of the NB, CB and RMF-15 Districts and are wholly or partially within a 112 mile radius of the Mount Vernon East Metro-North station; or (ii) contain the NB and RMF-15 Districts and are wholly or partially within a 112 mile radius of the Mount Vernon East Metro-North station.

(g) Off Street Parking Space Requirements

1. Number of Required Parking Spaces

(1a) The minimum number of parking spaces required for multifamily dwellings shall be: 1 per dwelling unit; except that for senior housing 0.25 per dwelling unit

(1b) The minimum number of required parking spaces for all other permitted principal uses and uses allowed by special permit shall be determined by the City Council as part of its review of a proposed development concept plan.

(1c) Municipal parking spaces displaced by a PUD-2 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 proposed development concept plan.

2. Location of Required Parking Spaces

(2a) The parking spaces required for multifamily dwelling units and all other permitted principal uses, with the exception of senior housing, shall 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 review of a proposed development concept plan.

(2b) The parking spaces required for senior housing shall be located on site.

(h). Off Street Loading Space Requirements

1. Number and Location of Required Off Street Loading Spaces

(1a) The minimum number of loading spaces required for multifamily dwellings, senior housing in a PUD-2 district and for all other permitted principal uses and uses allowed by special permit, and their location, shall be determined by the City Council as part of its review of a proposed development concept plan.

C. Procedure. Uses in Section 267-17 [2167-17] and 267-18 [of the PUD-2 District] may be established by the City Council in the PUD-2 District either on its own motion or on petition of the property owner for residential and nonresidential developments. In the case of residential and non-residential mixed use developments, uses shall be limited to the following permitted principal and permitted accessory uses and uses allowed by special permit. Uses allowed by special permit shall not be permitted to occupy building space at the street level.

Permitted Principal Uses

Multifamily dwellings

Community purpose buildings

Municipal uses of the City of Mount Vernon

Business, professional or governmental offices

Business incubator space

Stores and shops exclusively for sales at retail for the performance of customary personal services

Restaurants

Universities, colleges and private schools

Permitted Accessory Uses

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

Uses Allowed By Special Permit

Churches, mosques, synagogues or other places of worship

Day-care centers

Nursery schools

(1) Development concept plan. In the case of an application of a property owner requesting the establishment of a use or uses as permitted by § 267-25 of the PUD-2 District, the applicant shall submit a preliminary development concept plan of the proposed development concept showing all proposed buildings and uses on the site, proposed building spacing and yard setbacks, the proposed location and design of all streets, driveways, parking lots, screening, landscaping, open spaces and recreation areas, proposed architectural features of all building, the relationship of the

proposed development to adjacent land, health, safety and general welfare of the community. Such plans shall be accompanied by a brief analysis, in written form, explaining the proposed development concept and the planning purposes of § 267-15A(9) which will be derived for the city and the immediately surrounding neighborhood.

(2) Planning Board referral. The City Council may refer any such application to the Planning Board which shall report to it as to whether the establishment of such zone will be in accordance with the standards contained herein and will be of benefit to the city by satisfying the intent and purposes as set forth in §267 -15A(9) hereof.

(a) Notification. Upon receipt, the Planning Board shall refer a copy of the proposal to such city boards, agencies and departments as it determines to be appropriate. A copy of the proposal shall also be mailed to the neighborhood association(s) representing the neighborhood(s) within which the proposed PUD-2 District is to be located and to any such association(s) representing a neighborhood(s) located within 1,500 feet of such development.

(b) Preliminary meeting. The applicant and the licensed professional preparing the preliminary development concept plan shall attend a preliminary, informal meeting with the Planning Board for the purpose of representing and discussing this proposal. Appropriate neighborhood associations, as defined in § 267-22C (2)(a) above, shall be notified of such meeting by the applicant at least 10 days in advance.

(c) Report and recommendation. Following completion of its review, the Planning Board shall prepare and submit its report and recommendations to the City Council with respect to the potential applicability of PUD2 zoning to the subject property and, where applicable, with respect to the proposed preliminary development concept plan.

(3) Public hearing. Upon receipt of the report and recommendations of the Planning Board, if any, the City Council, may schedule and hold a public hearing. Notice of the public hearing shall be published on at least three different dates in the city's official newspaper, the first insertion to be not less than 10 nor more than 30 days prior to the date of the hearing. In addition, the neighborhood association(s) shall be notified as required in §267 -22C(2)(a). A copy of such notice, with proof of mailing, shall be filed in the City Clerk's office by the applicant on or before the date of the public hearing.

(4) Council action. Following the close of the public hearing and completion of the SEQRA process, the City Council shall act to approve the proposed rezoning and, where applicable, the proposed development concept plan, either with or without modifications, or shall disapprove the application. In the event of its approval, notification of the action taken and copies of all application materials shall be forwarded to the Planning Board for its further review and action, as appropriate.

(5) Planning Board approval. Prior to any construction within a PUD-2 District, application shall be made for site plan and, where appropriate, subdivision approval by the Planning Board. If a subdivision is required, such application shall be filed with the Planning Board simultaneously with the site plan and shall be processed in accordance with the requirements of the City of Mount Vernon subdivision and site regulations.

(a) Referrals for review and report. The Planning Board shall refer the site plan application for review and report to all other boards, agencies and officials of the city which it deems appropriate. All such boards, agencies and officials to which referral is made shall have not less than 30 days from the date of forwarding to submit their reports.

(b) Report from the Commissioner of Planning. The Commissioner of Planning shall report to the Planning Board whether the proposed site and/or subdivision plan complies with all of the standards and requirements of the PUD-2 District and its purposes.

(c) Public hearing. The Planning Board shall schedule a public hearing on the proposed site plan within 45 days of the date of its receipt of a complete application in proper form and in compliance with all SEQRA requirements. Notice of the public hearing shall be as required by law.

D. Common lands and facilities.

(1) Where a PUD-2 District approved pursuant to this authorization results in the permanent, preservation of open spaces or the creation of commonly used lands or facilities, including streets, 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 herein and in §37 of the General City Law.

(2) Subject to approval as a part of the combination of the following arrangements:

(a) As a general rule, all such lands and facilities in and associated with a building composed of individually-owned units, such as a condominium or cooperative, shall be owned by a property owners association as described in § 267-22D(2)([b]Q) below.

(b) The lands and facilities may be conveyed to a recognized conservation organization dedicated to the preservation and maintenance of open space, provided that such organization has indicated its agreement to maintain such lands, and further provided that such organization is acceptable to the City Council.

(c) Such lands and facilities may be dedicated to the City of Mount Vernon, provided that public access is assured and the City Council has voted to accept such offer.

(d) All or the balance of the common lands which are not to be conveyed or dedicated in accordance with § 267-25D(2)(b) or 267-25D(2)(c) above or 267-25D(2)Ce) below, and any private common facilities, shall be owned

and maintained by a property owners association, subject to the following requirements:

1. The property owners association shall be a legal entity, including but not limited to a condominium corporation, cooperative corporation or a not-for-profit membership corporation created by a trust agreement or certificate of incorporation, approved as to form and sufficiency by the Corporation Counsel and designed to assure the permanent preservation, protection and maintenance of the common lands and any improvements thereon for their intended purpose.

2. The property owners association shall be made responsible for the continued future maintenance, ownership and use of all such common lands and facilities.

3. The property owners association shall not be permitted to be dissolved and shall not dispose of any common land or any improvements thereon or thereunder, by sale or otherwise, except to an organization established to own and maintain such common land and improvements as hereinabove referred to and subject to the same restrictions on maintenance and use as the first such legal entity, as well as approval by the Planning Board as set forth above.

4. The property owners association shall be subject to an agreement with the city, provided that in the event it, or any successor organization, shall at any time after approval of the development fail to maintain the common land or any improvements thereon in reasonable order or condition in accordance with the approved plan, the city may serve written notice upon such legal entity or successor organization, or upon the property owners within the development, setting forth the manner in which the association has failed to maintain the common land or any improvements thereon, and said notice shall include a demand that such deficiencies be corrected within a designated time frame. If the deficiencies are not corrected within the designated timeframe, the City of Mount Vernon, in order to preserve the taxable values of the property within the development and to prevent the common land and improvements thereon from becoming a public nuisance, may enter upon and take possession of said common land and improvements and maintain the same until such time as the City Council shall determine that the property owners association is ready and able to maintain the common land and improvements in proper condition. Said entry and maintenance shall not vest in the public any rights to use the common land or improvements except when the same is voluntarily dedicated to the public by the property owners association and the offer of dedication

is accepted by the City Council. The decision of the city with respect to the action described in this section shall constitute a final administrative decision subject to review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules. The cost to the city of any such maintenance shall be assessed against the properties within the PUD-2 District and, in the event of the failure or refusal of any property owner to pay any such charges when due, the unpaid amount thereof shall become a lien against his property and, together with interest from the due date thereof, shall be included in the annual tax levy of the city upon such property for each such fiscal year, and the amount so levied shall be collected in the same manner as other city taxes.

5. The property owners' association agreement shall require that every property owner within the PUD-2 District shall automatically be and remains a member of the association and shall be subject to a charge for his proportionate share of expenses of the association's activities, including but not limited to the maintenance and operation of the common land and improvements thereon. The charge shall be a lien on the property in the event that it remains unpaid by the property owner for a period of more than 60 days after assessment thereof by the governing body of the property owners association. The obligation of each property owner to pay a proportionate share of the association's expenses may be enforced by an action in the name of the association or by the city as provided in § 267-25D(2)(d)(3), or in the name of both.

6. The permanent preservation of common open space lands and facilities or their intended purposes shall further be legally assured to the satisfaction of the Planning Board and the Corporation Counsel by the filing of appropriate covenants, deed restrictions, easements or other forms of agreement. The permitted uses within such areas shall be limited to those specifically approved by the Planning Board and shown on the site development plan, plus other uses customarily incidental and accessory thereto. Subsequent to the approval of the final site development plan, the uses permitted within privately owned common land areas may be modified only upon approval by the Planning Board and only upon application by the entity owning such common land area. In each such case, a public hearing shall be held with the same notice as required by law for final site development plan approval. Such modification may permit a use in the same general category of use previously approved or may allow a change in the location of a particular use from one portion of the common land areas to another.

7. Dedication of the common land areas, including any common facilities or improvements thereon, to the common use of all property owners within the PUD-2 District shall be recorded directly on the site development plan or by reference on the site development plan to a declaration of covenants, conditions and restrictions in a separate document recorded or to be recorded at or about the time of the filing of the approved final site development plan. Such declaration of covenants, conditions and restrictions shall permanently grant to each property owner in common with all other property owners within such PUD-2 District an easement in and to the common land areas and the common facilities thereon and of the use thereof.

(e) All such lands and facilities in and associated with a building composed of rental units shall be owned and maintained by the entity which owns the building.

E. Planning Board action. Within 62 days of the close of the public hearing, the Planning Board shall act either to approve, with or without modifications, or disapprove the proposed site plan. The Planning Board decision shall be based upon the requirements of the City Council rezoning approval, the purposes, standards and regulations of the PUD-2 District and the requirements of SEQRA. Approval shall be required prior to the issuance of any building permit or certificate of occupancy within the PUD-2 District.