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 an Amended Petition submitted by Alexander Development Group to amend the Zoning Ordinance of the City of Mount Vernon to create a new Mount Vernon East TOD High Density District ("TOD-1 District"), and to amend the Zoning Map to apply this TOD-1 District to an area of land comprising one city block, bounded by Portugal Place, East Prospect Avenue, Rich Avenue and Elm Avenue ("Zoning Petition"); and

WHEREAS, on February 11, 2025, the City Council adopted a Negative Declaration 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 does not have the potential to result in any significant adverse environmental impacts; and

WHEREAS, having completed the SEQRA process, the City Council desires to amend the Zoning Ordinance and Zoning Map as requested in the Zoning Petition to establish a new TOD-1 District 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 "Mixed Use" as follows:

MIXED USE

A principally permitted use in the MX-1 and TOD-1 Districts which comprises a combination of residential and nonresidential uses, as dictated by Article V, § 267-19.A.(3) and § 267-27.2.B.(1).

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

D. Special zoning districts.

R1-TH	One-Family Townhouse Residence
RMF-SC	Multifamily Senior Citizen Housing Floating Overlay Zone
UR-PUD	Urban Renewal Planned Development
PUD-2	Planned Unit Development
UR-PUD-S4	South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone
TOD-1	Mount Vernon East TOD High Density District

Section 3. Section 267-15, Purposes, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new subsection D.(7), 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.
   (7) For the Mount Vernon East TOD High Density District, to promote high density housing and commercial downtown development in close proximity to public transit.

Section 4. Section 267-22, List of special zoning district uses, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new subsection F., as follows:

§ 267-22. List of special zoning district uses.

F. TOD-1 Mount Vernon East TOD High Density District, as regulated by Chapter 267, Article V, § 267-27.2.
   (1) Permitted principal uses.
      (a) Mixed use
      (b) Multifamily dwelling
      (c) Principal uses permitted in the NB and/or CB Districts.

   (2) Permitted accessory uses.
      (a) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
      (b) Mechanical parking devices allowing vehicles to be placed in stacks up to 30 feet high. Each level of each such stack shall count as one (1) parking space.

   (3) Uses allowed by special permit.
      (a) Uses allowed by special permit in the NB and/or CB Districts, as permitted therein.

Section 5. Article IV, Regulations, of Chapter 267, Zoning, of the City of Mount Vernon Zoning Ordinance is hereby amended to add a new Section 267-27.2 entitled "TOD-1 District" to read as follows:

§ 267-27.2. TOD-1 District.

A. Boundary. The boundaries of the TOD-1 District shall by fixed by amendment to the official City Zoning Map as authorized by the City Council. The area bounded by East Prospect to the north, Rich Avenue to the east, Elm Avenue to the south, and Portugal Place to the west shall be within the TOD-1 District.

B. Definitions. As used in this section and notwithstanding definitions to the contrary, the following terms shall have the meanings indicated in relation to properties within the TOD-1 District:

CORNER LOT
A lot located at the intersection of two or more streets where the interior angle formed by the intersection of the streets is 135 degrees or less; all corner lots within the TOD-1 District are presumed to have two front yards, one primary and one secondary, as well as two side yards. The owner of the corner lot shall have the privilege of designating the primary and secondary front yards.

GROSS FLOOR AREA
The total number of square feet measured between the exterior surfaces of the enclosing fixed walls, excluding elevator and mechanical shafts, stairwells, light wells, basement space, mechanical/electrical rooms, interior parking and courtyards, and amenity spaces open to all building residents. For atria, gross floor area only includes the area of atrium floors.

FUNCTIONAL ENTRY
A building opening designed to be used by pedestrians during regular business hours, not including any door designed as an emergency exit.

USABLE OPEN SPACE
An area that is not encumbered by any substantial structure or devoted to use as a driveway, parking area or sidewalk, and is either furnished, equipped or landscaped to enhance the environment for building residents and is capable of being used and enjoyed for purposes of recreation and/or relaxation. These areas may include park-like areas, community gardens, green roofs and resident accessible hardscaped terraces, courtyards and plazas. Balconies and porches may be counted as usable open spaces, as can the area of a resident accessible roof deck, and the gross floor area of internal spaces dedicated to recreational and leisure uses, such as gyms, recreation rooms, and lounges. The minimum dimension of any area of usable open space (other than interior spaces) shall be 15 feet in any plan dimension, except balconies, which must have a minimum dimension of 5 feet. The Planning Board shall have the authority to modify or vary this provision to accommodate the specific physical characteristics of a development.

C. Mixed Use and Multifamily Dwelling Standards. The following standards are hereby established for Mixed Use and Multifamily development in the TOD-1 District. To the extent these specifications conflict with any other provision of this Chapter, these standards shall control.
   (1) Minimum required lot area shall be 15,000 square feet.

   (2) Minimum lot width and lot frontage shall be 100 feet.

   (3) Maximum building height shall be 18 stories, not to exceed 220 feet.
      (a) Permitted building height shall be increased to 21 stories, not to exceed 250 feet above grade, where a developer provides one or more of the following, the value of which shall

equal or exceed 0.5% of the total estimated construction cost and shall be incorporated into the proposed Site Plan:

[1] Provision of ten percent (10%) of total dwelling units as affordable units at 80% of area median income (AMI).
[2] Payment into a City fund for infrastructure improvements.
[3] Provision, renovation or rehabilitation of a public open space amenity.
[4] Historic preservation.
[5] Brownfield or derelict property remediation.
[6] Completion of non-site related infrastructure improvements.
[7] Streetscape improvements.
[8] Sustainability and resiliency building elements.
[9] Provision of public artwork.
[10] Provision of housing for persons with disabilities.

(4) For parcels facing Elm Avenue (Parcel IDs 165.63-1141-3, 5, 6 & 8), maximum building height shall be 9 stories, not to exceed 110 feet.

(a) Permitted building height shall be increased to 12 stories, not to exceed 145 feet above grade, where a developer provides one or more of the public benefits listed in the aforementioned height provision, the value of which shall equal or exceed 0.5% of the total estimated construction cost and shall be incorporated into the proposed Site Plan.

(5) Upper floor step backs. For buildings 9 stories or taller, the line of the building exterior wall shall step back from the line of the wall of the stories below at the 4th, 5th, or 6th story. The weighted average of the step back around the perimeter of the building at that story shall be at least 8 feet. At the 9th, 10th, 11th, or 12th story, the line of the building exterior wall shall again step back from the line of the wall of the stories below. The weighted average of this additional step back around the perimeter of the building shall be at least 8 feet.

(6) Minimum ground floor story height shall be 14 feet.

(7) Maximum permitted floor area ratio shall be 8.0.

(8) Maximum building coverage shall be 90%.

(9) Maximum impervious coverage shall be 100%.

(10) Minimum usable open space is 40% of the total lot area.

(11) Minimum required yards shall be as follows:

(a) Front: 10 feet for both primary and secondary front yards, except for retail commercial frontage, including lobby and garage entrances, which shall not require a front yard.
(b) Rear: 0 feet.
(c) Side: The side yard setback(s) shall aggregate not less than 10 feet. If a setback of at least 10 feet is provided on one side yard, a second side yard setback is not required.

(12) Where a mixed-use building fronts on a street, at least 50% of the buildings' frontage shall be dedicated to commercial or community facility use. For corner lots, this percentage shall be calculated using primary and secondary frontages in the aggregate.

(13) Build-to-line.
(a) Along the ground floor, the build-to line shall be a minimum of 85% of the building frontage on primary frontage, or on a corner lot with a plaza of at least 500 square feet at the corner, 75% calculated using primary and secondary frontages in the aggregate.
(b) The build-to line for corner lots shall be 12 feet for primary frontage and 15 feet for secondary frontage from the curb line.

(14) Building Mass.
(a) The maximum length of a ground floor street-facing wall without offsets shall be 50 feet.
(b) The maximum length of a street-facing wall without offsets for upper stories shall be 70% of the building length facing street frontage. For corner lots, the maximum shall be calculated in the aggregate, permitting a maximum length of up to 70% of the combined primary and secondary street frontage.
(c) Where provided, ground floor off-sets must be a minimum of 1 foot in depth by 1 foot in width and upper floor offsets must be a minimum of 2 feet in depth by 2 feet in width.

(15) Ground floor transparency. Along street frontage, buildings shall provide a minimum percentage of transparent façade as follows:
(a) Retail, Retail Service, Restaurant: 65%
(b) Residential: 25%
(c) All other uses: 10%

(16) Functional pedestrian entries along street frontage shall be required at the following intervals:
(a) Retail, Retail Service, Restaurant: 50 feet
(b) Residential: 85 feet
(c) Industrial: 100 feet.

(17) There shall be no more than one garage opening and no more than one service bay opening on primary frontage.

(18) Off-street parking requirements. The following minimum off-street parking requirements shall apply to uses within the TOD-1 District.

(a) Multifamily dwellings shall have a minimum off-street parking requirement of 0.50 parking spaces for each studio and one (1)-bedroom unit, and 0.75 parking spaces for each two (2)-bedroom or larger unit.

(b) Off-street parking for commercial uses shall not be required for a mixed-use development provided the following criteria are met:

[1] The gross floor area of commercial space represents less than 10% of the total gross floor area of the mixed-use development; and

[2] Parking for commercial uses is shared between commercial and residential uses and is not reserved for any individual's exclusive use (parking is unassigned).

(c) If the foregoing conditions for commercial parking are not met, commercial uses shall have a minimum off-street parking requirement two (2) parking spaces per 1,000 square feet of gross floor area.

Section 6. 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 7. 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