

**A RESOLUTION OF THE CITY OF MOUNT VERNON CITY COUNCIL
ADOPTING A NEGATIVE DECLARATION AND AN ORDINANCE
AMENDING THE CITY CODE TO ENACT LEGISLATION REGARDING
HEALTH CLUBS AND FITNESS CENTERS IN THE MX-1,
MVW-H, MVW-C, NB, OB, DB, CB, LI-7.5,
LI-15, I, TOD-1, AND DTOAD DISTRICTS**

WHEREAS, the City Council of the City of Mount Vernon proposes to amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon (“Code”) to permit and regulate, as principal permitted uses, “Health Clubs and Fitness Centers” in the City’s MX-1 Commercial Corridor, MVW-H Mount Vernon West Transit Oriented Development Zone (Hub), MVW-C Mount Vernon West Transit Oriented Development Zone (Corridor), NB Neighborhood Business, OB Office Business, DB Downtown Business, CB Commercial Business, LI-7.5 Landscaped Industrial, LI-15 Landscaped Industrial, I Industry, TOD-1 Mount Vernon East TOD High Density, and DTOAD Downtown Transit Oriented Arts Districts in the City of Mount Vernon; and

WHEREAS, the City Council finds that it is necessary and desirable, as a matter of public policy, to permit health clubs and fitness centers as principal permitted uses in the aforementioned Districts in the City of Mount Vernon; and

WHEREAS, Chapter 267 already provides a definition of “Health Club” in Section 267-4 (Definitions), as well as parking requirements for “Health Clubs” in 267 Attachment 3 (Off-Street Parking and Loading Space Requirements), suggesting that the absence of health clubs and fitness centers being listed as a permitted use in any district was an oversight or error in the existing Code; and

WHEREAS, the City Council, in conjunction with its Staff, prepared a draft “Ordinance to Amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Permit and Regulate Health Clubs and Fitness Centers in the MX-1, MVW-H, MVW-C, NB, OB, DB, CB, LI-7.5, LI-15, I, TOD-1, and DTOAD Districts” (“Code Amendment”), a copy of which is annexed to this Resolution; and

WHEREAS, the Code Amendment is classified as a Type I Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 N.Y.C.R.R. Part 617 (“SEQRA”); and

WHEREAS, at a meeting of the City Council held August 13, 2025, the City Council designated itself Lead Agency for the review of the Code Amendment under SEQRA pursuant to 6 N.Y.C.R.R. Section 617.6(b)(1), and scheduled a Public Hearing on the Code Amendment for September 10, 2025; and

WHEREAS, the City Council referred the Code Amendment to the Corporation Counsel and Planning Board, as well as the Westchester County Planning Board, for their respective reviews and reports; and

WHEREAS, the City Council duly published notice of a Public Hearing for the Code Amendment in three issues of the official newspaper for the City on August 25, 2025, August 29, 2025, and September 2, 2025; and

WHEREAS, by letter dated September 8, 2025, the Westchester County Planning Board issued its recommendations with respect to the Code Amendment pursuant to Sections 239-l and m of the General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, by memorandum dated September 10, 2025, the Planning Board of the City of Mount Vernon issued its comments with respect to the Code Amendment; and

WHEREAS, the Public Hearing was duly held at City Hall on September 10, 2025, at 7:00 P.M., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Code Amendment, and written comments were accepted for 10 days thereafter; and

WHEREAS, the City Council, after due deliberation, and having carefully considered the Mount Vernon Planning Board's and Westchester County Planning Board's recommendations, and the comments made at the Public Hearing and in written comments, finds that it is in the best interest of the City of Mount Vernon to adopt the Code Amendment as proposed; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 617.7 of SEQRA's implementing regulations, the City Council considered the impacts which may be reasonably expected to result from the Code Amendment by comparing them against the applicable criteria in said Section, and finds that:

1. The Code Amendment will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Code Amendment will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not significantly impact habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources;

3. The Code Amendment will not result in the impairment of the environmental characteristics of a Critical Environmental Area;

4. The Code Amendment will not result in the creation of a material conflict with the City's current plans or goals, or the Zoning Code;

5. The Code Amendment will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

6. The Code Amendment will not significantly impact the use of either the quantity or type of energy;

7. The Code Amendment will not create a hazard to human health;

8. The Code Amendment will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

9. The Code Amendment by itself will not encourage or attract a substantially larger number of people to a place compared to the number of people who would come to such place absent the action;

10. The Code Amendment will not create a material demand for other actions which would result in one of the above consequences;

11. The Code Amendment will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment; and

12. The Code Amendment will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in Section 617.7 of SEQRA's implementing regulations, and that the City Council considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action; and

BE IT FURTHER RESOLVED, that the City Council adopts Parts 1, 2 and 3 of the Short Environmental Assessment Form, and determines under SEQRA that the Code Amendment will not result in any potential significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the City Council adopts a Negative Declaration with respect to this "Type I" action under SEQRA, and determines that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that this Negative Declaration was prepared in accordance with Article 8 of the New York Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to (i) file a copy of this Resolution and Negative Declaration with the City pursuant to 6 N.Y.C.R.R. Section 617.12, (ii) file a copy of this Resolution and Negative Declaration with the Planning Board, and (iii) file a copy of this Resolution and Negative Declaration with the Westchester County Planning Board pursuant to GML Section 239-m within seven (7) days hereof; and

BE IT FURTHER RESOLVED, the City Council hereby adopts and enacts the Code Amendment entitled “An Ordinance to Amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon to Permit and Regulate Health Clubs and Fitness Centers in the MX-1, MVW-H, MVW-C, NB, OB, DB, CB, LI-7.5, LI-15, I, TOD-1, and DTOAD Districts,” a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED AS TO FORM

Assistant Corporation Counsel

APPROVED
Dept. _____

Council Person

THIS RESOLUTION
ADOPTED BY CITY COUNCIL

President

Attest:

City Clerk

APPROVED

Date

By
Mayor