

## Planned Adjacent Park Zoning District

### Article I - Purposes

O. To preserve the natural and scenic qualities of open lands.

### Article II – Section 3. Definitions.

#### **ACCESSORY USE**

#### **BUFFER**

Land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

#### **BULK STORAGE**

Exposed outside storage of sand, lumber, coal, mulch, gravel, stone, soil, aggregate, wood chips, earth materials, or other bulk materials, and bulk storage of liquids in tanks.

#### **CONSTRUCTION TRAILER**

A modular or portable structure located on the premises of a construction project and used primarily to accommodate temporary offices for developers and contractors during a construction project. May include eating facilities and meeting space. Construction trailers may not be occupied overnight by employees or security personnel, and may not be utilized as a construction equipment storage container.

#### **CULTURAL CENTER**

A facility, operated by a public, private, or nonprofit organization, that is open to the public and has as its primary purpose the advancement and preservation of culture and arts.

#### **DEVELOPMENT**

The construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any structure; any mine, excavation, landfill or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

#### **DUMPSTER**

Any container (other than a conventional trashbarrel) intended for the temporary storage of rubbish, garbage, trash, or refuse of any sort and designed to be hoisted and emptied into a truck for removal.

**EDUCATIONAL INSTITUTION**

A school (including a technical, trade, or vocational school) that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

**LAND DEVELOPMENT PROJECT**

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or commercial, institutional, recreational, open space, and/or mixed uses as provided for in the zoning ordinance.

**NATURAL FEATURE**

Any naturally occurring tree, plant, plant community, eco-system, body of water, or geographical or geological site or feature.

**OUTDOOR STORAGE**

The keeping of or display of any inventory, goods, material(s), supplies, equipment, machinery, vehicles, pallets or merchandise, including raw, semi-finished, and finished materials for any period of time, produced or used by or associated with the principal use of the property, and as an accessory to the primary use of the establishment. This includes cargo storage containers and membrane structures which are located on the premises.

**Article III - Establishment of Districts**

**Article III – Section 1. District Classification.**

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

**A. Residence Districts.**

- R1-7            One-Family Residence
- R1-4.5        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
- H              Hospital

**B. Mixed-Use Districts.**

- MVW            Mount Vernon West Transit Oriented Development Zone

**C. 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

**D. 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
<u>PAP</u>	<u>Planned Adjacent Park Zoning District</u>
UR-PUD-S4	South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone

§ 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 March 1, 2018, 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 V - Districts**

**Article V – Section 1. Purposes.**

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

**D. 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 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.

(5) For the PAP- Planned Adjacent Park zoning District within a Park Setting, to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of adjacent park lands.

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

#### **Article V – Section 7. List of Special Zoning District uses.**

##### **E. PAP – Planned Adajent Park Zoning District as regulated by Chapter 267-Article V-Section 12.**

###### **(1) Permitted principal uses.**

(a) Business, professional or governmental offices.

(b) Park, ball field or plaza.

(c) Research, experimental, testing and/or development activities where manufacturing, fabrication, production, testing, repair, indoor storage, sale or resale of materials, goods, and products which are purchased and reassembled are incidental to the principal use, and take place indoors.

(d) Uses supportive and complementary to a specific research and development industry and intended primarily to serve businesses and employees therein, but not to exceed five percent (5%) of the total acres, excluding street rights-of-way, or five percent (5%) of the total floor space of the research and development park; including business service establishments, personal service establishments, health and fitness centers, restaurants excluding drive-through facilities; and provided such uses are not in free standing buildings.

- (e) Conference or training centers.
- (f) Cultural centers, museum and art galleries.
- (g) Restaurants.
- (h) Agriculture, horticulture, or forestry or fishery.
- (i) Day Camps.
- (j) Health and fitness centers.
- (k) Libraries.
- (l) Performance arts center, theaters and/or concert halls.
- (m) Golf courses.
- (n) Parking for the surrounding park.
- (o) Interactive Science and Technology Center.
- (p) Recreation establishment, outdoor and indoor.
- (q) Data Center.
- (r) Repository of archives.
- (s) Summer theatre/Amphitheatre/ Theatre.
- (t) Community purpose.
- (u) Arboretum.
- (v) Aviary.
- (w) Aquarium.
- (x) Botanical garden.
- (y) Plant nursery.
- (z) Educational institution, day care, nursery school, after school.
- (aa) Reselling, fabrication, assembly, or packaging of materials, which take place indoors,

and are not adverse to surrounding neighborhood.

(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, including maintenance and community buildings serving uses on the site.
- (b) Limited outdoor storage of materials, pallets and equipment, provided same are suitably screened and located at the rear of the building adjacent to the railroad tracks.

(3) Temporary Uses.

(a) Carnivals, fairs, and festivals, including music festivals.

(b) Specialty shows, such as animal shows, bazaars, business shows, merchandise shows, circuses, antique shows, expositions, horse shows, dog shows, and flea markets.

(c) Sale of Christmas trees in the winter or other seasonal commodities such as pumpkins in the fall and/or watermelons during summer.

(4) Uses allowed by special permit.

(a) Wireless Telecommunication Facilities.

(5) Prohibited Uses.

Outdoor storage including bulk storage, pallets and equipment shall be prohibited except when located at the rear of the building along the property line adjacent to the railroad tracks, unless another location on the Premises has been deemed appropriate by the Planning Board.

**Article V – Section 12. PAP- Planned Adjacent Park Zoning District.**

A. Intent.

The City Council hereby finds that structures, architectural features, building forms and/or site layouts for properties/parcels which are surrounded by Westchester County parkland and the Metro-North Rail Road tracks must be appropriately designed to incorporate, encompass and accentuate the “park-like” feel which surrounds these parcels. The City Council further finds that permitted land use development in parkland settings should be designed so as to have no inappropriate visual impact on surrounding parklands or adjoining neighborhoods, and that any industrial visual impact is *prima facie* inappropriate in a parkland setting.

Furthermore, the City Council hereby finds and declares that in order to align the City’s

policy with that of New York State and implement the City's policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old-growth areas, character, and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the City.

B. Purpose.

It is the purpose of this ordinance to permit the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to such aesthetic considerations as location, size of signs, lighting, parking and service areas and the like to:

a. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography.

b. Protect environmentally sensitive areas surrounding the site(s) and neighboring environs and preserve on a permanent basis open space and natural features.

c. Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development and layout.

d. Promote maximum use of infrastructure using such techniques that reduce stormwater runoff into the City's sewer system and neighboring bodies of surface and/or ground water.

e. Encourage social interaction, walking and biking in open space areas within the site and surrounding the site.

f. To allow for the design and intensity of development that are architecturally and environmentally innovative; to achieve better utilization of land than is possible through standard zoning practices.

g. To encourage land development that to the greatest extent possible preserves natural vegetation, respects natural topographic and geologic conditions and refrains from adversely affecting flooding, soil, drainage and other natural ecologic conditions.

h. To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows for efficient site layout and development intensity based on innovation and functionality.

i. To provide for abundant, accessible and properly located public and/or private open and recreational space.

j. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximizes the allocation of fiscal and natural resources.

k. To enable the intensity of land development to be compatible and congruous with adjacent and surrounding Westchester County Park(s).

l. To ensure that the intensity of land development occurs at proper locations, away from environmentally sensitive areas and on land physically suited to construction.

m. To allow unique, ancillary and unusual land uses to be planned for and located in a manner that ensures visual and aesthetic harmony and compatible uses with surrounding Westchester County parks.

n. To preserve or create as much “greenscape” as possible.

### C. General construction of language.

The following rules of construction apply to the language of this chapter:

1. The specific shall control the general.

2. All words used in the present tense include the past and the future tense.

3. All words in the singular number include the plural number, and vice-versa, unless the natural construction of the wording indicates otherwise.

4. Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.

5. The word "shall" is mandatory; the word "may" is permissive.

6. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or" or "and/or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected items, conditions, provisions or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.

c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.



- d. "And/or" indicates that all the connected items, conditions, provisions or events shall apply singly and in any combination.
8. A building or structure includes any part thereof.
9. The words "lot," "plot" and "tract of land" shall one include the other.
10. The word "premises" shall include land and any buildings thereon.
11. The word "occupied" or "used" shall be considered to be followed by the words "or intended, arranged or designed to be occupied or used," unless the natural construction of the wording indicates otherwise.
12. References made to officials and official bodies shall mean officials and official bodies of the City of Mount Vernon, unless the natural construction of the wording indicates otherwise.
13. Unless otherwise specified, all distances shall be measured horizontally.
14. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

#### **D. Definitions.**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. **Common Open Space** - the portion of the site set aside in perpetuity as open space. This area may include coastal and freshwater wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, paved areas, landscaped areas or other elements to be protected from development, canopies, awnings, "lean to", structures, freestanding and/or retaining walls, as well as easements for public utilities.
2. **Conservation Easement** - an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in Article V – Section 12 of this title.
3. **Greenspace** - Open space maintained in a natural, undisturbed, or revegetated condition.
4. **Public Body** - the state, County of Westchester, City of Mount Vernon or a municipal corporation as that term is defined in section two of the General Municipal Law or the United States of America acting by and through the Department of the Interior.

5. Open Space - A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community or common open space or preserved as green space.

**E. Eligibility.**

The PPA Zoning District shall apply only to those parcels within the City of Mount Vernon abutting Metro-North Railroad tracks and located within, adjacent to and/or surrounded by a Westchester County Park, excluding lot 1.1 - Cell Tower tax lot

**F. Boundary.**

The boundaries of the PPA Zoning District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council.

1. The following described areas are designated as sites within the PUCD-Park Zoning District:

a. Section 165.66, Block 2204, Lot 1

b. Section 165.66, Block 2204, Lot 4

**G. Applicability.**

In accordance with Chapter 267- Article XI (Amendments) 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 PAP Zoning District established under this Chapter.

**H. Use Requirements.**

Permitted principal, accessory and special permit uses as set forth in Chapter 267-Article V-Section 7 of the Zoning Code.

**I. 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, based upon consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in Chapter 267- Article V-Section 1(D)(5) hereof.

1. Requirements.

a. Building Height.

i. A maximum of 45 feet in height from the finished grade and not more than 3 stories.

ii. The number of floors shall include all floors located above the finished grade.

Portions of the building, such as basements or podiums that are substantially or partly located below grade, shall not be counted as a floor provided they do not extend more than five feet above grade. Floors that extend more than five feet above grade shall be counted as a floor.

- b. Building Coverage. The maximum building coverage shall not exceed 25%.
- c. Impervious Coverage. Suitable stormwater management infrastructure shall be installed to address impervious surfaces up to 90%, which shall be the maximum allowed.

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- d. Lot Area. The minimum lot area shall not be less than 130,000 square feet.
- e. Side Yard Setback. The minimum side yard setback shall be no less than 90 feet from the Northern property line.
- f. Lot Width and Frontage. The minimum lot width and frontage shall be 75 feet.
- g. Front Yard Setback. The minimum front yard setback shall be 25 feet.
- h. Secondary Front Yard Setback. The minimum secondary front yard setback shall be 25 feet.
- i. Side Yard Setback. The minimum side yard setback shall be no less than 20 feet from the Southern property line.
- j. Rear Yard Setback. There shall be no minimum rear yard setback.
- k. The Planning Board shall have the authority to increase minimum setback requirements based on structures' relationship to surrounding structures and the character of the neighborhood.
- l. Buffers. Any application to construct or alter a structure within this zoning designation shall include provisions for a buffer screening area along any/all lot lines and/or property lines. All required setbacks shall be used for this purpose. The Planning Board may allow for the construction of a wall, fencing, landscaping and/or any other item(s) that in its judgment will appropriately screen the activity and/or intensity of development or structure(s) involved from the neighboring parkland. The buffer screening shall be of a design, materials, location, type, height, spacing, and arrangement to the satisfaction of the Planning Board. The buffer screening shall consist of materials or vegetation that is consistent with and mirrors the natural landscape of the surrounding parkland or adjoining neighborhoods. These requirements may be waived by the Planning Board in situations where the Planning Board determines that adjoining 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 maintained in a healthy growing condition as

specified on the approved site plan, in perpetuity.

m. Merging tax lots. A property owner who owns two or more contiguous parcels of land and seeks the use of the PAP Zoning Designation shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor. Wireless telecommunications infrastructure eligible for separate tax lot identification shall be exempt from this provision.

n. Declaration of Restrictive Covenants. To ensure the compact development of the property into perpetuity, a property owner who owns a parcel(s) of land with the zoning designation of PAP shall file with the Westchester County Clerk, in a form approved by the Corporation Counsel for the City of Mount Vernon, a declaration of restrictive covenants preventing any further subdivision of the land. A certified copy of the duly recorded Declaration shall be submitted to the City Planning Board and Law Department for the files.

o. Off Street Parking Space and Loading Requirements. The Planning Board shall establish the minimum number of parking spaces and loading spaces required based upon the specific nature of the proposed facility(ies) and/or use(s) within the PAP Zoning District. The Planning Board shall establish the requirements on that basis. Required spaces developed for specific structures and uses shall be reserved at all times to persons who are employed at or make use of such structures and uses.

p. Site Standards. The purpose of these standards is to ensure that proposed developments within the PAP Zoning District exhibit creativity and variety in design features so that the unique and natural character of Mount Vernon in the surrounding park is preserved. These guidelines shall be applicable to all proposed developments and/or associated accessory structures and shall incorporate the following design elements:

1. Buildings shall maximize the number of façade openings for windows and doors in keeping with the intended function of the building and the natural features of the site and surroundings.

2. All sides of a proposed building(s) and/or structure(s) shall employ architectural features such as windows, a variety of colors, patterns, roof heights and complex massing to achieve visual and aesthetic interest that compliments the surrounding park and natural surrounding landscape. All building(s) and/or structure(s) shall have great building articulation. Flat, blank walls shall be prohibited.

3. Complex massing shall be used for all structures proposed. Building designs featuring a single geometric shape, such as a simple rectangle, shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.

4. Each building on a site shall have clearly defined, highly visible ground floor entryway(s).

q. Accessory Structures. The minimum setbacks for all accessory structures shall be no less than 7 feet from any property boundary.

## 2. Supplemental Development Standards.

a. For the purposes of this Subsection, the buffer area shall comply with the following design standards:

1. The buffer area shall, to the greatest extent possible, protect natural features having particular value in the context of preserving the existing natural, open space character, in compliance with the intent of this Ordinance.

2. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals. Permitted modifications may include but may not be limited to:

- Woodland management.
- Reforestation.
- Meadow management.
- Wetlands management.
- Streambank protection.
- Buffer area landscaping.
- Restoration of ecosystem.
- Habitat restoration.

3. All wetlands, floodplains, wildlife habitat areas and slopes over 12 percent shall be contained within the buffer area wherever possible.

4. To preserve scenic views, ridge tops and rock outcroppings should be contained within the buffer area wherever possible. Trees shall not be removed from the buffer area unless a similar tree is planted in its place.

5. The boundaries of the buffer area shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable visitors to the site or the public, if applicable, to distinguish where the buffer area(s) ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.

6. Buffer area(s) shall include lands located along existing public streets in order to preserve existing natural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

7. The following areas shall not be included in the buffer area(s):

- Street and highway rights-of-way, public or private.
- Railway and utility rights-of-way.
- Parking areas.
- Material storage areas

8. To preserve the existing natural landscape and woodland character of the surrounding area, landscaping shall comply with the following design standards:

a. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.

b. Existing woodlands shall be retained to the maximum extent possible.

c. All new landscaping to be installed and existing vegetation to be preserved shall be protected.

b. For the purposes of this Subsection, the site design shall comply with the following standards:

1. Utilities shall be installed underground and any aboveground equipment shall be located with minimal disturbance to the surrounding woodland character. Equipment boxes shall be located so as to minimize their visibility using landscaping or some other form of screening that preserve the woodland character of the park to the satisfaction of the Planning Board. Relocation and provisions for private and public underground utility systems are to be made, as needed.

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

3. Building-mounted lighting shall be exempt from the height limitation, provided it does not project light into the adjacent park. Outdoor lighting shall minimize the light source's visibility from the adjacent park. No outdoor light source from a free standing light structure shall be more than twelve (12) feet above the ground level underneath it. Illumination levels shall not exceed 1 footcandle along all property lines.

4. One hundred percent (100%) of the calculated stormwater runoff shall be retained on-site.

5. Within any PAP Zoning District, landscaping, buffering, and screening shall be used to screen all areas of collection of refuse, loading areas and parking areas from surrounding streets.

**R. De Minimis Exceptions, Supplemental Development Exceptions and Waivers.** Deviation from the development requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board 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.

1. 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 Planning Board may grant exceptions from certain parking or development 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.

**S. Design Standards.**

1. The purpose of these standards is to ensure that proposed structures within the PAP zoning designation exhibit creativity and variety in design features so that the unique character of Mount Vernon, in particular, the natural woodland character of the surrounding park is preserved. These guidelines shall be applicable to the principal building, unless specifically referring to an accessory building.

a. 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.

- i. Buildings shall maximize the number of street level façade openings for windows and doors. Accessory buildings shall have at least 1 window and plantings on or around at least 1 wall of a building.
- ii. 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).
- iii. Buildings shall set ground floor window frames at a height above the finished grade to reflect traditional building qualities.
- iv. 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.
- v. All windows shall exhibit proportional scale that appropriately indicates functions within the building.
- vi. Buildings shall delineate change in surface material by a reveal or a recess detail.
- vii. 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.
- viii. Architectural massing refers to the way a building is shaped. Building designs featuring a single geometric shape such as a simple rectangle shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.
- x. 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.
- xi. On-site development identification signs should be limited to thirty-two square feet, its construction should be of natural materials (i.e., wood, brick and/or stone), should not exceed five feet in height, and the base area should be appropriately landscaped. Internally illuminated signage is prohibited and may only be illuminated by flood or spot lighting that shines away from the public street and surrounding park.
- xii. The creation of lawn areas in excess of 10,000 square feet is strongly discouraged.
- xiii. Native species should be included in all landscape designs.



- xiv. The use of dyed and textured concrete as well as of other natural materials is encouraged for visible structures such as curbing, culverts, walls, and outlet structures to minimize the visual impact.
- xv. Roadways should follow existing contours to minimize the extent of cuts and fills.
- xvi. In the PAP Zoning District, exposed masonry walls (freestanding and retaining) shall be finished in stucco when located along a street, public right-of-way and/or visible from the surrounding park.
- xvii. In the PAP Zoning District, all fences shall be constructed of aluminum or wrought iron and shall be completely within all lot lines when visible to the public from any street or public right-of-way, except that fences may be black chain-link when not visible to the public from any street or right-of-way, located behind buildings, or suitably screened by landscaping.
- xviii. In the PAP Zoning District, all fences shall have the finished or more attractive side facing the neighboring property, the street, the Metro-North Railroad and/or the park.
- ixx. All curbing including curbed landscaped islands shall be concrete, granite block curbing and/or Belgian block.
- xx. Electrically charged fences, barbed-wire fences, razor wire and other fences constructed of sharp materials shall not be permitted.
- xxi. Window signs shall not be permitted.
- xxii. Moving and/or windblown signs shall be prohibited.
- xxiii. Signs displaying flashing or intermittent lights and lights of changing degrees of intensity of color shall be prohibited.
- xxiv. Roof signs shall be prohibited.
- xxv. All signs that obstruct a window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to or egress from a building shall be prohibited.
- xxvi. All signs which, due to their location, size, shape and/or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where they may interfere with, mislead or confuse traffic shall be prohibited. These signs are subject to immediate removal and disposal by an authorized County and/or City official as a nuisance.
- xxvii. All accessory structures shall have garage doors, light fixtures, a roof form, exterior materials, colors, etc. that are compatible with the primary structure.
- xxviii. All accessory structures shall be located no less than 7 feet from any property line.
- xxix. Only one accessory structure shall be permitted on the lot. Any additional accessory structure shall be subject to review of the Planning Board for its location and operation and Architectural Review Board for its aesthetics.
- xxx. Accessory buildings and structures. The height of an accessory building shall be limited to one story with a maximum building height of 20 feet.

#### **T. Design Exceptions and Waivers.**

1. Deviation from the design requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board and the Architectural Review Board 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 with the exception of building height.

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 Planning Board and the Architectural Review Board may grant exceptions from certain 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.

**U. Obtaining Approval of Design Exceptions and Waivers.** The applicant shall demonstrate to the satisfaction of the Architectural Review Board the following for approval of an exception or waiver:

- 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 the physical, visual and spatial natural woodland character of the surrounding area.
- The project will enhance the physical, visual and spatial character of the surrounding natural woodland area.

## **V. Establishment of a Conservation Easement.**

1. Where determined necessary by the City of Mount Vernon or Westchester County, a conservation easement shall be filed within the Land Records Office of Westchester County prohibiting or limiting new construction on any lot with the PAP Zoning District. This easement shall comply with all City, County and State regulations and requirements.

## **W. Conveyance of Open Space.**

1. Common open space may be conveyed as follows:

- (a) To the City of Mount Vernon and accepted by it for park, open space, agricultural or other specified use or uses, provided that the conveyance is recommended by the Planning Board and/or Architectural Review Board and approved by the City Council and is in a form approved by Corporation Counsel; or

(b) To a nonprofit organization whose principal purpose is the conservation of open space or trust such as but not limited to the Westchester Land Trust. If such a trust is used, ownership shall pass with the conveyance of the lot. The conveyance shall be recommended by the Planning Board and approved by the City Council and shall be in a form approved by the Corporation Counsel.

2. In any case, where the common open space is conveyed pursuant to subparagraph (1)(b) above, a deed restriction enforceable by the City of Mount Vernon shall be recorded that provides that the common open space shall:

(a) be kept in the authorized condition(s); and

(b) not be developed for principal uses, accessory uses (e.g., parking), or roadways.

#### **X. Conflicting Requirements.**

1. Within the areas designated by the City Council as being within the PAP Zoning District, all ordinances or parts of ordinances inconsistent with this Section of the Ordinance are repealed, to the extent of such inconsistency only.

2. 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(s) of the Zoning Ordinance, unless otherwise specified, this section of the Ordinance shall prevail.

3. If any provision or regulation of this section of the Ordinance shall be judged, ruled or deemed invalid by a 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 is hereby declared severable.

