

LOCAL LAW NO. __ OF 2026

**A LOCAL LAW OF THE CITY OF MOUNT VERNON,
NEW YORK AMENDING THE CITY CODE TO PERMIT THE
REGULATION OF LAND USE ON SPECIFIC RETAIL AND
STOREFRONT CLASSIFICATIONS**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF
MOUNT VERNON, as follows:**

SECTION 1. TITLE

This ordinance shall be known as the "Business Clustering and Use Control Ordinance."

SECTION 2. PURPOSE

The purpose of this ordinance is as follows:

- 1) To regulate the location and density of Specific Business Classifications, e.g., Neighborhood Convenience Stores (Corner stores/Bodegas), Smoke Shops, Liquor Stores, etc. to remedy a growing imbalance in the City's commercial corridors.
- 2) To prevent the oversaturation of specific commercial uses that may negatively affect the City's sales tax base, property values or community character.
- 3) To ensure a diverse mix of commercial uses and prevent "dead zones" caused by excessive similar businesses.
- 4) To maintain neighborhood-serving retail by limiting the size and density of specific types of establishments.
- 5) To preserve the unique character of the City's neighborhoods and business districts while ensuring a sustainable economic future.

SECTION 3. DEFINITIONS

Formula Business/Retail: A retail business, restaurant, or service establishment that is required by contract or franchise agreement to maintain standardized services, decor, uniforms, or menus.

Concentration/Clustering: The location of more than one restricted businesses within a 500-foot radius of one another.

Separation Distance: The required distance between a proposed restricted business and an existing similar business, or a sensitive use.

SECTION 4. REGULATIONS TO PREVENT CONCENTRATION

Maximum Density/Concentration Limits

- No more than one of the designated restricted business classifications shall be permitted within a 500-foot radius of another existing establishment of the same classification.
- The distance shall be measured from the property line of the existing use to the property line of the proposed use.
- Restricted businesses shall not be located within 500 feet of parks, playgrounds, or residential-zoned districts, or the restaurant districts on Lincoln Avenue or on Gramatan Avenue in Fleetwood.

SECTION 5. DEVELOPMENT STANDARDS AND DESIGN

Performance Standards

Restricted businesses must comply with standards regarding noise, odor, and traffic to ensure they do not create nuisances.

Operating hours may be restricted for certain businesses (e.g., prohibiting 24-hour operations).

Parking Requirements:

Applicants must demonstrate that the proposed business does not exceed parking capacity or create traffic congestion.

SECTION 6. PERMITTING AND APPROVAL PROCESS

Conditional Use Permit Requirement

Any proposed business falling under the restricted classification must apply for a Conditional Use Permit.

The Planning Board/Commission shall review the application to determine if the proposed use creates an illegal concentration.

Application Requirements

A site plan showing the location of all similar existing businesses within a 500-foot radius.

An analysis of the potential impact on traffic, noise, and neighborhood character.

SECTION 7. NONCONFORMING USES

Any business lawfully existing prior to the adoption of this ordinance that does not comply with the new concentration limits shall be considered a nonconforming use. Such businesses may continue but may not expand, move to a new location, or resume operations if abandoned for more than six (6) months.

SECTION 8. SEVERABILITY

If any section, subsection, sentence, or clause of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.