

**AN ORDINANCE TO AMEND CHAPTER 10 (ARCHITECTURAL REVIEW BOARD)
AND CHAPTER 267 (ZONING) OF THE CODE OF THE CITY OF MOUNT VERNON
TO EXTEND THE EXPIRATION OF APPROVALS FROM THE CITY'S LAND USE
BOARDS FROM TWO YEARS TO 30 MONTHS**

WHEREAS, the City of Mount Vernon has determined that it is in the best interest of the City and its residents to amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) of the Code of the City of Mount Vernon to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit ("Code Amendment"); and

WHEREAS, although one- and two-family residential projects can typically be completed within the presently allotted two years after receiving a building permit, anticipated changes to the City's zoning after the completion of the comprehensive plan will likely lead to more multi-family or commercial projects which have the potential to take longer to construct; and

WHEREAS, requiring applicants to return to multiple boards for approval extensions creates additional cost and burden for applicants and adds to the workload of the City's volunteer boards and the staff that serve them, and allowing applicants an additional six months (for a total of 30) to complete their construction projects will help applicants avoid these extra costs, while still requiring construction to be completed within a reasonable timeframe; and

WHEREAS, having determined that the adoption of the proposed Code Amendment is a Type II action under the State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, "SEQRA") for which no further review is required in accordance with SEQRA, the City Council desires to amend Chapter 10 (Architectural Review Board) and Chapter 267 (Zoning) to extend the expiration of approvals from the City's Land Use Boards from two years to 30 months after the issuance of a building permit.

NOW, THEREFORE, the City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Section 10-8(E), Expiration, of Chapter 10 (Architectural Review Board) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

E. **Expiration.** Unless otherwise specifically set forth by the Architectural Review Board in connection with its approval of a certificate of appropriateness, such approval shall expire if a building permit is not issued within one year from the date of approval and if all construction work is not completed within 30 months of the date of issue of such permit. Upon application to the Architectural Review Board, extensions totaling a maximum of 12 months may be granted to each of these time periods for appropriate cause. Such time limits shall be tolled by any judicial proceedings to review the Architectural Review Board's decision.

Section 2. Section 267-33(A), Expiration, of Chapter 267 (Zoning) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

A. **Expiration.** A special permit shall be deemed to authorize only the specific use identified in the permit and, unless other provisions are specifically set forth by the approving agency, the special permit shall expire if said use shall cease for more than one year for any reason, or if substantial construction, in accordance with the special permit, has not been completed within 30 months from the date of issue. Such time limits shall be tolled by any judicial proceedings to review the approving agency's decision.

Section 3. Section 267-36(D), Expiration, of Chapter 267 (Zoning) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

D. **Expiration.** Unless otherwise specifically set forth by the Planning Board in connection with its approval of a site plan, such approval shall expire if a building permit is not

issued within one year from the date of approval and if all construction work is not completed within 30 months of the date of issue of such permit. Upon application to the Planning Board, extensions totaling a maximum of 12 months may be granted to each of these time periods, for appropriate cause. Such time limits shall be tolled by any judicial proceedings to review the Board's decision.

Section 4. Section 267-49, Expiration, of Chapter 267 (Zoning) of the City of Mount Vernon Code, shall be amended to delete reference to "two years" and replace said reference with "30 months," as follows:

§ 267-49 Expiration. A variance granted under this chapter shall automatically expire if a building permit for construction in accordance with the plans for which such variance was granted has not been issued within one year of the date of the variance and if all construction is not completed within 30 months of the date of issuance of the building permit, or if both have not occurred within such other time limits as may be established by the Board of Appeals in connection with its decision. Such time limits shall be tolled by any judicial proceedings to review the Board's decision.

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.

Council Person

APPROVED AS TO FORM

THIS ORDINANCE

ADOPTED BY CITY
COUNCIL

Assistant Corporation Counsel

President

Attest:

City Clerk

APPROVED

APPROVED

Date

Dept.

By

Mayor