

MAR 26 2025

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**AN ORDINANCE AMENDING CHAPTER 267  
OF THE CODE OF THE CITY OF MOUNT  
VERNON, NEW YORK, ENTITLED "ZONING"**

**WHEREAS**, the City Council of the City of Mount Vernon is in receipt of a Zoning Petition submitted by 20 S. 2<sup>nd</sup> Square CMV, LLC, dated December 3, 2021, to amend the Zoning Ordinance of the City of Mount Vernon to create a new transit oriented district to be called the Downtown Transit Oriented Arts District ("DTOAD"), and to amend the Zoning Map to apply DTOAD to an area of land comprising approximately forty-one (41) tax parcels of property between East 1<sup>st</sup> and East 2<sup>nd</sup> Street and between South 1<sup>st</sup> and South 3<sup>rd</sup> Avenue, including certain City-owned parcels ("Zoning Petition"); and

**WHEREAS**, the Zoning Petition would facilitate a development project comprising approximately 307,932 s.f. of mixed residential development and other amenities in two, 2-story buildings, including 272 mixed-income residential apartments, approximately 15,630 s.f. of community facility space (including outdoor courtyard space for the arts), and 109 parking spaces ("Development Project"); and

**WHEREAS**, on or about January 29, 2025, the City Council referred the Zoning Petition again to the City of Mount Vernon Planning Board and Corporation Counsel, as well as the Westchester County Planning Board, for their respective reviews and reports as required by law, given certain changes to the Development Project during the City Council's review process; and

**WHEREAS**, the City Council duly published notice of a Public Hearing for the Zoning Petition in three issues of the official newspaper for the City on January 23, 2025, January 30, 2025, and February 6, 2025; and

**WHEREAS**, the City Council conducted a Public Hearing on the Zoning Petition on February 11, 2025, at 7:00 P.M. at City Hall, at which time those wishing to comment were afforded an opportunity to be heard; and

**WHEREAS**, by letter dated February 19, 2025, the Westchester County Planning Department issued its recommendations with respect to the Zoning Petition and Development Project pursuant to Section 239-1, m, and n of the General Municipal Law; and

**WHEREAS**, by letter dated March 6, 2025, the Planning Board issued its recommendation with respect to the Zoning Petition and Development Project pursuant to City Code Section 267-59; and

**WHEREAS**, on March 12, 2025, the City Council adopted a Findings Statement under the State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, "SEQRA"), determining that the Zoning Petition and Development Project minimizes or avoids environmental impacts to the maximum extent possible; and

**WHEREAS**, having completed the SEQRA process and all applicable requirements under the City Code, the City Council desires to amend the Zoning Ordinance and Zoning Map as requested in the Zoning Petition to establish a new DTOAD and apply it to the area of land referenced above; and

**NOW, THEREFORE**, the City Council, as convened, does hereby ordain and enact:

Section 1. Section 267-4, Definitions, of the City of Mount Vernon Zoning Ordinance shall be amended to revise the definition of "Usable Open Space" and add definitions including "Build to Line," "Primary Street," "Side Street," "Building Legal Grade," "Bulkhead," and "Transparency," as follows:

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**USABLE OPEN SPACE**

Usable open space is the portion of a lot which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings, and accessory buildings. This area of usable open space shall be available and accessible to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. In the DTOAD mixed use and residential buildings, indoor facilities like lounges, artists' studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non-living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

**BUILD TO LINE**

The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

**PRIMARY STREET**

The street along which the main frontage of a building is located (the frontage designated to bear the address and principal entrance to the building).

**SIDE STREET**

The street along which the secondary frontages of a building are located.

**BUILDING LEGAL GRADE**

The average elevation of the finished ground at the exterior walls of the main building. Building height is measured from the building legal grade.

**BULKHEAD**

A bulkhead is an enclosed structure on the roof of a building that may include mechanical equipment, water tanks, bathrooms and storage rooms for roof amenities, and roof access from interior stairwells and elevators. It is not counted as floor area and is permitted to exceed zoning height and setback requirements, within limits specified in the Zoning Resolution.

**TRANSPARENCY**

Transparency requirements shall apply to the percentage of linear feet of a ground floor level street wall, between a height of 2 feet and 12 feet, or the height of the ground floor ceiling, whichever is lower, as measured from the adjoining sidewalk. Transparent, or translucent, materials provided to satisfy the percent requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk, or 1 foot, 8 inches above the interior finished floor, whichever is higher, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the ground floor level occupied by entrances or exits to accessory off-street parking facilities and public parking garages, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Section 2. Section 267-5, District classification, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new Downtown Transit Oriented Arts District (Designated as DTOAD) to subsection D., as follows:



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D. Special zoning districts.

                    DTOAD                    Downtown Transit Oriented Arts District

Section 3. Section 267-15, Purposes, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new subsection D.(8), as follows:

§ 267-15. 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.

(8) For the Mount Vernon DTOAD Downtown Transit Oriented Arts District, to promote mixed use (residential and retail) with a focus on the arts that will transform this area of the city’s downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.

Section 4. Article V, Districts, of the City of Mount Vernon Zoning Ordinance is hereby amended to add a new Section 267-27.3 entitled “DTOAD District” to read as follows:

§ 267-27.3. DTOAD District.

A. General Provisions

- (1) Overview. The Downtown Transit Oriented Arts District (Designated as DTOAD) has been established to promote the reuse and redevelopment of a key area between the Mount Vernon East train station and the south side of downtown. The DTOAD district is envisioned to provide sites for mixed use (residential and retail) with a focus on the arts that will transform this area of the city’s downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.
- (2) Applicability. The Downtown Transit Oriented Arts District applies to property Designated as DTOAD on the City of Mount Vernon Zoning Map, which is on file in the Office of the City Clerk. Parcels located in the zone are included on the table below. Four of these parcels (noted with \*) are designated to allow for taller building heights at 15 stories, as called for in the City’s Downtown Vision Report.

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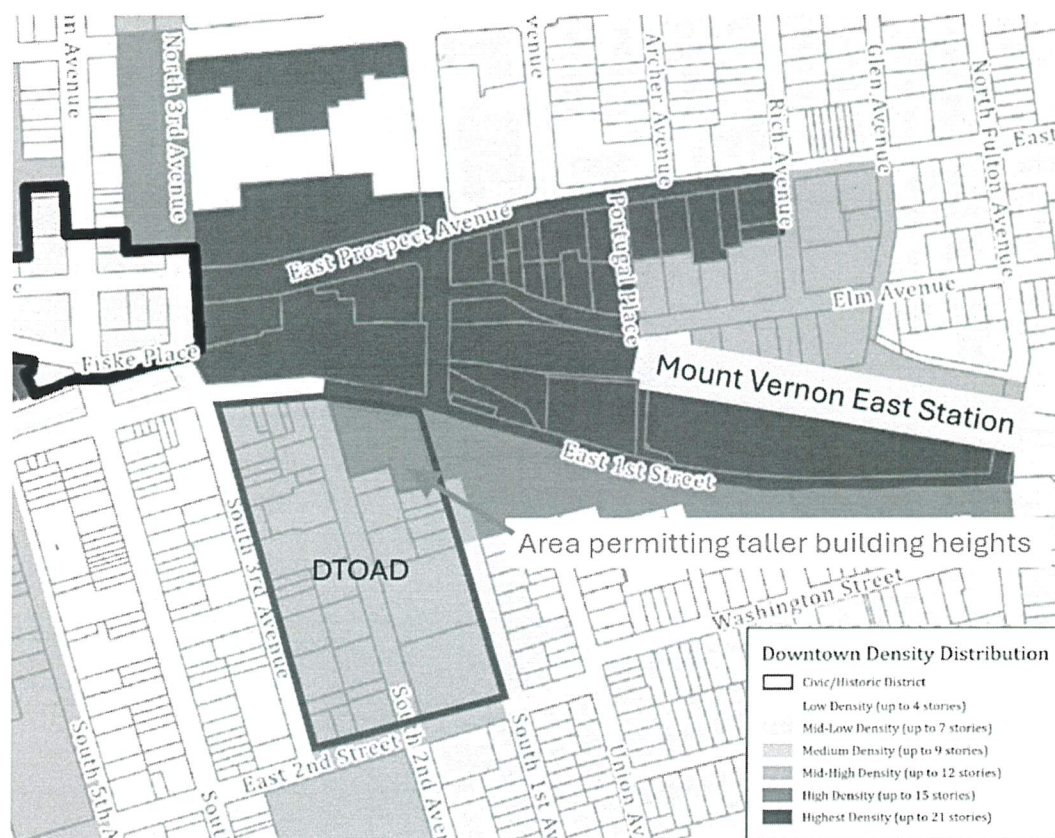
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(3)

Address			
n/a			
23 S.			
20 S.			
n/a			
22 E.			
28 E.			
30 E.			
34 E.			
38 E.			
10 S.			
19 S.			
16 S.			
38 S.			
48 S.			
54 S.			
29 E.			
23 E.			
67 S.			
65 S.			
61 S.			
47 S.			
45 S.			
41 S.			
39 S.			
15 S.			
11 S.			
62 S.			
17 S.			
40 E.			
50 E.			
8 S. 1st			
14 S.			
16 S.			
18 S.			
22 S.			
49 S.			
28 S.			
29 S.			
n/a			
17 S.			
n/a			



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- (4) Purpose and Intent. The DTOAD zone is positioned between the Mount Vernon East train station and East 2nd Street going from north to south, and South 1st and 3rd Avenues going east to west. Its intent is to provide for a compatible range of uses (including residential, institutional, commercial and community facilities) with a focus on the arts to provide a welcoming entrance to the south side of the City's downtown when approached from the Mount Vernon East train station and Petrillo Plaza. Specifically, the DTOAD provides for:
- Higher density residential development near the Mount Vernon East train station with additional building heights permitted on the four parcels that are the closest to the station.
  - Encourage the development of an arts focused cultural district near the Mount Vernon East train station that includes visible and accessible public art, new arts/cultural institutions and retail opportunities
  - Promotion of live/work opportunities for members of the creative community including artists, makers and others engaged in the creative economy.
  - Growing the creative economy and creating new job opportunities in Mount Vernon for cultural and creative entrepreneurs, and workers.
  - The physical integration, improvement and coordination of diverse land uses.
  - Development that is maximally transit supportive.
  - The establishment of a pedestrian-friendly environment.
  - Reduction of auto dependency and roadway congestion.
  - Reduce total vehicle miles traveled and greenhouse gas emissions within the city and region.
  - Emphasize, restore and preserve the areas urban fabric.
  - Facilitate redevelopment that will create new jobs.
  - Emphasize, support and facilitate high quality building design, streetscape and public realm improvements.
  - Encourage the development of high-performance green buildings and other investments that reduce dependance on fossil fuels, decrease greenhouse gas emissions and support the goals and objectives of the New York State Climate Leadership and Community Protection Act and the City of Mount Vernon.
  - Encourage the development of children and youth focused community facilities.



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- (5) Organization. The DTOAD zone utilizes the concept of a Form-Based Code to set guidelines for development. A form-based code creates a predictable public realm by establishing guidelines and regulations that focus primarily on the physical form of the environment, with a lesser focus on specific land-use requirements.

Form-based codes address the relationships between building facades and the public realm, the form and mass of buildings in relation to one another and the pedestrian environment, and the scale and types of streets and blocks. This is in contrast to conventional zoning's focus on the management and segregation of land uses.

Subsection B identifies the allowable building types in the DTOAD and Subsection C identifies the standards for building design, configuration and placement. Subsection D presents the table of permitted uses. Subsection E presents the incentives available in the DTOAD and subsection F identifies the parking requirements for the DTOAD. Subsection G presents design guidelines, which all projects are expected to comply with. Finally, Subsection H sets forth the administrative procedures that must be complied with for all projects in the DTOAD.

- (6) Relationship to Comprehensive Plan. The Downtown Vision Report was adopted by the City of Mount Vernon in January 2024 as the first phase of its comprehensive plan update. The Downtown Vision Report specifies a higher density setting for the DTOAD, with additional density prescribed for the four parcels closest to the Mount Vernon East train station.
- (7) Planning Principles. The Downtown Transit Oriented Arts District Zoning Ordinance establishes an efficient, effective and equitable regulatory and procedural code for the use of land in the Downtown Transit Oriented Arts area, subject to the following policies:
- (a) The area should include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
  - (b) Development in the area should be of appropriate density, pedestrian oriented and contain a mix of uses.
  - (c) The ordinary activities of daily living should be provided within walking distance of residential uses, allowing for independence from the automobile.
  - (d) Within the area, a range of higher density multi-family housing types and price levels should be provided to accommodate diverse ages, incomes and family sizes.
  - (e) Appropriate land uses and densities should be provided within walking distance to the train station.
  - (f) Civic, institutional and commercial activity should be embedded throughout the area, and not isolated into remote single-use complexes.
  - (g) Encourage equitable place-based development with a focus on the arts.
  - (h) Development in the area should feature live/work space for the creative community of artists and makers and commercial and community space curated to support artists, residents and the larger Mount Vernon community.
  - (i) Buildings, landscaping and other amenities should contribute to the physical definition of thoroughfares as public places.
  - (j) The design of buildings and sites should reinforce safe environments, but not at the expense of accessibility.
  - (k) Public/semipublic gathering places should be provided as locations that reinforce community identity and support youth and families.
  - (l) Development in the area should employ sustainable and green building practices.



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- (8) Non-Conforming Uses and Buildings. The DTOAD replaces defined portions of the Downtown Business (DB) and Residential Multi-Family (RMF-10) zones by expanding parameters to provide for the addition of a broad array of uses including innovative high-density residential uses. The DTOAD accommodates the comprehensive redevelopment of vacant or underutilized sites with transit-oriented mixed-use development of affordable and market rate housing along with neighborhood commercial or retail space and community space with a focus on the arts.

The regulations governing non-conforming uses set forth in Section 267-10 remain applicable to uses and buildings in the DTOAD. However, all legal pre-existing, non-conforming uses are encouraged to comply with the design guidelines established herein, to assure that the area evolves in a manner that is consistent with the goals and objectives of the City.

B. Allowable Building Types

- (1) Mixed-Use Building. A building that supports ground floor commercial and/or public use or community facility, with upper story residential. Commercial uses are permitted on East First Street and East Second Street. Public uses or community facility uses are permitted throughout the district.
- (2) General Commercial – Retail. A building type that accommodates retail, office or other commercial uses. Buildings of this type must contain frontage on East First Street or East Second Street.
- (3) Multi-Family Apartment. A residential building that does not include ground floor commercial uses. Buildings of this type may not contain frontage on First Street.
- (4) Tower on Podium. Multi-story apartment building constructed atop a podium containing off-street parking wrapped by ground level commercial uses. Buildings of this type must contain commercial frontage on First Street
- (5) Community Purpose Building/Office Building: A building type that accommodates office, public or institutional uses, or community facilities.

C. Building Type Regulations.

A. High Density Mixed Use Building: - APPLIES ONLY TO DESIGNATED PARCELS CLOSEST TO MOUNT VERNON EAST TRAIN STATION		
LOT		
	Lot Dimensions	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	Usable Open Space	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	Building Setbacks	
	a. Common lot line (if provided)	0'
	b. Lot line (except rear yard)	0'
	c. Rear yard	20'
	Build to Line	
	d. Building along primary street (min % of lot width)	100%
	e. Building along side street (min % of lot width)	100%

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		Coverage	
		f. Building (max)	80%
		g. Building (max)	100%
		h. Impervious surface (max)	100%*
		HEIGHT AND MASS	
		Building Height	
		a. Maximum building height from legal grade	the greater of 12 stories/130'
		b. Height bonus (with compliance with bonus provisions)	3 additional stories up to 15 stories
		c. Floor Area Ratio	8.0
		Floor Setbacks	
		d. First setback (at least 50% of lot frontage)	10' min by the 9 <sup>th</sup> Floor
		e. Second setback (at least 50% of remaining lot frontage)	8' min by the 12 <sup>th</sup> Floor
		ACTIVATION	
		Transparency	
		a. Ground story, primary street façade (min)	70%
		b. Ground story, side street façade (min)	50%
		c. Blank wall length, primary street (max)	25'
		d. Blank wall length, side street (max)	30'
		Functional Entries	
		e. Area of garage or service bay openings along street-wall (max)	20%
		Permitted Building Elements (yes or no)	
		Porch	No
		Stoop	No
		Balcony	Yes
		Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.  
‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

		B. Medium-High Density Mixed Use Building:	
		LOT	
		Lot Dimensions	
		d. Lot Area (min)	5,000 SF
		e. Lot Width (min)	50'
		Usable Open Space	
		f. Usable Open Space	75 SF/DU
		BUILDING PLACEMENT	
		Building Setbacks	
		i. Common lot line (if provided)	0'
		j. Lot line (except rear yard)	0'
		k. Rear yard	20'
		Build to Line	
		l. Building along primary street (min % of lot width)	100%
		m. Building along side street (min % of lot width)	100%
		Coverage	
		n. Building (max)	80%
		o. Building (corner lot max)	100%
		p. Impervious surface (max)	100%*
		HEIGHT AND MASS ‡	
		Building Height	



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	a. Maximum building height from legal grade	the greater of 9 stories/100'
	b. Height bonus (with compliance with bonus provisions)	3 additional stories up to 12 stories
	c. Floor Area Ratio	7.5
	<i>Floor Setbacks</i>	
	d. First setback (at least 50% of lot frontage)	10' min at the 9 <sup>th</sup> Floor
	e. Second setback (at least 50% of remaining lot frontage)	8' min at the 11 <sup>th</sup> Floor
	<b>ACTIVATION</b>	
	<i>Transparency</i>	
	f. Ground story, primary street façade (min)	70%
	g. Ground story, side street façade (min)	50%
	h. Blank wall length, primary street (max)	25'
	i. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	j. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

<b>B. General Commercial- Retail</b>		
	<b>LOT</b>	
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
	<b>BUILDING PLACEMENT</b>	
	<i>Building Setbacks</i>	
	d. Common lot line (if provided)	0'
	e. Lot line	0'
	f. Rear Yard	20'
	<i>Build to Line</i>	
	g. Building along primary street (min % of lot width)	100%
	h. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	i. Building (max)	80%
	j. Impervious surface (max)	100%*
	<b>HEIGHT AND MASS ‡</b>	
	<i>Building Height</i>	
	a. Maximum building height from legal grade	4 stories/50'
	b. Floor area ratio	2.8
	<b>ACTIVATION</b>	
	<i>Transparency</i>	
	a. Ground story, primary street façade (min)	70%
	b. Ground story, side street façade (min)	50%

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	c. Blank wall length, primary street (max)	25'
	d. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.  
 ‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

C. Multi-Family Apartments		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	7,500 SF
	b. Lot Width (min)	75'
	<i>Usable Open Space</i>	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min % of lot width)	100%
	d. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Building (corner lot max)	100%
	g. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	the greater of 9 stories/100'
	b. Height bonus (with compliance with bonus provisions)	3 additional stories up to 12 stories
	c. Floor area ratio	7.5
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min)	20%
	b. Ground story, side street façade (min)	20%
	c. Blank wall length, primary street (max)	40'
	d. Blank wall length, side street (max)	50'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.  
 ‡ The City Council, may at its discretion, modify the allowable height and floor area ratio



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D. Tower on Podium		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	15,000 SF
	b. Lot Width (min)	100'
	<i>Usable Open Space</i>	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Podium along primary street (min % of lot width)	100%
	d. Podium along side street (min % of lot depth)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Impervious surface (max) (provided open space is provided on podium)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	the greater of 15 stories/160'
	b. Floor area ratio	8.0
	<i>Story Height</i>	
	c. Ground story height floor to ceiling (min)	11'
	d. Upper story height floor to ceiling (min)	7'6"
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min length)	60%
	b. Ground story, side street façade (min)	20%
	c. Podium blank wall length, primary street (max)	30'
	d. Podium blank wall length, side street (max)	40'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

E. Community Purpose/Office Building		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min % of lot width)	100%

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	d. Building along side street (min % of lot width)	100%
	Coverage	
	e. Building (max)	80%
	f. Impervious surface (max)	100%*
	HEIGHT AND MASS ‡	
	Building Height	
	a. Maximum building height from legal grade	6 stories/70'
	b. Floor area ratio	4.2
	ACTIVATION	
	Transparency	
	a. Ground story, primary street façade (min)	70%
	b. Ground story, side street façade (min)	50%
	c. Blank wall length, primary street (max)	25'
	d. Blank wall length, side street (max)	30'
	Functional Entries	
	e. Area of garage or service bay openings along street-wall (max)	20%
	Permitted Building Elements (yes or no)	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

\*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.  
‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

D. Permitted Uses

PERMITTED USES	
Residential Uses	
One and 2-Family Dwelling	X
Attached Dwelling Units and Townhouses	P
Multi-Family Dwellings	P
Institutional Uses	
Universities, Colleges & Private Schools	SP
Commercial Uses	
Business, Professional Offices	P
Retail	P
Personal Services	P
Hotels	P
Bakeries, Retail	P
Restaurants	P
Restaurants, Carry-Out	P
Restaurants, Fast-Food (excluding drive-up window service)	P
Bars, Nightclubs, Catering Halls	P
Medical and Dental Offices	P
Theaters & Concert Halls	P
Museums & Art Galleries	P
Maker spaces for artisans and craftsmen	P
Art Gallery & Exhibition Space	P
Artisanal/Micro Manufacturing	P
Artist-in-Residence	P
Artist & Resident Production	P
Artist Studio as a working space for use by a fine arts artist or artist collective, hand crafter, designer, or digital media producer in day to day production, which may be used for auxiliary instruction and auxiliary sales of items produced on-site	P
Co-Working Facility	P



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Creative Office	P
Private or public multipurpose arts space (for multiple uses including administration, community space, studio space, information dissemination, arts production, publication, classes, gallery space, and events)	P
Retail Laundries and Dry Cleaners	P
Motor Vehicle Rental Agencies	SP
Day-Care Centers	SP
Nursery Schools	SP
Banks	P
Funeral Parlors	SP
Medical Laboratories	P
Radio Towers for Licensed Radio Stations	P
Satellite Earth Stations or Dish Antennas (when accessory to principal use)	SP
<b>Accessory Uses</b>	
Incidental Customary Accessory Uses	P
Parking Garage	P
<b>Community Purpose Use/Building</b>	
Public Schools	P
Community Purpose Use/Building	P
Municipal Uses for Mount Vernon	P
Use of Other Governmental Agencies	SP
Places of Worship	SP
Public Utility	SP
Standalone Parking Garage	SP

P = Permitted

SP = Special Permit

X = Prohibited

## E. Incentives

- (1) Height Bonus. The City Council may, at its discretion and subject to the standards and considerations set forth below, grant a height bonus for buildings located in the DTOAD. A height bonus may be granted in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions as documented by the applicant, that are in addition to those that are directly or indirectly necessitated by the proposed project itself.
- (a) Provision, Renovation or Rehabilitation of a Public Open Space Amenity. By contributing a significant provision, renovation donation and/or or rehabilitation of a public open space amenity, to include but not limited to a public park and/or other public open space, a density bonus may be granted. The minimum usable open space required for a development shall not count towards this amenity.
- (b) Historic Preservation. Preserving a significant portion of a building(s) or structure(s) identified by the Commissioner of Planning & Community Development and agreed to by the City Council as having historical, cultural and/or architectural significance.
- (c) Brownfield or Derelict Property Remediation. Applicants may apply for a height bonus for providing brownfield or derelict property (as defined in the City Code) within the DTOAD, to prepare the property(ies) for either dedication for public use or for redevelopment by a public or private owner. The Building Department shall provide a list of preferred properties for rehabilitation.

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- (d) Contribution to Non-Site Related Infrastructure Improvements. Non-site related improvements are considered significant improvements that are not directly needed, required or related to the subject site development, but may indirectly improve the area. Infrastructure improvements may include, but are not limited to significant provisions, renovations, creation, donation, installation and/or rehabilitation of public solid waste and recycling receptacles, traffic calming measures, sidewalks, specialty pavers or utility covers as part of district “branding”, repaving of a street(s), intersection upgrades (including street lights and crosswalks), bus shelters, and storm or sanitary sewer improvements. To the extent the proposed infrastructure improvements are related to sanitary sewage improvements, in order to be eligible for the height bonus the applicant shall reduce inflow/infiltration (I&I) at a ratio of six to one. The City Department of Public Works may provide recommendations to the City Council.
- (e) Streetscape Improvements. Improving and enhancing the streetscape is a priority. Streetscape improvements may include decorative streetlighting, enhanced street landscaping, street trees, street furniture, wide sidewalks, bicycling infrastructure, pedestrian connectivity and safety improvements, wayfinding and district branding signage, bus stop enhancements
- (f) Sustainability and Resiliency. Projects that demonstrate a commitment to sustainable development and are resilient to climate change are eligible for a height bonus. This commitment can be demonstrated through participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, NYSERDA, or through demonstratable design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, utilize sustainable building materials, with the goal of achieving net zero energy demands.
- (g) Provision of Publicly Accessible Space for Display or Creation of Art. Incorporation of publicly accessible space for display or creation of art reflecting the culture and heritage of the City of Mount Vernon, including but not limited to mural(s), sculpture(s), monument(s), or other permanent aesthetic structure(s) on a site or at a designated off-site location as deemed appropriate by the City Council, upon advice and recommendation of the Department of Planning and Community Development.
- (h) Provision of Housing for Persons with Disabilities. For developments with public financing the provision of housing for persons with disabilities must go above and beyond the requirements set forth in the applicable public financing source, setting aside a minimum of 10 percent of units for persons with physical disabilities with 2 percent for persons with sight or hearing disabilities inclusive. Developments with no public financing shall make its best effort to meet the United States Housing and Urban Development Section 504 minimum requirements for accessibility or demonstrate to the satisfaction of the City Council the inability to do so.
- (i) Provision of Affordable or Workforce Housing. For developments of 10 units or more, setting aside a minimum of 10% of the total number of units as affordable are eligible for the height bonus. Affordability is defined for these units as income-averaging at 80% of Area Median Income or less.
- (2) In granting the height bonus for one or more of the amenities listed above, the City Council shall consider the following standards and considerations, as applicable:



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- (a) The incentives being proposed and the degree to which the proposed amenity(ies) is compatible with and in furtherance of the goals and objectives for the DTOAD, including its focus on the arts, the goals of Envision Mount Vernon, and how they preserve and enhance the aesthetic, environmental and/or historical qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.
  - (b) The associated maintenance schedule and ownership of the proposed amenity(ies).
  - (c) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass, size, and shape of the proposed structure(s).
  - (d) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass and/or size of the surrounding area.
  - (e) The public benefit improvements provided shall be proportional in nature and extent to the bonus requested.
- (3) On-Site Parking Reduction Options. For properties located in the DTOAD, a reduction in the number of required off-street parking spaces provided on-site may be applied. The City Council may, at its discretion and subject to the standards and considerations set forth below, grant a reduction in the number of required off-street parking spaces on-site of up to 50% in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions. As applicable, an appropriate agreement shall be entered into between the applicant and the City of Mount Vernon prior to issuance of a building permit.
- (a) Provision of Utilizing Alternative Off-Site Parking Facilities. To meet the minimum parking requirement, a proposed development may utilize an off-site parking facility, which shall be documented in an agreement between the applicant and the operator/owner of the off-site parking facility. No more than -50% of the required parking spaces may be provided off-site.
  - (b) Provision of Shared Vehicle Parking. Parking requirement shall be reduced by 5 vehicles for each space reserved for car sharing vehicles located on the site for a contracted period of no less than 3 years. Annual reporting is required. If car sharing spaces are removed, the applicant is responsible for providing the required spaces or providing a payment in lieu of parking.
  - (c) Provision of Utilizing a Payment in Lieu of Parking. To meet the minimum parking requirement, a proposed development may contribute a Payment in Lieu of Parking consistent with the fees established in the City's fee schedule for this purpose, or such other amount as permitted by the City Council.
  - (d) Provision of live/work space for members of the creative class of artists and makers working in the creative economy. Applicants shall receive as of right a 50% reduction for the parking requirement for each dwelling unit permanently reserved for live/work space for resident artists and makers working in the creative economy.

#### F. Parking Regulations

Required parking in the DTOAD reflects reduced off-street parking ratios for certain uses. The use of shared parking is also permitted and encouraged.

- (1) Off-Street Parking Requirement. The off-street parking requirements established in the Table of Off-Street Parking and Loading Requirements, set forth in Section 267

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– Attachment 3, shall apply, unless modified below, in which case the requirements of this section shall apply.

Use	Required Parking
<b>Residential Uses</b>	
Multifamily Dwelling Studio within ¼ mile of Metro North station	0.4 cars per dwelling unit
Multifamily Dwelling One Bedroom within ¼ mile from Metro North station	0.4 cars per dwelling unit
Multifamily Dwelling Two Bedroom within ¼ mile from Metro North station	0.4 car per dwelling unit
Multifamily Dwelling Three Bedroom within ¼ mile from Metro North station	0.7 cars per dwelling unit
<b>Non-Residential Uses</b>	
Business, professional or governmental offices	1 per 650 square feet GFA
Retail stores, shops and personal service establishments	1 per 500 square feet GFA
Restaurants	1 per 5 seats or 1 per 500 square feet of GFA, whichever is less
Community indoor recreation facilities for neighborhood youth*	1 per 2,000 square feet of GFA
* Facilities 20,000 square feet or less are exempt from this parking requirement	

(2) Shared Parking. The concept of shared parking, whereby land uses that have different parking demand patterns can use the same parking spaces throughout the day, is particularly useful in districts nearby public transportation, where a large percentage of trips are accommodated via public transit. Public transit reduces the overall demand for individual passenger vehicle trips and the related demand for parking.

Shared parking is permitted and encouraged in the DTOAD. The City Council, will consider the use of shared parking, according to the following provisions:

- (a) The uses proposing to share parking spaces are different land uses as set forth in the Permitted Use Table.
- (b) All new development that relies on shared parking must demonstrate the adequacy of the proposed parking as a result of a capacity being provided that will substantially meet the intent of the parking requirements by reason of variation in the probable time of maximum use by residents, patrons, visitors or employees among residences and establishments sharing such parking, and provided that said approval of such joint use shall be automatically terminated upon the termination of the operation of any use on which the shared parking analysis has been based. The analysis of shared parking must be based on established standards/methodology.
- (c) In cases where shared parking is proposed between adjacent parcels under separate ownership, irrevocable cross-easements shall be required, to assure the perpetual right to share the parking spaces.
- (d) No more than 50% of the required parking for a particular use shall be provided in a shared parking arrangement.



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- (e) Up to 50% of the parking requirement may be met by an offsite parking garage facility contingent on the operator's commitment to issue at market price monthly parking permits for the specified number of parking spaces for no less than 5 years.
- (3) Design and Layout. The design and layout of off-street parking spaces shall comply with the provisions of Section 267-38, except as modified herein:
  - (a) To minimize curb cuts on the roadways in the DTOAD, the use of shared driveways is encouraged, where feasible.
  - (b) Where feasible, driveways shall front on streets that are less pedestrian intensive.
  - (c) Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact.
  - (d) Off-street parking and loading areas shall be coordinated with the public street system serving the DTOAD in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares.
  - (e) All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally treated or screened, so that lights and vehicles are not individually visible.
  - (f) Parking structures fronting on East First Street and East Second Street shall be wrapped by first floor non-residential uses.
  - (g) Surface parking shall include street lighting that adequately provides for safe vehicle circulation and public safety, but shall not be excessive. Light poles shall be as low as possible to achieve the desired purpose, and fixtures shall be shielded and downward directed. The use of energy efficient luminaries is encouraged.
  - (h) All surface parking shall be interior to a site and not front any public street or sidewalk. Surface parking must be placed behind buildings, confined to rear yards, or otherwise screened from the public right-of-way, as approved by the Department of Buildings.
  - (i) All pedestrian pathways across and along parking areas shall be appropriately lit with pedestrian scaled lighting fixtures.
  - (j) Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide "fish eye" mirrors or alarms to manage the interaction between pedestrians and vehicles.
  - (k) The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
  - (l) To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
  - (m) In each parking lot containing over 150 parking spaces, at least two of the parking spaces must be provided with an electric vehicle charging station.
  - (n) Spaces for handicapped car and van parking must be provided as required by law.
  - (o) Within a structured parking garage, up to 20% of the total parking spaces provided may be compact spaces. No more than six compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.
  - (p) To minimize the extent of impervious surfaces and the "heat-island" effect, and to enhance the aesthetic appearance of surface parking lots, the following landscaping requirements shall apply:

*Interior Islands:*

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- i. A landscaped interior island shall be provided every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area.
- ii. An interior or terminal island shall be a minimum of 8.5 feet in width and 300 square feet in area.
- iii. All rows of parking must terminate with a landscaped terminal island. No more than 30 parking spaces may be located between drive aisles.
- iv. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- v. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

*Median Islands:*

- vi. A landscape median island shall be provided between every six single parking rows.
- vii. A landscape median island shall be a minimum of five feet wide.
- viii. A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.
- ix. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- x. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

*Tree Coverage:*

- xi. Each interior island (and terminal interior island) must include at least one shade tree.
- xii. In no case can there be less than one tree for every 3,000 square feet of parking area.

- (q) Off-street parking areas shall be surfaced with asphalt, bituminous concrete or other type of dustless material in accordance with the City of Mount Vernon standards and specifications and maintained in a smooth, well-graded condition.
- (r) Pervious or semi-pervious parking area surfacing materials may be provided in accordance with the City of Mount Vernon standards and specifications. Permitted materials may include but are not limited to "grasscrete", ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete. Once installed, all pervious or semi-pervious parking areas shall be maintained in accordance with the manufacturer's specifications.

(4) Bicycle Parking Spaces or Bicycle Lockers Required

- (a) For Multifamily Dwellings containing ten (10) or more dwelling units on a Building Lot, a minimum of one bicycle parking space or bicycle locker shall be provided for each ten (10) dwelling units except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.
- (b) For mixed-uses and all non-residential uses requiring ten (10) or more motor vehicle parking spaces on a Building Lot, one (1) bicycle parking space or bicycle locker shall be provided for each ten (10) required automobile parking spaces except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.
- (c) Where not more than two (2) bicycle parking spaces or bicycle lockers are provided, a single inverted U frame rack shall be acceptable, provided adequate parking and access space is provided to be able to easily secure such two (2) bicycles.

(5) Design Criteria for Bicycle Parking Facilities

- (a) Off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide bicycle lockers or racks or equivalent structures in or upon which the user may lock a bicycle.



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- (b) Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Department of Planning and Community Development certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.
- (c) A minimum four and a half foot (4'-6") wide access aisle shall be provided to enable bicyclists to enter and leave the bicycle parking area. In high traffic areas, the aisle width shall be greater.
- (d) Bicycle parking facilities shall be located in well-lighted areas and in close proximity to the building's entrance, within fifty (50) feet whenever possible, and clustered in groups not to exceed sixteen (16) spaces each. If the parking facility is not highly visible, a sign shall be placed at the building's entrance indicating the location of bicycle parking.
- (e) Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength to resist theft and vandalism.
- (f) The surfacing of such facilities shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted, provided that edging materials, such as landscape timbers are used so that the bicycle parking area is clearly demarcated and the rock material is contained. In all cases the facility shall be maintained to allow for easy access and use.
- (g) Bicycle parking facilities shall be sufficiently separated from off street parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (h) Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be harmonious with their environment. Bicycle parking facilities shall complement, whenever possible, building design or street furniture.

#### G. Design Guidelines

This section of the DTOAD form-based code describes recommended design practices that have been established to create a high-quality, pedestrian friendly, urban environment. In addition, where noted below, certain requirements are set forth for specific design elements when that design element is included in the development project. All projects are strongly encouraged to utilize this section to design projects that meet the purpose and intent of these guidelines. The ultimate approval of projects will be judged in accordance with these design practices and requirements as applicable.

##### (1) Architectural Details

Building architecture creates an interesting visual environment and provides a basis for the overall character of an area. Architectural details are those elements that do not contribute structurally to a building's construction, but add visual interest, identify building styles, and often display superior craftsmanship. They should not be used however, as a substitute for genuine building massing and articulation. New construction should emphasize the use and application of a high degree of architectural detailing. Building renovations should strive to preserve unique or native vernacular details.

##### (2) Public Art and Art Space.

To be consistent with the arts-focused nature of the DTOAD district, public art components shall be visible from the exterior of the building and/or accessible by the public.

##### (3) Ground Floor Facades



In the context of a transit-oriented district where pedestrian activity is emphasized, the design and activation of the ground floor base is imperative. The concept of “build-to-lines” assures that new buildings will front on the public streetscape. Creating visual interest along the base of the building, by assuring a high percentage of transparency in storefront windows is a design goal. Façade details are encouraged to vary the building texture, highlight façade articulation and break-up the building mass. The provision of security gates, air conditioning units or other similar fixtures on the principal façade shall be avoided.

(4) Functional Entries

To improve the pedestrian experience and to facilitate the activation of the public realm surrounding individual buildings, pedestrian access points (functional entries) should be easily identifiable, inviting and accessible and located along the public frontage as often as practical. Maximizing the number of functional entries also helps to create interesting and diverse street level architecture. Access ways into the buildings may be into lobbies, commercial spaces or common areas. All functional entries shall meet ADA requirements, and be adequately lit.

(5) Building Materials

The choice of materials used for construction or renovating buildings affects the way a building relates to its neighborhood context. When designed well, a building can contribute to the continuity of street elevation, as well as emphasize a site’s unique characteristics. Buildings constructed with complementary materials contribute to the interest of a streetscape. Consequently, a building’s design – particularly the façade – and exterior materials can have a significant impact on how the structure is perceived.

(6) Awnings

Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color. They are also effective in identifying a business. Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.

(7) Signs

The provision of high quality signage, both as a communication tool and as a component of building form is a goal in the DTOAD. Creative and unique sign designs are encouraged while cluttered and unattractive streetscapes must be prevented. In general, effectively designed signs should respond to the site, landscape, and architectural design context within which they are located. Signs should be compatible in scale, proportion, and design with the building’s facade and its surroundings. Painted window signs should not be too large or obscure transparency. Internally illuminated “sign boxes” as well as neon signs should be avoided, as should excessive lighting of all varieties. Projecting signs, perpendicular to the sidewalk are effective when properly scaled for pedestrian use. Graphics should be well-designed and legible. The signage requirements established in Article XIII shall apply.

(8) Site Lighting

Effective exterior site lighting is an important element in the overall appearance and operation of a project. The quality of light, level of light as measured in footcandles, and the type of bulb or source should be carefully addressed. Lighting levels should not be so intense as to draw attention to the glow or glare of the project site. The



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lighting plan should incorporate current energy-efficient fixtures such as LED and similar technologies. Spotlighting or glare from any site lighting should be shielded from adjacent properties and directed at a specific object or target area to prevent light trespass. Exposed bulbs should not be used. Building light fixtures should be designed or selected to be architecturally compatible with the main structure. The height of light poles should be appropriately scaled to the project.

#### (9) Building Services

To create a more attractive pedestrian friendly environment, utilitarian features, such as trash facilities, loading docks, HVAC equipment and above ground utility infrastructure, should be out of the public's view. Ground level services should be located at the rear of the building, if possible. A screen wall should be used to camouflage the service features if optimal placement does not adequately screen the features from the public realm. Landscape treatments may be appropriate to soften the interface of the equipment.

#### (10) Project Open Spaces

Residential developments and mixed-use projects require the provision of usable open space for residents. These amenities increase light and air to dwelling units, enhance the aesthetics of projects and the environmental quality of neighborhoods, promote physical activity, afford stormwater management opportunities, increase social interaction opportunities with neighbors and increase safety by providing "eyes on the space."

Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. Indoor facilities such as fitness centers or swimming pools can also be used to meet the usable open space requirements of a project. In the DTOAD mixed use residential buildings, indoor facilities like lounges, artists' studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non-living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

Unique features such as green roofs and green or "living" walls are also beneficial open space amenities.

#### (11) Streetscapes

Great streetscapes are the center of public life. They brand a neighborhood, giving it a cultural identity and shaping the perceptions of the area. The elements of the streetscape can create a place of vitality and activity.

The streetscape is composed of 3 zones; the Pedestrian Zone, Public Amenity Zone and Frontage Zone.

Sidewalks shall be required throughout the district. Curb cuts should be minimized and clearly marked. Street trees with grates should be provided at 30' intervals. Planters are encouraged containing seasonal plantings and flowers. Wayfinding signage should be provided to assist pedestrian navigation through the area. Banners and flags can be used to announce special events and to help brand the district, as can public art. Street and pedestrian lighting should illuminate at a level consistent with pedestrian activity. Benches, seating and other street furniture should be selectively sited to take advantage of sunshine in winter and shade in summer. The provision of bus stops is an essential component to the DTOAD, as are bicycle racks that should be located at regular intervals.

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(12) Pedestrian and Bicycle Circulation

In order to facilitate pedestrian movement throughout the district, Sidewalks, a minimum of 8' wide are encouraged. Larger surface parking lots should provide separate pedestrian connects through the parking lot.

Bicycle circulation should be encouraged via the provision of defined bike lanes or signed Class III "share-the-road" bike routes where appropriate. Short-term bike parking (bike racks) must be provided in front of all retail areas. Long-term bike parking (bike storage rooms, lockers, covered corrals, etc.) must be provided for residential uses and must include charging capabilities for e-bikes and other e-mobility devices.

(13) Landscaping

Landscaping enhances the visual image of the City, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. It aids in energy conservation and promotes urban wildlife habitats.

Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.

Accent planting should be used around entries and key activity hubs. Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc.).

The use of a minimum of 70% native plants is recommended. The use of plants considered invasive is prohibited. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding. Recycled grey water should be used for irrigation.

(14) Sustainability and Green Building Design

Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible, resilient, and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

Participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, or NYSERDA is encouraged. Elements include design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, and/or utilize sustainable building materials, with the goal of achieving net zero energy demands.

H. Administration

(1) Project Review and Approval

(a) Application Requirements

- [1] All site plan applications shall be prepared in accordance with the requirements of Section 267-33.
- [2] In addition to the requirement to submit an Environmental Assessment Form with the application (whether a short or full EAF is required shall be determined at the pre-application conference), the applicant shall also submit a report documenting whether the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the DTOAD rezoning, and will not result in any significant



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adverse impacts that exceed the thresholds established therein, or in the alternative, shall specifically identify areas where the project is inconsistent or non-conforming.

(2) Supplemental Standards

- (a) Utility Location. Utilities shall be installed underground and any above ground equipment shall be located away from pedestrian street corners. Equipment boxes and vaults should be placed in back of the sidewalk and where landscaping can minimize or screen their impact. Relocation of provisions for private and public underground utility systems shall be made, as needed. These requirements may be waived by the Planning Board in situations where it is determined that the underground installation of utilities is not appropriate and/or that adjoining land uses, topographic features or existing vegetation satisfy the same purpose in terms of minimizing or screening equipment boxes and/or vaults. The costs of relocating the underground utility lines shall, where appropriate, be borne by the utility companies and/or private developers, pursuant to the appropriate laws, regulations and ordinances.
- (b) Affordable Housing Unit Location. In instances where a development includes affordable or workforce housing units, said units shall be fully integrated into and dispersed throughout the project so as to be indistinguishable from other market rate units. Affordable or workforce units shall not be isolated, clustered or grouped. Additionally, access to affordable and workforce housing units shall be provided in a manner similar to all other market rate units, and shall not be physically segregated. Affordable and workforce housing units shall be designed, constructed and finished in a manner similar to the other market rate units within the project.
- (c) Arts Programming. In instances where a development includes a public art component, the project shall comply with the following standards:
  - [1] The project developer shall cooperate and consult with the Department of Planning and Community Development with respect to the project's arts programming. This shall include, but not be limited to, informing the Department periodically about such programming, and reasonably accommodating any Department recommendations for a qualified partner(s) for arts programming. The project developer shall make the final determination with respect to such programming.
  - [2] In multi-phase projects that include space(s) dedicated for arts programming in phases other than the initial phase, the project developer shall incorporate arts programming in the initial phase(s) on an interim basis until the dedicated space has received a Certificate of Occupancy. During this interim period, such programming shall occur a minimum of three hours per quarter, which time shall be spread over a minimum of two programs per quarter. The project developer shall notify the Buildings Department at least two business days prior to each such interim arts program. The project developer shall also maintain detailed records of such interim arts programming and submit quarterly reports to the City Council, the Department of Planning and Community Development, and the Buildings Department, containing sufficient detail to demonstrate compliance with this standard. Such details shall include, without limitation, information about the nature of the arts program, when the arts programming was held, its duration, and the approximate number of artists and other participants.

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MAR 26 2025

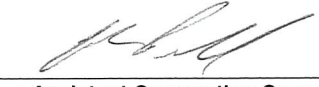
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Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date. This ordinance shall take effect upon review and acceptance from the City Council.

Vote Taken As Follows: 3/26/2025  
Boxhill: Yea      Gleason: Yea  
Poteat: Yea      Thompson: Yea  
Browne: Absent  
Ordinance Adopted

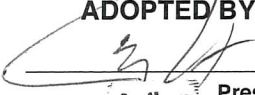
APPROVED AS TO FORM

  
\_\_\_\_\_  
Assistant Corporation Counsel  
*Security*

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

  
\_\_\_\_\_  
Councilperson

THIS ORDINANCE  
ADOPTED BY CITY COUNCIL

  
\_\_\_\_\_  
Acting President

ATTEST:  
  
\_\_\_\_\_  
City Clerk

APPROVED  
MAR 27 2025  
\_\_\_\_\_  
Date  
By   
\_\_\_\_\_  
Mayor



MAR 26 2025

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**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MOUNT VERNON ADOPTING A FINDINGS  
STATEMENT PURSUANT TO SEQRA FOR THE  
DOWNTOWN TRANSIT ORIENTED ARTS DISTRICT (DTOAD)**

**WHEREAS**, the City of Mount Vernon (“City”) and 20 S. 2<sup>nd</sup> Square CMV, LLC (“Petitioner”) entered into a Land Disposition Agreement, dated July 2, 2021, as amended (“Agreement”), in connection with the development of approximately 340,000 square feet of mixed residential development and other amenities, approximately 320 mixed-income residential apartments, and up to 18,000 square feet of non-residential community space (“Development Project”); and

**WHEREAS**, to facilitate the Development Project, Petitioner submitted a Zoning Petition for Zoning Map and Text Amendment, dated December 3, 2021, seeking to rezone approximately forty-one (41) tax parcels of property between East 1st and East 2nd Streets and between South 1st and South 3rd Avenue (“Property”), including certain City-owned parcels, as a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”) (“Zoning Petition,” together with the Development Project, the “Proposed Action”); and

**WHEREAS**, the Property is currently located in the Downtown Business (DB) and Multifamily Residence (RMF-10) zoning districts; and

**WHEREAS**, Petitioner is the owner of four separate tax lots identified on the City of Mount Vernon Tax Map as Section 165.70, Block 3221, Lots 11, 13, 37 and 39 (“Development Site”); and

**WHEREAS**, the Development Site is located within the Property proposed to be rezoned to DTOAD; and

**WHEREAS**, the Proposed Action is a Type I Action, and Petitioner, pursuant to the Agreement, agreed to conduct a full environmental review pursuant to SEQRA and its implementing regulations; and

**WHEREAS**, the City Council is embarking on a study to create a Comprehensive Plan for the Mount Vernon East Downtown Area; and

**WHEREAS**, pursuant to the Comprehensive Plan process, on January 24, 2024, the City Council adopted a Downtown Vision Report; and

**WHEREAS**, the Proposed Action is consistent with the Downtown Vision Report, which recommends medium (up to 12 stories) to high density (up to 15 stories) for the area of the City in which the Property is located; and

**WHEREAS**, the City Council adopted a Resolution on January 26, 2022, declaring its intent to act as Lead Agency under SEQRA for the Proposed Action; and

**WHEREAS**, the City Council adopted a Resolution on June 28, 2023, issuing a Notice of Completion and scheduling a public hearing on the Draft Generic Environmental Impact Statement (“DGEIS”) for the Proposed Action in accordance with SEQRA (6 N.Y.C.R.R. Section 617.9(a)(2)); and

**WHEREAS**, the DGEIS examined the potential significant adverse environmental impacts of the Proposed Action; and

**WHEREAS**, the City Council held public hearings on the DGEIS on August 9, 2023, and December 13, 2023, and accepted written comments on the DGEIS through December 27, 2023; and

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**WHEREAS**, Petitioner has reduced the scale and footprint of the Development Project in response to public comments on the DGEIS, which modifications are described and studied in a Final Generic Environmental Impact Statement ("FGEIS") that was submitted to the City Council on August 13, 2024; and

**WHEREAS**, as modified, the Development Project currently consists of approximately 307,932 s.f. of mixed residential development and other amenities in two, 12-story buildings, including 272 mixed-income residential apartments, approximately 15,630 s.f. of community facility space (including outdoor courtyard space for the arts), and 109 parking spaces; and

**WHEREAS**, the FGEIS examined the potential significant adverse environmental impacts of the Proposed Action, including the proposed DTOAD zoning code and zoning map amendments, as well as the proposed site-specific Development Project; and

**WHEREAS**, even though SEQRA does not require a public hearing on the FGEIS, the City Council determined to hold a public hearing given the interest regarding the Proposed Action and the Project modifications following the DGEIS, as well as that a public hearing is otherwise required for the Zoning Petition; and

**WHEREAS**, the City Council adopted a Resolution on January 8, 2025, determining that the FGEIS was complete for the purpose of holding a joint Public Hearing on the FGEIS and Zoning Petition; and

**WHEREAS**, the City Council duly published a Notice of Completion on the FGEIS and Notice of Public Hearing in the official newspaper for the City on January 23, 2024, January 30, 2024, and February 6, 2025, and distributed the notices in accordance with 6 N.Y.C.R.R. Section 617.12; and

**WHEREAS**, the City Council conducted a joint Public Hearing on the FGEIS and Zoning Petition on February 11, 2025, at 7:00 P.M. at City Hall, at which time those wishing to comment were afforded an opportunity to be heard; and

**WHEREAS**, by letter dated February 19, 2025, the Westchester County Planning Department issued its recommendations with respect to the Proposed Action pursuant to Section 239-l, m, and n of the General Municipal Law; and

**WHEREAS**, on March 4, 2025, Petitioner submitted a Memorandum to the City Council, prepared by VHB, which addressed certain comments raised during the Public Hearing; and

**WHEREAS**, by letter dated March 6, 2025, the Planning Board issued its recommendations with respect to the Proposed Action pursuant to City Code Section 267-59; and

**WHEREAS**, the City Council, together with its professional consultants and special counsel, has conducted a review of the entire record with respect to the Proposed Action, including testimony at the public hearings held on August 9, 2023, December 13, 2023, and February 11, 2025, and written comments on the DGEIS and FGEIS, and gave consideration to the potential for significant adverse impacts based on the criteria set forth in the SEQRA regulations; and

**WHEREAS**, the City Council has prepared a written statement of environmental findings ("SEQRA Findings Statement") pursuant to 6 N.Y.C.R.R. Section 617.11(c); and



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**WHEREAS**, the SEQRA Findings Statement, which is annexed to this Resolution, sets forth the City Council’s reasoned elaboration as to the facts and conclusions as developed in the DGEIS, FGEIS, and in response to public and agency comments received as part of the review process relating to the potential environmental impacts of the Proposed Action; and

**WHEREAS**, the SEQRA Findings Statement also sets forth the City Council’s requirements, conditions and/or mitigation measures related to the Proposed Action pursuant to 6 N.Y.C.R.R. Section 617.11(d); **NOW, THEREFORE, BE IT**

**RESOLVED**, that the City Council finds that the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable for the reasons set forth in the attached SEQRA Findings Statement; **BE IT FURTHER**

**RESOLVED**, that the City Council adopts the attached SEQRA Findings Statement for the Proposed Action as the City Council’s official written findings statement pursuant to 6 N.Y.C.R.R. Section 617.11; **BE IT FURTHER**

**RESOLVED**, that the City Council of the City of Mount Vernon, as Lead Agency for the SEQRA review of the Proposed Action, hereby determines that all procedural steps of SEQRA and its implementing regulations have been fully satisfied in connection with the Proposed Action; **BE IT FURTHER**


**RESOLVED**, that the City Clerk shall arrange to fulfill the filing and distribution requirements for the Findings Statement as required by the SEQRA regulations in 6 N.Y.C.R.R. Section 617.12, and to make all other filings required by law; **BE IT FURTHER**

**RESOLVED**, that, prior to the issuance of a Building Permit for the Development Project, the Applicant and City shall enter into an Off-Site Parking Lease Agreement governing the off-site spaces and PILOP. The lease payments for the off-site parking spaces shall commence upon the issuance of a Certificate of Occupancy for a residential unit(s) that needs such spaces to comply with the DTOAD parking requirements. The Agreement shall be consistent with the terms in the FGEIS and SEQRA Findings Statement, and subject to the satisfaction of Corporation Counsel and the City Council’s special counsel; **BE IT FURTHER**

**RESOLVED**, that this Resolution shall take effect immediately.

Vote Taken As Follows: 3/26/2025  
Boxhill: Yea  
Gleason: Yea  
Poteat: Yea  
Thompson: Yea  
Browne: Absent  
Ordinance Adopted

APPROVED AS TO FORM

  
Assistant Corporation Counsel  
Deputy

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

THIS ORDINANCE  
ADOPTED BY CITY COUNCIL

  
Councilperson

  
Acting President

ATTEST:  
  
City Clerk

APPROVED  
MAR 27 2025  
Date  
  
By  
Mayor