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ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON ADOPTING A ZONING TEXT AND MAP AMENDMENT RESULTING IN THE CREATION OF THE PROPOSED PAP – PLANNED ADJACENT PARK ZONING DISTRICT, ADOPTING THE SEQRA FINDINGS AND ISSUING A NEGATIVE DECLARATION WITH RESPECT TO THE PROPOSED REZONING OF 1 BRADFORD ROAD FROM THE RMF-15 MULTIFAMILY RESIDENCE ZONING DISTRICT TO THE PAP DISTRICT

WHEREAS, One Bradford Road LLC (“Applicant”) is the owner of real property commonly known as 1 Bradford Road, Mount Vernon, New York (Tax Lots 165.66-2204-4 and 165.66-2204-1) (the “Property”); and

WHEREAS, the Property comprises a 3-acre parcel of land containing a vacant and deteriorated 2-story building that is surrounded by Wilson Woods Park, which is one of the oldest parks in Westchester County; and

WHEREAS, the Property is bound by Wilson Woods Park to the north and east, Bradford Road to the west, and the Metro North railway to the south;

WHEREAS, on November 27, 2019, the City Council of the City of Mount Vernon (the “City Council”) received a Zoning Petition (the “Zoning Petition”) from the Applicant seeking to rezone the Property from the RMF-15 Multifamily Residence District to the LI-7.5 – Landscape Industrial District, which permits a variety of business, commercial, and manufacturing uses (the “Proposed Action”); and

WHEREAS, once the Property is rezoned, the Applicant proposes to renovate the existing 2-story building on the Property to support 38,000 sf. ft. of office space, which will serve as the Applicant’s corporate headquarters and provide additional non-affiliated tenant space (the “Project”); and

WHEREAS, the Applicant proposes to add a new third story penthouse and a new 1,200 square foot accessory shop building in the southwest corner of Property, 127 on-site parking spaces, twenty of which will be reserved for the Applicant’s and other tenants’ vans, as well as six additional space for construction trucks, including four (4) box trucks and two (2) tri-axle trucks; and

WHEREAS, as an accessory to the renovated building, the Applicant also proposes intermittent delivery and storage of palettes containing building materials at the Property, which would be unloaded via a forklift and placed in a designated space along the rear of the building. The space designated for such palette storage could accommodate a maximum of three (3) palettes; and

WHEREAS, in late 2019, Zarin and Steinmetz and Cleary Consulting were retained to complete the SEQRA process and to facilitate the adoption of the Proposed Action; and

WHEREAS, on or about December 23, 2019, the City Council passed a Resolution declaring its Intent to serve as Lead Agency in accordance with SEQRA and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b), preliminarily classifying the Proposed Action as an Unlisted Action pursuant to SEQRA, and referring the Zoning Petition to the Mt. Vernon Planning Board (the “Planning Board”) for review and recommendation; and

WHEREAS, this Resolution was circulated to all agencies, which had jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”), and having received no objection from any of the Involved Agencies within thirty (30) days of the circulation of the Resolution, the City Council assumed Lead Agency status; and

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WHEREAS, on May 27, 2020, the City Council referred the Zoning Petition to the Mount Vernon Architectural Review Board (“ARB”) for review and recommendation; and

WHEREAS, at the conclusion of their review, the Planning Board and the ARB issued negative recommendations for the Applicant’s proposed zone change to the LI-7.5 District, noting, among other things, that the permitted uses of the LI-7.5 District were not appropriate for the Property given its park-like setting; and

WHEREAS, in lieu of the LI-7.5 District, the Planning Board, in consultation with Zarin & Steinmetz and Cleary Consulting, proposed the creation and adoption of the PUCD – Planned Unit Cluster Development Zoning District, which sought to ensure the Site remained compatible with the surrounding parkland; and

WHEREAS, the Zoning Petition was also duly referred to the Westchester County Planning Board pursuant to New York State General Municipal Law Section 239-L, 239-M, and 239-N, as well as Section 277.61 of the Westchester County Administrative Code. While the County Planning Board found that the Proposed Action was a matter for local determination, it offered comments on the Applicant’s Project, noting that it is likely to have visual, truck and county sewer impacts that the Applicant should address; and

WHEREAS, in late 2020, the Applicant attended a series of City Council work sessions to discuss the proposed PUCD District and its applicability to the Site, and on November 2, 2020, the Applicant submitted proposed modifications to the Zoning Petition, including establishment of the proposed PUCD District and remapping the Site from the RMF-15 District to the new PUCD District; and

WHEREAS, the Applicant also submitted revised site plans, including a traffic assessment, providing for storage of palettes containing building materials at the rear of the existing building, and advising that it planned to store construction trucks at the Property and that, on average, two to three trucks will be dispatched from the Property to jobs in the morning; and

WHEREAS, on June 12, 2020, and May 28, 2021, respectively, following the Applicant’s proposal to establish and remap the Property from the RMF-15 District to the PUCD District, the Westchester County Planning Board issued a recommendation supporting the proposed rezoning. The County Planning Board also noted the PUCD-Park regulations required the outdoor storage of materials, equipment, pallets and supplies to be in the rear of the property and not along the property line with Wilson Woods Park; and

WHEREAS, on April 30, 2021, the City Council formally voted to refer the Zoning Petition back to the Planning Board for its review and recommendation; and

WHEREAS, on May 18, 2021, the Planning Board issued a recommendation in support of the proposed PUCD District, noting that it is “designed to enable the productive commercial use of the Property, while avoiding any negative adverse environmental impacts on the surrounding residential area or parkland”; and

WHEREAS, The Planning Board also recommended that the City Council focus on the following topics as part of its review as Lead Agency and consider regulating same:

- Ensuring all activities, including, but not limited to outdoor storage and the reselling, fabrication, assembly, or packaging of materials is sufficiently screened, and that such uses are of a scale that they will not have a negative impact on surrounding parkland and residential areas;
- That regulations be placed on all activities, including any potential day care use, to avoid risks to users from traffic patterns;
- That building-mounted and freestanding lighting will not create a nuisance for the surrounding residential area or parkland;
- That the Property be sufficiently screened from the surrounding parkland and residential area;

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- That the storage of construction vehicles will be sufficiently screened, and their use will not create a nuisance for the surrounding parkland and residential area; and

WHEREAS, the City Council, in consultation with Zarin & Steinmetz and Cleary Consulting, subsequently revised the proposed PUCD District by, among other things, permitting “the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to aesthetic consideration as location, size of signs, lighting, parking and service areas,” and changing its name to the PAP – Planned Adjacent Park Zoning District; and

WHEREAS, on June 23, 2021, the City Council commenced a duly noticed Public Hearing on the Zoning Petition, at which time numerous speakers provided comments on the proposed PAP District and the Applicant’s Project; and

WHEREAS, during the public hearing, multiple speakers from neighborhoods surrounding the Property, including the Beechwood and Vernon Park neighborhoods, raised, among other concerns, traffic, safety, aesthetic, and noise impacts related to the Applicant’s proposal to store and dispatch trucks from the Site, as well as the outdoor storage and transporting of building materials at the Site; and

WHEREAS, the aforementioned speakers emphasized the Property’s location within Wilson Woods Park, which is one of the only parks available to residents of Mt. Vernon, and that the Applicant’s Project risks damaging the park’s natural and scenic qualities, as well as posed safety risks to neighboring residents and children using the Park; and

WHEREAS, following the June 23, 2021, Public Hearing, and in consideration of the public comments received at the Hearing, the City Council retained Bernard Adler, P.E. of the Chazen Companies to review the Applicant’s traffic assessment and site plans for the Project and provide a report summarizing his conclusions; and

WHEREAS, the Applicant also issued a revised traffic assessment and provided responses to the public comments received at the June 23, 2021, Public Hearing; and

WHEREAS, on August 5, 2021, after conferring with the Applicant on several occasions and reviewing the Applicant’s site plan materials, Mr. Adler issued a report commenting on the traffic-related aspects of the Applicant’s Project, including anticipated truck traffic and parking, which provided the following:

- To assess the traffic impacts of the proposed development, it is important that vehicular turning-movement counts be conducted at the strategic intersections of East Lincoln Avenue and Wilsons Woods Park Road, and Bradford Avenue and Wilsons Woods Park Road. Further, in that there is construction on the bridge over the Hutchinson River Parkway to the east of the intersection, and because of the uncertainty of current data given the current Covid situation, it is recommended that the New York State volumes from 2017 be used to normalize current conditions to pre-covid conditions.
- The rear of the existing building is proposed to be used for storage of construction trucks. Specifics of the total number of truck trips anticipated at the site needs to be provided and their schedule during the entire day.
- The Applicant’s site plan implies that there are only 84 automobile parking spaces for the 38,000 square-foot building whereas the Applicant’s traffic assessment accounts for 130 spaces. Based on the zoning requirement of one space for each 300 sf, there is a need for 127 spaces. These discrepancies should be cleared up.

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- The Applicant has verbally advised that no trucks will travel to and from the south because of the low clearance under the bridge immediately to the south of the Site. This should be confirmed in writing because of the concerns raised by neighbors in the Beechwood area about the narrow streets and the impacts if Project-oriented truck trips travel there.
- Because trucks cannot travel on the Hutchinson River Parkway, their routing from the major highways is to be described to ensure safe and efficient travel allowing for truck turning at each of the intersections on their way to and from the Site.
- While the size of the trucks is noted, their wheelbase, including the turning radius, was not provided. This is extremely important for these large vehicles being able to enter and exit the site; and

WHEREAS, in response to Mr. Adler’s comments, the Applicant provided a modified site plan on August 5, 2020, clarifying that, in the rear of the building, four parking stalls are provided for four (4) SU-30 box trucks, two parking stalls are provided for two (2) tri-axel dump trucks, and twenty (20) of the 127 general parking spaces will be reserved for vans (ten spaces for the Applicant and ten for other future tenants); and

WHEREAS, the Applicant further advised that it expects no more than three truck trips per day, and demonstrated that driveway improvements to the Property’s entrance will create sufficient turning radii permitting such trucks to safely enter and exit; and

WHEREAS, on August 11, 2021, the City Council continued the Public Hearing on the Zoning Petition, during which speakers reiterated concerns related to the traffic, safety, aesthetic, and noise impacts posed by the Applicant’s proposal at the Property; and

WHEREAS, the City Council closed the Public Hearing on August 11, 2021, with the time for submission of written public comments extended to August 21, 2021; and

WHEREAS, on August 13, 2021, the City Council referred the Zoning Petition back to the Westchester County Planning Board for review and recommendation with respect to the newly proposed PAP District; and

WHEREAS, while the County Planning Board noted its continued support “of the City’s efforts to consider context-sensitive regulations for this uniquely privately-owned parcel that is surrounded by County parkland,” it also reiterated its concerns related to the Applicant’s proposed site plan, which involve “encroachment onto County parkland, visual impacts to the park caused by the outdoor storage of palettes, truck impacts, and the potential impacts to the County’s trunk sewer line which traverses the site.” In addition, the County Planning Board noted that “Wilson’s Woods Park Road is not a truck route, and was not designed to accommodate heavy truck traffic. Truck access to the site would need to be designed to avoid impacts to park users, particularly those who are walking or bicycling”; and

WHEREAS, on August 20, 2021, the Office of the Mayor of the City submitted a letter commenting on the proposed PAP District, which recommended, among other things, that any allowance of construction vehicles be limited to avoid challenges with increased traffic and heavy equipment in and around Wilson Woods Park, and accommodation be made to establish connectivity throughout the Site for park and neighborhood residents to engage in recreational walking and biking; and

WHEREAS, on September 1, 2021, the Applicant submitted additional memoranda assessing the Project’s noise and pedestrian safety impacts and potential corrective measures; and

WHEREAS, the County of Westchester has advised the Council that Wilson Woods Road is under the jurisdiction of the Westchester County Parks Department (the

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“Parks Department”), and has not yet determined to what extent commercial truck traffic would be permitted to enter or exit the Site using Wilson Woods Road; and

WHEREAS, in response to public comment, and various analysis and input received during its deliberations, the Council has incorporated certain features into the PAP and this Resolution, including:

- i. All “outdoor storage” (as defined in the PAP), consisting of commercial goods, supplies, materials, machinery, supplies, is prohibited under the zoning;
- ii. All traffic traveling to and from a site located within the PAP District shall comply with all applicable County and local traffic regulations; and
- iii. No Commercial Vehicles shall be permitted to regularly enter or exit or park on or within a site located within the PAP District beyond those involving standard delivery, maintenance, repairs, minor improvements, and other vans, provided they are in accordance with all applicable Westchester County and local traffic regulations;
- iv. With respect to the site known as 1 Bradford Road, notwithstanding anything to the contrary in the PAP Zoning, no Commercial Vehicles, except as permitted in subsection (iii) herein, shall be permitted to enter or exit or park on or within the subject Site, provided, said landowner shall be permitted, following receipt of any duly authorized Building Permits issued in connection with an adopted site plan and/or special permit approval from the Planning Board, to utilize a limited number of Construction Vehicles on the Site, to the extent permitted by law and local road regulations, for the sole and exclusive purpose of completing any improvements expressly provided in said Building Permit(s). Use of any vehicles herein must be in accordance with a detailed construction plan prepared and approved by the Planning Board, which minimizes or avoids all adverse impacts to the surrounding residential area and parkland, including ensuring safe access for pedestrians residing in the surrounding area. No Commercial Vehicle activity, except as permitted in subsection 2 herein, shall be permitted on the subject Site following the issuance of the Certificate of Occupancy;
- v. Placement of a sign at the Applicant’s driveway stating “No Left Turn for Trucks, Right Turn Only;” and
- vi. Installation of ADA Ramps at the corners of the Applicant’s driveway; and
- vii. Approval by the Planning Board of an ADA Compliant pedestrian safety crossing plan to provide pedestrians safe access form the neighborhood into the park. This could include an ADA compliant striped pedestrian crossing at the Applicant’s driveway, a crosswalk across Wilson Woods Road, and other pedestrian safety crossing indicators; and

WHEREAS, at its October 27, 2021 Regular Meeting, the City Council voted to adopt by a simple majority the proposed PAP District and associated SEQRA Findings for the Project; and

WHEREAS, following its October 27, 2021 Regular Meeting, the City Council made minor revisions to the proposed PAP District and the SEQRA Findings, thus requiring a further vote; and

WHEREAS, the City Council, as Lead Agency under SEQRA, has reviewed the proposed Zoning Text Amendment and entire associated Record, and has taken a hard look at any potential environmental impacts,

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mount Vernon, as follows:

1. The City Council, as Lead Agency in a coordinated review (Planning Board, Westchester County – Interested Agencies), has reviewed and considered the entire Record of the Zoning Petition, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation, the public and related reports and analysis; and
2. The City Council has considered the potential impacts of the Proposed Action in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)); and
3. Having thoroughly reviewed the record and determined that the proposed Unlisted Action will not have significant adverse environmental impacts, the City Council hereby issues a Negative Declaration related to the SEQRA determination; and
4. The City Council’s specific findings and determinations in support of this Negative Declaration are recited at length in the attached SEQRA Findings Statement, and are hereby incorporated into this Resolution by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Mount Vernon, as follows:

Section 1. Chapter 267 of the City Code of the City of Mount Vernon, entitled “Zoning,” is hereby amended, as follows, with underlined material added and material in brackets [] deleted, as attached herein.

Planned Adjacent Park Zoning District

Article I - Purposes

O. To preserve the natural and scenic qualities of open lands.

Article II – Section 3. Definitions.

ACCESSORY USE

BUFFER

Land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

BULK STORAGE

Exposed outside storage of sand, lumber, coal, mulch, gravel, stone, soil, aggregate, wood chips, earth materials, or other bulk materials, and bulk storage of liquids in tanks.

CONSTRUCTION TRAILER

A modular or portable structure located on the premises of a construction project and used primarily to accommodate temporary offices for developers and contractors during a construction project. May include eating facilities and meeting space. Construction trailers may not be occupied overnight by employees or security personnel, and may not be utilized as a construction equipment storage container.

CULTURAL CENTER

A facility, operated by a public, private, or nonprofit organization, that is open to the public and has as its primary purpose the advancement and preservation of culture and arts.

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DEVELOPMENT

The construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any structure; any mine, excavation, landfill or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

DUMPSTER

Any container (other than a conventional trashbarrel) intended for the temporary storage of rubbish, garbage, trash, or refuse of any sort and designed to be hoisted and emptied into a truck for removal.

EDUCATIONAL INSTITUTION

A school (including a technical, trade, or vocational school) that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

LAND DEVELOPMENT PROJECT

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or commercial, institutional, recreational, open space, and/or mixed uses as provided for in the zoning ordinance.

NATURAL FEATURE

Any naturally occurring tree, plant, plant community, eco-system, body of water, or geographical or geological site or feature.

OUTDOOR STORAGE

The keeping of or display of any inventory, goods, material(s), supplies, equipment, machinery, vehicles, pallets or merchandise, including raw, semi-finished, and finished materials for any period of time, produced or used by or associated with the principal use of the property, and as an accessory to the primary use of the establishment. This includes cargo storage containers and membrane structures which are located on the premises.

Article III - Establishment of Districts

Article III – Section 1. District Classification.

The City of Mount Vernon is hereby divided into the following classes of districts:

A. Residence Districts.

- R1-7 One-Family Residence
- R1-4.5 One-Family Residence
- R1-3.6 One-Family Residence
- R2-4.5 Two-Family Residence
- RMF-6.75 Multifamily Residence
- RMF-10 Multifamily Residence
- RMF-15 Multifamily Residence
- H Hospital

B. Mixed-Use Districts.

- MVW Mount Vernon West Transit Oriented Development Zone

C. Nonresidence Districts.

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NB	Neighborhood Business
OB	Office Business
DB	Downtown Business
CB	Commercial Business
LI-15	Landscaped Industrial
LI-7.5	Landscaped Industrial
I	Industry

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
<u>PAP</u>	<u>Planned Adjacent Park Zoning District</u>
UR-PUD-S4	South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone

§ 267-6. Zoning Map establishment.

The boundaries of all districts are hereby established as shown on a map entitled Zoning Map, City of Mount Vernon, New York, dated March 1, 2018, and as may be amended from time to time and certified by the City Clerk, which map accompanies and with all explanatory matter thereon is made part of this chapter. The official copy of this map is kept by the City Clerk, with copies thereof kept by the Department of Planning and Department of Buildings. Unofficial copies at a reduced scale are included with copies of this chapter. Whenever the City Council amends the Zoning Map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the official copy of the Zoning Map and to the copies kept by the Department of Planning and Department of Buildings.

Article V - Districts

Article V – Section 1. 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

- (1) For the R1-TH Townhouse Residence District, to promote the development of one-family attached or detached dwellings on sites where topographic features, landscape resources, locational characteristics and acreage suggest clustering of buildings as the most appropriate building type.
- (2) For the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zoning District, to provide housing opportunities for senior citizens in locations convenient to shopping, transportation and community facilities which comprise of superior functional design, quality of construction, appearance and operational standards.
- (3) For the Urban Renewal Planned Development, to encourage a predominately residential mixed use planned unit development of a large tract of land in such manner as to permit a variety of compatible land uses, encourage flexibility of design and development, to expand the city's tax base and to otherwise promote development in connection with the stated goals and objectives of the City.
- (4) For the PUD-2 Planned Unit Development, to encourage flexibility of design

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and development of land in such a manner as to minimize negative environmental impacts, provide for excellence in architectural design of buildings, maximize fiscal benefits for the City and otherwise promote the most environmentally desirable form of future development.

(5) For the PAP- Planned Adjacent Park zoning District within a Park Setting, to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of adjacent park lands.

(6) For the UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone, to preserve the special character of architecturally and culturally significant structures while fostering the development of high-rise mixed use structures within the South Fourth Avenue-East Third Street Urban Renewal Area.

Article V – Section 7. List of Special Zoning District uses.

E. PAP – Planned Adjacent Park Zoning District as regulated by Chapter 267-Article V-Section 12.

(1) Permitted principal uses.

(a) Business, professional or governmental offices.

(b) Park, ball field or plaza.

(c) Research, experimental, testing and/or development activities where manufacturing, fabrication, production, testing, repair, indoor storage, sale or resale of materials, goods, and products which are purchased and reassembled are incidental to the principal use, and take place indoors.

(d) Uses supportive and complementary to a specific research and development industry and intended primarily to serve businesses and employees therein, but not to exceed five percent (5%) of the total acres, excluding street rights-of-way, or five percent (5%) of the total floor space of the research and development park; including business service establishments, personal service establishments, health and fitness centers, restaurants excluding drive-through facilities; and provided such uses are not in free standing buildings.

(e) Conference or training centers.

(f) Cultural centers, museum and art galleries.

(g) Restaurants.

(h) Agriculture, horticulture, or forestry or fishery.

(i) Day Camps.

(j) Health and fitness centers.

(k) Libraries.

(l) Performance arts center, theaters and/or concert halls.

(m) Golf courses.

(n) Parking for the surrounding park.

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- (o) Interactive Science and Technology Center.
- (p) Recreation establishment, outdoor and indoor.
- (q) Data Center.
- (r) Repository of archives.
- (s) Summer theatre/Amphitheatre/ Theatre.
- (t) Community purpose.
- (u) Arboretum.
- (v) Aviary.
- (w) Aquarium.
- (x) Botanical garden.
- (y) Plant nursery.
- (z) Educational institution, day care, nursery school, after school.
- (aa) Reselling, fabrication, assembly, or packaging of materials, which take place indoors, and are not adverse to surrounding neighborhood.

(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, including maintenance and community buildings serving uses on the site.

(3) Temporary Uses.

- (a) Carnivals, fairs, and festivals, including music festivals.
- (b) Specialty shows, such as animal shows, bazaars, business shows, merchandise shows, circuses, antique shows, expositions, horse shows, dog shows, and flea markets.
- (c) Sale of Christmas trees in the winter or other seasonal commodities such as pumpkins in the fall and/or watermelons during summer.

(4) Uses allowed by special permit.

- (a) Wireless Telecommunication Facilities.

(5) Prohibited Uses.

- (a) Outdoor storage, including, but not limited to, bulk storage, supplies, pallets, machinery and equipment..
- (b) Indoor or outdoor vehicular repair and maintenance.
- (c) Use of the site, including entering, exiting or parking, by Commercial Vehicles.

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Article V – Section 12. PAP- Planned Adjacent Park Zoning District.

A. Intent.

The City Council hereby finds that structures, architectural features, building forms and/or site layouts for properties/parcels which are surrounded by Westchester County parkland and the Metro-North Rail Road tracks must be appropriately designed to incorporate, encompass and accentuate the “park-like” feel which surrounds these parcels. The City Council further finds that permitted land use development in parkland settings should be designed so as to have no inappropriate visual impact on surrounding parklands or adjoining neighborhoods, and that any industrial visual impact is *prima facie* inappropriate in a parkland setting.

Furthermore, the City Council hereby finds and declares that in order to align the City’s policy with that of New York State and implement the City’s policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old-growth areas, character, and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the City.

B. Purpose.

It is the purpose of this ordinance to permit the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to such aesthetic considerations as location, size of signs, lighting, parking and service areas and the like to:

- a. Encourage creative and flexible site design that is sensitive to the land’s natural features and adapts to the natural topography.
- b. Protect environmentally sensitive areas surrounding the site(s) and neighboring environs and preserve on a permanent basis open space and natural features.
- c. Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development and layout.
- d. Promote maximum use of infrastructure using such techniques that reduce stormwater runoff into the City’s sewer system and neighboring bodies of surface and/or ground water.
- e. Encourage social interaction, walking and biking in open space areas within the site and surrounding the site.
- f. To allow for the design and intensity of development that are architecturally and environmentally innovative; to achieve better utilization of land than is possible through standard zoning practices.
- g. To encourage land development that to the greatest extent possible preserves natural vegetation, respects natural topographic and geologic

conditions and refrains from adversely affecting flooding, soil, drainage and other natural ecologic conditions.

h. To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows for efficient site layout and development intensity based on innovation and functionality.

i. To provide for abundant, accessible and properly located public and/or private open and recreational space.

j. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximizes the allocation of fiscal and natural resources.

k. To enable the intensity of land development to be compatible and congruous with adjacent and surrounding Westchester County Park(s).

l. To ensure that the intensity of land development occurs at proper locations, away from environmentally sensitive areas and on land physically suited to construction.

m. To allow unique, ancillary and unusual land uses to be planned for and located in a manner that ensures visual and aesthetic harmony and compatible uses with surrounding Westchester County parks.

n. To preserve or create as much "greenscape" as possible.

C. General construction of language.

The following rules of construction apply to the language of this chapter:

1. The specific shall control the general.

2. All words used in the present tense include the past and the future tense.

3. All words in the singular number include the plural number, and vice-versa, unless the natural construction of the wording indicates otherwise.

4. Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.

5. The word "shall" is mandatory; the word "may" is permissive.

6. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or" or "and/or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected items, conditions, provisions or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.

c. "Either . . . or" indicates that the connected items, conditions, provisions or events

shall apply singly but not in combination.

d. "And/or" indicates that all the connected items, conditions, provisions or events shall

apply singly and in any combination.

8. A building or structure includes any part thereof.

9. The words "lot," "plot" and "tract of land" shall one include the other.

10. The word "premises" shall include land and any buildings thereon.

11. The word "occupied" or "used" shall be considered to be followed by the words "or intended, arranged or designed to be occupied or used," unless the natural construction of the wording indicates otherwise.

12. References made to officials and official bodies shall mean officials and official bodies of the City of Mount Vernon, unless the natural construction of the wording indicates otherwise.

13. Unless otherwise specified, all distances shall be measured horizontally.

14. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

D. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. **Common Open Space** - the portion of the site set aside in perpetuity as open space. This area may include coastal and freshwater wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, paved areas, landscaped areas or other elements to be protected from development, canopies, awnings, "lean to" structures, freestanding and/or retaining walls, as well as easements for public utilities.

2. **Conservation Easement** - an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in Article V – Section 12 of this title.

3. **Greenspace** - Open space maintained in a natural, undisturbed, or revegetated condition.

4. **Public Body** - the state, County of Westchester, City of Mount Vernon or a municipal corporation as that term is defined in section two of the General Municipal Law or the United States of America acting by and through the Department of the Interior.

5. **Open Space** - A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community or common open space or preserved as green space.

6. **Commercial Vehicles** – all construction vehicles and related equipment.

including but not limited to, cargo box trucks, construction box trucks, three-axle trucks, semi-trucks, dump trucks, bulldozers, loaders, cranes, excavators, and forklifts which are used primarily by construction businesses regularly for their work and operations, except where such Trucks are related to local on-site delivery (e.g., Federal Express, UPS, Prime, etc.) or on-site maintenance and repair activities conducted in strict accordance with any duly adopted governmental site plan and other approval, and any restrictions included therein or in the zoning rules and regulations herein.

E. Eligibility.

The PAP Zoning District shall apply only to those parcels within the City of Mount Vernon abutting Metro-North Railroad tracks and located within, adjacent to and/or surrounded by a Westchester County Park, excluding lot 1.1 - Cell Tower tax lot

F. Boundary.

The boundaries of the PAP Zoning District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council.

1. The following described areas are designated as sites within the PUCD-Park Zoning District:

- a. Section 165.66, Block 2204, Lot 1
- b. Section 165.66, Block 2204, Lot 4

G. Applicability.

In accordance with Chapter 267- Article XI (Amendments) of the Zoning Code, the City Council may from time to time, on its own motion or on petition by applicants and after public notice and hearing as required by law, act to amend, supplement, repeal or change the existing regulations

and provisions and rezone property to the PAP Zoning District established under this Chapter.

H. Use Requirements.

Permitted principal, accessory and special permit uses as set forth in Chapter 267-Article V- Section 7 of the Zoning Code.

I. Planning Board Approval.

Prior to allowing any permitted uses identified in Chapter 267 – Article 5 – Section E(1) within the PAP Planned Adjacent Parking Zoning District, application shall be made for site plan approval and/or amendment thereof to be granted by the Planning Board in accordance with its applicable rules and procedures.

J. Standards.

The following standards are hereby established as the minimum or maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate, based upon consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in Chapter 267- Article V-Section 1(D)(5) hereof.

1. Requirements.

a. Building Height.

i. A maximum of 45 feet in height from the finished grade and not more than 3 stories.

ii. The number of floors shall include all floors located above the finished grade. Portions of the building, such as basements or

podiums that are substantially or partly located below grade, shall not be counted as a floor provided they do not extend more than five feet above grade. Floors that extend more than five feet above grade shall be counted as a floor.

b. Building Coverage. The maximum building coverage shall not exceed 25%.

c. Impervious Coverage. Suitable stormwater management infrastructure shall be installed to address impervious surfaces up to 90%, which shall be the maximum allowed.

d. Lot Area. The minimum lot area shall not be less than 130,000 square feet.

e. Side Yard Setback. The minimum side yard setback shall be no less than 90 feet from the Northern property line.

f. Lot Width and Frontage. The minimum lot width and frontage shall be 75 feet.

g. Front Yard Setback. The minimum front yard setback shall be 25 feet.

h. Secondary Front Yard Setback. The minimum secondary front yard setback shall be 25 feet.

i. Side Yard Setback. The minimum side yard setback shall be no less than 20 feet from the Southern property line.

j. Rear Yard Setback. There shall be no minimum rear yard setback.

k. The Planning Board shall have the authority to increase minimum setback requirements based on structures' relationship to surrounding structures and the character of the neighborhood.

l. Buffers. Any application to construct or alter a structure within this zoning designation shall include provisions for a buffer screening area along any/all lot lines and/or property lines. All required setbacks shall be used for this purpose. The Planning Board may allow for the construction of a wall, fencing, landscaping and/or any other item(s) that in its judgment will appropriately screen the activity and/or intensity of development or structure(s) involved from the neighboring parkland. The buffer screening shall be of a design, materials, location, type, height, spacing, and arrangement to the satisfaction of the Planning Board. The buffer screening shall consist of materials or vegetation that is consistent with and mirrors the natural landscape of the surrounding parkland or adjoining neighborhoods. These requirements may be waived by the Planning Board in situations where the Planning Board determines that adjoining topographic features or existing vegetation satisfy the same purpose. The plan and specifications for such buffer screening shall be filed with the plans for the use of the lot. All required landscaping shall be properly maintained in a healthy growing condition as specified on the approved site plan, in perpetuity.

m. Merging tax lots. A property owner who owns two or more contiguous parcels of land and seeks the use of the PAP Zoning Designation shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor. Wireless telecommunications infrastructure eligible for separate tax lot identification shall be exempt from this provision.

n. Declaration of Restrictive Covenants. To ensure the compact development of the property into perpetuity, a property owner who owns a parcel(s) of land with the zoning designation of PAP shall file with the Westchester County Clerk, in a form approved by the Corporation Counsel

for the City of Mount Vernon, a declaration of restrictive covenants preventing any further subdivision of the land. A certified copy of the duly recorded Declaration shall be submitted to the City Planning Board and Law Department for the files.

o. Off Street Parking Space and Loading Requirements. The Planning Board shall establish the minimum number of parking spaces and loading spaces required based upon the specific nature of the proposed facility(ies) and/or use(s) within the PAP Zoning District. The Planning Board shall establish the requirements on that basis. Required spaces developed for specific structures and uses shall be reserved at all times to persons who are employed at or make use of such structures and uses

p. Site Standards. The purpose of these standards is to ensure that proposed developments within the PAP Zoning District exhibit creativity and variety in design features so that the unique and natural character of Mount Vernon in the surrounding park is preserved. These guidelines shall be applicable to all proposed developments and/or associated accessory structures and shall incorporate the following design elements:

1. Buildings shall maximize the number of façade openings for windows and doors in keeping with the intended function of the building and the natural features of the site and surroundings.

2. All sides of a proposed building(s) and/or structure(s) shall employ architectural features such as windows, a variety of colors, patterns, roof heights and complex massing to achieve visual and aesthetic interest that compliments the surrounding park and natural surrounding landscape. All building(s) and/or structure(s) shall have great building articulation. Flat, blank walls shall be prohibited.

3. Complex massing shall be used for all structures proposed. Building designs featuring a single geometric shape, such as a simple rectangle, shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.

4. Each building on a site shall have clearly defined, highly visible ground floor entryway(s).

q. Accessory Structures. The minimum setbacks for all accessory structures shall be no less than 7 feet from any property boundary

r. Traffic Requirements.

1. All traffic traveling to and from a site located within the PAP District shall comply with all applicable Westchester County and local traffic regulations.

2. No Commercial Vehicles shall be permitted to regularly enter or exit or park on or within a site located within the PAP District beyond those involving standard delivery, maintenance, repairs, minor improvements, and other vans, provided they are in accordance with all applicable Westchester County and local traffic regulations.

3. With respect to the site known as 1 Bradford Road, notwithstanding anything to the contrary in the PAP Zoning, no Commercial Vehicles, except as permitted in subsection 2 herein, shall be permitted to enter or exit or park on or within the subject Site, provided, said landowner shall be permitted, following receipt of any duly authorized Building Permits issued in connection with an adopted site plan and/or special permit approval from the Planning Board, to utilize a limited number of Construction Vehicles on the Site, to the extent permitted by law and local road regulations, for the sole and exclusive purpose of completing any improvements expressly provided in said Building Permit(s). Use of any vehicles herein must be in accordance with a detailed construction plan prepared and approved by the Planning Board, which minimizes or avoids all adverse impacts to the surrounding residential area and parkland, including ensuring safe access for pedestrians residing in the surrounding area. No Commercial Vehicle activity, except as permitted in subsection 2 herein, shall be permitted on the subject Site following the issuance of a Certificate of Occupancy.

2. Supplemental Development Standards.

a. For the purposes of this Subsection, the buffer area shall comply with the following design standards:

1. The buffer area shall, to the greatest extent possible, protect natural features having particular value in the context of preserving the existing natural, open space character, in compliance with the intent of this Ordinance.

2. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals. Permitted modifications may include but may not be limited to:

- Woodland management.
- Reforestation.
- Meadow management.
- Wetlands management.
- Streambank protection.
- Buffer area landscaping.
- Restoration of ecosystem.
- Habitat restoration.

3. All wetlands, floodplains, wildlife habitat areas and slopes over 12 percent shall be contained within the buffer area wherever possible.

4. To preserve scenic views, ridge tops and rock outcroppings should be contained within the buffer area wherever possible. Trees shall not be removed from the buffer area unless a similar tree is planted in its place.

5. The boundaries of the buffer area shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable visitors to the site or the public, if applicable, to distinguish where the buffer area(s) ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.

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6. Buffer area(s) shall include lands located along existing public streets in order to preserve existing natural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

7. The following areas shall not be included in the buffer area(s):

- Street and highway rights-of-way, public or private.
- Railway and utility rights-of-way.
- Parking areas.
- Material storage areas

8. To preserve the existing natural landscape and woodland character of the surrounding area, landscaping shall comply with the following design standards:

a. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.

b. Existing woodlands shall be retained to the maximum extent possible.

c. All new landscaping to be installed and existing vegetation to be preserved shall be protected.

b. For the purposes of this Subsection, the site design shall comply with the following standards:

1. Utilities shall be installed underground and any aboveground equipment shall be located with minimal disturbance to the surrounding woodland character. Equipment boxes shall be located so as to minimize their visibility using landscaping or some other form of screening that preserve the woodland character of the park to the satisfaction of the Planning Board. Relocation and provisions for private and public underground utility systems are to be made, as needed.

2. Adequate facilities shall be provided for the removal of snow, trash, garbage, and recyclables and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent platforms that shall be well distributed to serve the development. All receptacles shall be suitably enclosed on four (4) sides by opaque screening or other treatment to be approved by the Planning Board in its site plan review.

3. Building-mounted lighting shall be exempt from the height limitation, provided it does not project light into the adjacent park. Outdoor lighting shall minimize the light source's visibility from the adjacent park. No outdoor light source from a free standing light structure shall be more than twelve (12) feet above the ground level underneath it. Illumination levels shall not exceed 1 footcandle along all property lines.

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4. One hundred percent (100%) of the calculated stormwater runoff shall be retained on-site.

5. Within any PAP Zoning District, landscaping, buffering, and screening shall be used to screen all areas of collection of refuse, loading areas and parking areas from surrounding streets.

R. De Minimis Exceptions, Supplemental Development Exceptions and Waivers. Deviation from the development requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board has the ability to waive or allow an applicant to deviate from this Section of the Ordinance based on existing conditions hardship or a special reasons hardship.

1. Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant creates the hardship to enhance the building and site design, the Planning Board may grant exceptions from certain parking or development requirements, provided that the applicant demonstrates:

- That the proposed design exception will not substantially impair the intent of the City's long range planning strategy.
- That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.
- That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.
- That the proposed design will advance the purposes of this ordinance.

S. Design Standards.

1. The purpose of these standards is to ensure that proposed structures within the PAP zoning designation exhibit creativity and variety in design features so that the unique character of Mount Vernon, in particular, the natural woodland character of the surrounding park is preserved. These guidelines shall be applicable to the principal building, unless specifically referring to an accessory building.

a. The placement, pattern, scale, size, and rhythm of window and door openings on building façades, including proportions and details around them make up building fenestration. The disposition and design of window and door openings of traditional buildings help determine their appeal and charm, and distinguish a building façade from a generic, uninteresting appearance. Buildings with poor fenestration appear visually uninteresting and/or boxy. The relationship of window and door openings to the wall surface of the façade contributes to a building's appeal and character. The added architectural details, including materials, trims, bands and cornices bring visual interest to building façades, enhance the "box" and provide a human scaled backdrop.

- i. Buildings shall maximize the number of street level façade openings for windows and doors. Accessory buildings shall have at least 1 window and plantings on or around at least 1 wall of a building.
- ii. Buildings shall maximize upper level façade openings for punched-in windows, or glass and metal curtain wall. (Note: a glass block-filled wall

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opening is part of the solid wall surface and not considered a window).

iii. Buildings shall set ground floor window frames at a height above the finished grade to reflect traditional building qualities.

iv. Buildings shall recess all window frames, particularly along the ground floor, from the typical wall plane surface to provide a shadow line and accentuate the ground floor.

v. All windows shall exhibit proportional scale that appropriately indicates functions within the building.

vi. Buildings shall delineate change in surface material by a reveal or a recess detail. vii. All sides of a building open to public view shall employ architectural features such as windows, a variety of colors, patterns and complex massing to achieve interest especially at the pedestrian level. Flat, blank walls along public right-of-ways shall be prohibited.

viii. Architectural massing refers to the way a building is shaped. Building designs featuring a single geometric shape such as a simple rectangle shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.

x. Each building on a site shall have clearly defined, highly visible ground floor entryways featuring no less than three of the following:

- Entryways shall be recessed or projected along the street level façade of the typical wall plane;
- canopies or porticos;
- overhangs;
- recesses/projections;
- raised corniced parapets over the door;
- peaked roof forms;
- arches;
- outdoor patios;
- planters;
- wing walls; and
- any other architectural detail or feature that accentuates the entryways for the public.

xi. On-site development identification signs should be limited to thirty-two square feet, its construction should be of natural materials (i.e., wood, brick and/or stone), should not exceed five feet in height, and the base area should be appropriately landscaped. Internally illuminated signage is prohibited and may only be illuminated by flood or spot lighting that shines away from the public street and surrounding park.

xii. The creation of lawn areas in excess of 10,000 square feet is strongly discouraged. xiii. Native species should be included in all landscape designs.

xiv. The use of dyed and textured concrete as well as of other natural materials is encouraged for visible structures such as curbing, culverts, walls, and outlet structures to minimize the visual impact.

xv. Roadways should follow existing contours to minimize the extent of cuts and fills.

xvi. In the PAP Zoning District, exposed masonry walls (freestanding and retaining) shall be finished in stucco when located along a street, public right-of-way and/or visible from the surrounding park.

xvii. In the PAP Zoning District, all fences shall be constructed of aluminum or wrought iron and shall be completely within all lot lines when visible to the public from any street or public right-of-way, except that fences may be black chain-link when not visible to the public from any street or right-of-way, located behind buildings, or suitably screened by landscaping.

xviii. In the PAP Zoning District, all fences shall have the finished or

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more attractive side facing the neighboring property, the street, the Metro-North Railroad and/or the park.

ixx. All curbing including curbed landscaped islands shall be concrete, granite block curbing and/or Belgian block.

xx. Electrically charged fences, barbed-wire fences, razor wire and other fences constructed of sharp materials shall not be permitted.

xxi. Window signs shall not be permitted.

xxii. Moving and/or windblown signs shall be prohibited.

xxiii. Signs displaying flashing or intermittent lights and lights of changing degrees of intensity of color shall be prohibited.

xxiv. Roof signs shall be prohibited.

xxv. All signs that obstruct a window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to or egress from a building shall be prohibited.

xxvi. All signs which, due to their location, size, shape and/or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where they may interfere with, mislead or confuse traffic shall be prohibited. These signs are subject to immediate removal and disposal by an authorized County and/or City official as a nuisance.

xxvii. All accessory structures shall have garage doors, light fixtures, a roof form, exterior materials, colors, etc. that are compatible with the primary structure.

xxviii. All accessory structures shall be located no less than 7 feet from any property line.

xxix. Only one accessory structure shall be permitted on the lot. Any additional accessory structure shall be subject to review of the Planning Board for its location and operation and Architectural Review Board for its aesthetics.

xxx. Accessory buildings and structures. The height of an accessory building shall be limited to one story with a maximum building height of 20 feet.

T. Design Exceptions and Waivers.

1. Deviation from the design requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board and the Architectural Review Board has the ability to waive or allow an applicant to deviate from this Section of the Ordinance based on existing conditions hardship or a special reasons hardship with the exception of building height.

a. Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant creates the hardship to enhance the building and site design, the Planning Board and the Architectural Review Board may grant exceptions from certain design requirements, provided that the applicant demonstrates:

- That the proposed design exception will not substantially impair the intent of the City's long-range planning strategy.
- That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.
- That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.
- That the proposed design will advance the purposes of this ordinance.

U. Obtaining Approval of Design Exceptions and Waivers. The applicant shall

demonstrate to the satisfaction of the Architectural Review Board the following for approval of an exception or waiver:

- The goals and objectives of this ordinance and the City's long range planning strategy shall be further advanced.
- The project will have no adverse impact on the physical, visual and spatial natural woodland character of the surrounding area.
- The project will enhance the physical, visual and spatial character of the surrounding natural woodland area.

V. Establishment of a Conservation Easement.

1. Where determined necessary by the City of Mount Vernon or Westchester County, a conservation easement shall be filed within the Land Records Office of Westchester County prohibiting or limiting new construction on any lot with the PAP Zoning District. This easement shall comply with all City, County and State regulations and requirements.

W. Conveyance of Open Space.

1. Common open space may be conveyed as follows:

(a) To the City of Mount Vernon and accepted by it for park, open space, agricultural or other specified use or uses, provided that the conveyance is recommended by the Planning Board and/or Architectural Review Board and approved by the City Council and is in a form approved by Corporation Counsel; or

(b) To a nonprofit organization whose principal purpose is the conservation of open space or trust such as but not limited to the Westchester Land Trust. If such a trust is used, ownership shall pass with the conveyance of the lot. The conveyance shall be recommended by the Planning Board and approved by the City Council and shall be in a form approved by the Corporation Counsel.

2. In any case, where the common open space is conveyed pursuant to subparagraph (1)(b) above, a deed restriction enforceable by the City of Mount Vernon shall be recorded that provides that the common open space shall:

(a) be kept in the authorized condition(s); and

(b) not be developed for principal uses, accessory uses (e.g., parking), or roadways.

X. Conflicting Requirements.

1. Within the areas designated by the City Council as being within the PAP Zoning District, all ordinances or parts of ordinances inconsistent with this Section of the Ordinance are repealed, to the extent of such inconsistency only.

2. If any standards, objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section of the Ordinance differ in content from provisions set forth in other section(s) of the Zoning Ordinance, unless otherwise specified, this section of the Ordinance shall prevail.


3. If any provision or regulation of this section of the Ordinance shall be

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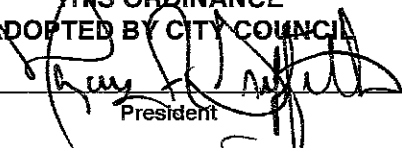
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judged, ruled or deemed invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Section of the Ordinance and such section, subsection, paragraph, subdivision or clause of this Section of the Ordinance is hereby declared severable.

Vote Was Taken As Follows: 11/10/2021
Duarte: Yea Thompson: Yea
Farquharson: Nay Copeland: Yea
Griffith: Yea Ordinance Adopted

APPROVED AS TO FORM

Assistant Corporation Counsel


Councilperson

THIS ORDINANCE
ADOPTED BY CITY COUNCIL

President

ATTEST:

City Clerk

APPROVED 23
Dept. _____

APPROVED
NOV 11 2021
Date

By _____
Mayor

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**State Environmental Quality Review Act
(SEQRA) Findings Statement**

PAP – Planned Adjacent Park Zoning District
City of Mount Vernon, Westchester County, New York

SEQRA Lead Agency:
Mount Vernon City Council
City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

Date:
November __, 2021

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)
FINDINGS OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON
RESPECTING THE PROPOSED REZONING OF 1 BRADFORD ROAD FROM
THE RMF-15 ZONING DISTRICT TO THE PAP – PLANNED ADJACENT
PARK ZONING DISTRICT**

In accordance with the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations, 6 N.Y.C.R.R. Part 617 (referenced herein as “SEQRA”), the City Council (the “City Council” or “Council”) of the City of Mount Vernon (“City”), as Lead Agency for the Coordinated Environmental Review of the Proposed Action identified below, makes the findings contained herein:

Proposed Action: Rezoning of 1 Bradford Road from the RMF-15 District to the proposed PAP – Planned Adjacent Park Zoning District (“Proposed Action”)

Lead Agency. The City Council of the City of Mount Vernon

Address: Mount Vernon City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

Date: November __, 2021

Contact Persons For

Additional Information: William Holmes, City Clerk
City Hall
1 Roosevelt Square, Room 104
Mount Vernon, NY 10550
(914) 665-2348

SEQRA Classification: Unlisted

Lead Agency Adoption of this Statement of Environmental Findings: November __, 2021

Location: The site of the Proposed Action is a 3-acre parcel of land located at 1 Bradford Road, Mount Vernon, New York, and designated on the City's tax rolls as Map Page 165.66, Block Number 2202, Lots 1 and 4 (the "Site"). The Site contains a vacant 2-story building, which is accessed via Bradford Road. The Site is bound by Wilson Woods Park to the north and east, Bradford Road to the west, and the Metro North railway to the south. Wilson Woods Park is under the jurisdiction of, and is one of the oldest parks in, Westchester County. Moreover, the Stagg Group ("Applicant") owns Bradford Road. The City has been provided written documentation indicating that Westchester County operates and has jurisdiction over Wilson Woods Road, provided, there is still uncertainty despite repeated discussions with the County regarding how it ultimately intends to regulate commercial or local delivery truck use on Wilson Woods Road.

Description of the Proposed Action: The Proposed Action involves rezoning the Site from its current RMF-15 Multi-Family Residence Zoning District designation to the proposed PAP – Planned Adjacent Park Zoning District. Once rezoned, The Stagg Group, a developer and contractor, proposes to renovate the existing 2-story building on the Site to support its corporate headquarters and additional "non-affiliated" tenant space. The existing building would be expanded by adding a new third story penthouse, and a new 1,200 square foot accessory shop building is also proposed in the southwest corner of the Site. The Applicant proposes 127 on-site parking spaces; twenty (20) of which will be reserved for its and other tenants' vans. The accessory shop building will be used to maintain the Applicant's fleet of vans. The Applicant proposes that an additional six (6) spaces would also be provided for construction trucks, including four (4) box trucks and two (2) tri-axle trucks. As an accessory to the renovated building, the Applicant also proposes intermittent delivery and storage of surplus building materials from one of its active building sites. These materials would be placed on a palette, loaded onto a box truck and brought to the Site. The palettes would be unloaded via a forklift, and placed in a designated space along the rear of the building. The space designated for such palette storage could accommodate a maximum of three (3) palettes (collectively, the "Project").

I. Purpose and Need:

The Site has contained a vacant, deteriorated 2-story building for some time, posing a blighting influence on the surrounding community and detracting from its park-like setting. The Site is currently located in the RMF-15 Multi-Family Residence Zoning District, which permits one-family, two-family and multifamily residences as-of-right, and a series of Special Permit uses that are typically common in residential districts, such as places of worship and schools. Office buildings are prohibited in the RMF-15 District.

The adoption and implementation of the proposed PAP District will lead to the development of the Site under design principles, which incorporate and accentuate the "park-like" feel of the surrounding area. Moreover, the proposed PAP District would permit "the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to aesthetic

consideration as location, size of signs, lighting, parking and service areas.” The Site, prior to 2015, was previously zoned LI-7.5, which permitted and was meant to promote a combination of manufacturing, warehousing, wholesale storage and other industrial with good highway access. A commercial manufacturing and warehouse operation was housed and operated on the Site for many years before being purchased by the Applicant.

II SEORA Review History

On November 27, 2019, the Applicant filed a Zoning Petition, along with a Full Environmental Assessment Form and conceptual site plans for the Proposed Building (“Zoning Petition”), with the City Council seeking to rezone the Site from the RMF-15 District to the LI-7.5 – Landscape Industrial District. The LI-7.5 District permits a variety of business, commercial, and manufacturing uses and is designed “to promote a combination of manufacturing, warehousing, wholesale storage and other industrial type uses in areas with good highway access and which have already developed an industrial character.” Notably, the site plans accompanying the Zoning Petition proposed an enhanced office campus for the Applicant, with the storage of pallets, machinery, service vans, cargo vans and construction trucks along the park property line.

In late 2019, Zarin and Steinmetz and Cleary Consulting were retained by the City Council to assist it and the City Department of Community Planning & Community Development (“City Planning Department”) in completing the SEQRA process regarding its consideration of the Petition.

On or about December 23, 2019, the City Council passed a Resolution, declaring its Intent to serve as Lead Agency in accordance with SEQRA and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b). This Resolution was circulated to all agencies, which had jurisdiction to fund, approve, or directly undertake the Proposed Action (“Involved Agencies”). Having received no objection from any of the Involved Agencies within thirty (30) days of the circulation of the Resolution, the City Council assumed Lead Agency status.

Pursuant to the December 23, 2019 Resolution, the City Council referred the Zoning Petition to the City Planning Board and City Architectural Review Board (“ARB”) for review and recommendation. At the conclusion of its review, the Planning Board issued a negative recommendation for the Applicant’s proposed zone change to the LI-7.5 District, noting, among other things, that the permitted uses of the LI-7.5 District were not appropriate for the Site given its park-like setting. In lieu of the LI-7.5 District, the Planning Board, City Planning Department and ARB, in consultation with Zarin & Steinmetz and Cleary Consulting, proposed the creation and adoption of the PUCD – Planned Unit Cluster Development Zoning District, which sought to ensure the Site remained compatible with the surrounding parkland.

The Zoning Petition was also duly referred to the Westchester County Planning Board pursuant to New York State General Municipal Law Section 239-L, 239-M, and 239-N, as well as Section 277.61 of the Westchester County Administrative Code. While the County Planning Board found that the Proposed Action was a matter for local determination, it offered comments on the Applicant’s site plans for the Proposed Building. Specifically, it noted that the Proposed Building is likely to have visual, truck and county sewer impacts that the Applicant should address.

In late 2020, the Applicant attended a series of City Council Work Sessions to discuss the proposed PUCD District and its applicability to the Site. On November 2, 2020, the Applicant submitted proposed modifications to the Zoning Petition, including establishment of the proposed PUCD District, and remapping the Site from the RMF-15 District to the new PUCD District. In addition, the Applicant submitted revised conceptual site plans, including a traffic assessment, which, among other things, included, among other things, more enhanced buffering along the park property lines, and the moving of the storage pallets to the rear of the existing building along the adjacent train tracks. The Applicant also advised that it planned to store a certain number of construction trucks at the Site, and that, on average, two to three trucks would be dispatched from the Site to jobs each morning.

On June 12, 2020, and May 28, 2021, respectively, following the Applicant’s proposal to establish and remap the Property from the RMF-15 District to the PUCD District, the Westchester County Planning Board provided a recommendation supporting the proposed

rezoning. In particular, the County Planning Board noted the PUCD-Park regulations required the outdoor storage of materials, equipment, pallets and supplies to be in the rear of the property and not along the property line with Wilson Woods Park.

On April 30, 2021, the City Council formally voted to refer the Zoning Petition back to the Planning Board for its review and recommendation. Thereafter, the Applicant met and presented the Zoning Petition to the Planning Board on a number of occasions, and on May 18, 2021, the Planning Board voted to issue a recommendation in support of the proposed PUCD District, noting that it is “designed to enable the productive commercial use of the Property, while avoiding any negative adverse environmental impacts on the surrounding residential area or parkland.” The Planning Board also recommended that the City Council focus on the following topics as part of its review as Lead Agency, and consider regulating same:

- Ensuring all activities, including, but not limited to outdoor storage and the reselling, fabrication, assembly, or packaging of materials is sufficiently screened, and that such uses are of a scale that they will not have a negative impact on surrounding parkland and residential areas.
- That regulations be placed on all activities, including any potential day care use, to avoid risks to users from traffic patterns.
- That building-mounted and freestanding lighting will not create a nuisance for the surrounding residential area or parkland.
- That the Property be sufficiently screened from the surrounding parkland and residential area.
- That the storage of construction vehicles will be sufficiently screened, and their use will not create a nuisance for the surrounding parkland and residential area.

Thereafter, the City Council, in consultation with its consultants, revised the proposed PUCD District by, among other things, permitting “the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to aesthetic consideration as location, size of signs, lighting, parking and service areas.” The name of the PUCD District was also changed to the PAP – Planned Adjacent Park Zoning District.

On June 23, 2021, the City Council commenced a duly noticed Public Hearing on the Zoning Petition, at which time numerous speakers provided comments on the proposed PAP District and the Applicant’s Project. Numerous speakers from neighborhoods surrounding the Property, including the Beechwood and Vernon Park neighborhoods, raised traffic, safety, aesthetic, and noise concerns related to the Applicant’s proposal to store and dispatch commercial trucks from and to the Site, as well as allowing outdoor storage and use of pallets of building materials at the Site. These speakers emphasized the Property’s location within Wilson Woods Park, which is one of the only parks available to residents of Mt. Vernon, and that the Applicant’s Project risks damaging the park’s natural and scenic qualities. Further, they noted increased truck traffic in the area would pose safety risks given that the park is heavily frequented by children, and that the trucks would impact the already strained residential streets, as well as neighborhood character, surrounding the Site.

Following the June 23, 2021, Public Hearing, and in consideration of the public comments received at the Hearing, the City Council retained Bernard Adler, P.E. of the Chazen Companies to review the Applicant’s traffic assessment and Conceptual Site Plans, and provide a report summarizing his conclusions. The Applicant also issued a revised traffic assessment and provided responses to the public comments received at the June 23, 2021 Public Hearing.

On August 5, 2021, after conferring with the Applicant on several occasions and reviewing the Applicant’s site plan materials, Mr. Adler issued a Report commenting on the traffic-related aspects of the Applicant’s Project, including anticipated truck traffic, traffic volumes and parking. The Applicant submitted a modified Conceptual Site Plan on or about August 11, 2021, addressing Mr. Adler’s comments.

On August 11, 2021, the City Council continued the Public Hearing on the Zoning Petition, during which multiple speakers provided additional comments on the Proposed Action, and the Applicant's proposed Conceptual Site Plan. Several speakers reiterated concerns related to the traffic, safety, aesthetic, and noise impacts posed by the Applicant's proposal to store and dispatch trucks from the Site, as well as locate and operate outdoor storage palettes of construction materials at the Site. Members of the public also expressed concerns regarding the impacts truck traffic to the Site would have on pedestrian access to the park. The Public Hearing was closed at the end of the August 11, 2021, session, with the time for submission of written public comments extended to August 21, 2021.

On August 13, 2021, the City Council referred the Zoning Petition back to the Westchester County Planning Board for review and recommendation with respect to the newly proposed PAP District. The County Planning Board responded by Letter dated August 30, 2021, noting its continued support "of the City's efforts to consider context-sensitive regulations for this uniquely privately-owned parcel that is surrounded by County parkland." The County Planning Board also reiterated concerns related to the Applicant's proposed Conceptual Site Plan, including possible "encroachment onto County parkland, visual impacts to the park caused by the outdoor storage of palettes, truck impacts, and the potential impacts to the County's trunk sewer line which traverses the site." In addition, the County Planning Board noted that "Wilson's Woods Park Road is not a truck route, and was not designed to accommodate heavy truck traffic. Truck access to the site would need to be designed to avoid impacts to park users, particularly those who are walking or bicycling."

On August 20, 2021, the Department of Planning & Community Development submitted a letter commenting on the proposed PAP District, which recommended, among other things, that any allowance of construction vehicles be limited to avoid challenges with increased traffic and heavy equipment in and around Wilson Woods Park, and accommodation be made to establish connectivity throughout the Site for park and neighborhood residents to engage in recreational walking and biking.

On September 1, 2021, the Applicant submitted additional Memoranda assessing the Project's noise and pedestrian safety impacts and potential corrective measures.

It should also be noted that on March 12, 2021, the City Council and the Applicant entered into a Settlement Agreement to resolve multiple Stop Work Orders that the City had issued against Applicant due to improper work on the Site without securing the requisite approvals. The County of Westchester had issued similar notice to the Applicant. In issuing these Findings, the Council is mindful of Applicant's past history on this Site, and proceeds in this matter with the admonition to the Applicant that the City will closely monitor its compliance with the adopted zoning herein, and not tolerate any violations of its terms and conditions by the Applicant in the future.

III. FINDINGS:

A. Land Use and Community Character, Zoning and Public Policy

The City Council, and its consultants have carefully considered the appropriate zoning for the Site, which occupies a unique and sensitive location given its park-like setting. The City Council has sought through the SEQRA process to balance the City's redevelopment needs with sensitivity to the fact that the Site borders one of the only parkland areas in Mt. Vernon, as well as a stable and thriving residential neighborhood in the City. As a result of this scrutiny, the PAP District has been modified to address comments from the City Council, other Involved Agencies, including the Planning Board the ARB, the City Planning Department, and the importantly, the public, seeking to navigate the tension between the City's competing needs and requirements.

It is anticipated that the Proposed Action will enhance the character of the Site and the surrounding community. Whereas the Site's current RMF-15 zoning district designation permits a variety of residential uses without any special safeguards, setbacks or buffer requirements reflecting its proximity to Wilson Woods Park, the proposed PAP District will encourage development of the Site in such a manner as to preserve the natural and scenic qualities

of the surrounding area. Moreover, the new zoning will lead to development of a deteriorated site with an architecturally significant and environmentally sensitive building.

The Council is also cognizant of public comments expressing concerns regarding the Applicant's proposal to store palettes of building material outdoors, and conduct any commercial or construction operations at the Site. After careful consideration of such comments, and based upon the Council's independent evaluation, the Council has determined that such outdoor storage, as defined in the proposed PAP is not appropriate at the Property given its park-like setting. Accordingly, as a condition of these Findings, the Council hereby prohibits in the PAP any "outdoor storage" of construction materials, supplies, machinery and any other construction yard activities at the Site as part of any future activity for properties located in the PAP. The Proposed Action has also been amended to prohibit any commercial or other truck repair activities outdoors or in any of the accessory or other structures on the Site.

The Council further notes that these Findings do not provide approval for a daycare or any other educational institution at the Property. While the PAP District lists educational institutions, day cares and nursery schools as permitted principal uses, and although the Council examined some traffic-related impacts of a daycare at the Property, including internal circulation within the parking lot, after the Applicant indicated it was considering adding such use to its Project, any such proposal for educational uses at the Property will be subject to additional site plan and SEQRA review before such use is permitted on the Site.

For these reasons, the City Council finds that the Proposed Action will establish a zoning framework to facilitate redevelopment in a manner that meets the goals and objectives of the City and the Applicant. No adverse land use and community character, zoning or public policy impacts are anticipated. Any subsequent proposal for development at the Site, including the Project, will be the subject of the aforementioned conditions and site plan review associated with the Applicant's subsequent site plan application(s) and other review procedures. In the event that the Planning Board determines during its site plan review process that certain aspects of the Applicant's anticipated site plan application was not disclosed to and evaluated by this Council, they may need to conduct a supplemental SEQRA review.

The City Council understands that concerns have been raised as to whether the Proposed Action constitutes "spot zoning." However, the Council, in consultation with its legal counsel, has determined that such concerns are unwarranted. The City's professional planning staff have played an integral part in formulating the PAP District zoning. The PAP District's singular purpose is to promote a wide range of "creative and flexible site design that is sensitive to the land's natural features . . . adapts to the natural topography," and protects the neighboring park. While the PAP District would indeed may only apply to the subject Site, its unique character in essentially being surrounded and enclosed by parkland warrants the Proposed Action.

B. Urban Design and Visual Character

The Site is in generally poor condition, and contains a vacant and deteriorated 2-story building. The proposed PAP District addresses the visual character of the area in several respects, including, by establishing new height and bulk requirements, site design standards, and more defined and enhanced architectural and landscaping design requirements. The City Council finds that the Proposed Action will result in generally beneficial urban design and visual character impacts. The proposed PAP District is based upon requiring a high degree of design quality, and more intensive landscaping and buffering necessary to accommodate adjoining park uses, all of which the Council believes will serve to elevate the overall visual character of the Site. No significant adverse urban design and visual character impacts are anticipated.

C. Transportation, Traffic, Pedestrian Safety, and Parking

At the outset, the Council notes that the Applicant is proposing to provide six (6) parking spaces at the Site for commercial trucks intended to support its work and business operations ("Commercial Trucks"). Specifically, the Applicant proposes parking spaces for four (4) SU-30 box trucks and two (2) tri-axel dump trucks. The Applicant has also indicated in its submissions that at no time would more than three (3) Commercial Trucks enter and exit the Site daily. However, the County has advised the Council and Applicant that Wilson Woods Road is under the jurisdiction of the Westchester County Parks Department (the "Parks Department"). The

Applicant has spoken with representatives from the County, which has yet to determine if Commercial Trucks or even local delivery trucks would be allowed to use Wilson Woods Road to enter and exit the Site. Regardless of the County's future determination, the Council has concluded that no Commercial Trucks shall be permitted to access or park on the Site due to potential health and safety impacts to the surrounding residential neighborhoods and parkland. Accordingly, Commercial Trucks are hereby prohibited from accessing the Site. However, this prohibition on Commercial Trucks does not extend to trucks related to local on-site delivery (e.g., Federal express, UPS, Prime, etc.) or on-site maintenance activities. In addition, the Applicant will have eight (8) months, following receipt of a duly authorized Building Permit issued in connection with a duly adopted site plan approval from the Planning Board, to utilize a limited number of Construction Trucks on the Site, to the extent permitted by law, for the sole and exclusive purpose of completing any improvements expressly provided in said Building Permit.

The Council understands that transportation, traffic, pedestrian safety, and parking issues related to the Applicant's proposal to store and dispatch construction trucks at the Site are of significant concern. Moreover, the Applicant has been required to submit multiple technical Memoranda and studies evaluating the potential transportation, traffic, pedestrian safety, and parking impacts posed by such plans. The Council has also received various traffic assessments and comments from other interested parties and the public, which it has examined. The City Council, with the assistance of its traffic consultant, Mr. Adler, has closely studied the Project's potential impacts in all these respects. In his August 5, 2021 Report, Mr. Adler, for example, provided the following comments:

- To assess the traffic impacts of the proposed development, it is important that vehicular turning-movement counts be conducted at the strategic intersections of East Lincoln Avenue and Wilson Woods Park Road, and Bradford Avenue and Wilson Woods Park Road. Further, in that there is construction on the bridge over the Hutchinson River Parkway to the east of the intersection, and because of the uncertainty of current data given the current Covid situation, it is recommended that the New York State volumes from 2017 be used to normalize current conditions to pre-covid conditions.
- The rear of the existing building is proposed to be used for storage of construction trucks. Specifics of the total number of truck trips anticipated at the site needs to be provided and their schedule during the entire day.
- The Applicant's site plan implies that there are only 84 automobile parking spaces for the 38,000 square-foot building whereas the Applicant's traffic assessment accounts for 130 spaces. Based on the zoning requirement of one space for each 300 sf, there is a need for 127 spaces. These discrepancies should be cleared up.
- The Applicant has verbally advised that no trucks will travel to and from the south because of the low clearance under the bridge immediately to the south of the Site. This should be confirmed in writing because of the concerns raised by neighbors in the Beechwood area about the narrow streets and the impacts if Project-oriented truck trips travel there.
- Because trucks cannot travel on the Hutchinson River Parkway, their routing from the major highways is to be described to ensure safe and efficient travel allowing for truck turning at each of the intersections on their way to and from the Site.
- While the size of the trucks is noted, their wheelbase, including the turning radius, was not provided. This is extremely important for these large vehicles being able to enter and exit the site.

In response to Mr. Adler's comments, the Applicant provided a modified Conceptual Site Plan on August 5, 2021, clarifying that, in the rear of the building, six (6) parking stalls are provided for four (4) SU-30 box trucks, two parking stalls are provided for two (2) tri-axel dump trucks, and twenty (20) of the 127 general parking spaces will be reserved for vans (ten spaces for the Applicant and ten for other future tenants). The Applicant also advised that it expects three truck trips per day each entering and exiting the Site. Further, the Applicant demonstrated that driveway improvements to the Site's entrance will create sufficient turning radii permitting

such trucks to safely enter and exit the Site. Further, the Applicant explained it did not perform traffic counts at the intersection of Lincoln Avenue and Bradford Road, as the new vehicles generated by the Project would be less than 100 (up to 48 in the AM and 35 in PM) during peak hours, thus obviating the need for further analysis.

Accordingly, any Site Plan Application shall include, at a minimum, the following:

- Placement of a sign at the 1 Bradford Driveway stating “No Left Turn for Trucks, Right Turn Only”
- Installation of ADA Ramps at the corners of the 1 Bradford Driveway.
- An ADA Compliant “pedestrian safety crossing plan” to provide pedestrians safe access from the neighborhood into the park. This could include an ADA compliant striped pedestrian crossing at the 1 Bradford Driveway, a crosswalk across Wilson Woods Road, and other pedestrian safety crossing indicators.

The Council has also modified the PAP accordingly:

- (i) All “outdoor storage” (as defined in the PAP), as consisting of commercial goods, supplies, materials, machinery, supplies, is prohibited under the zoning;
- (ii) All traffic traveling to and from a site located within the PAP District shall comply with all applicable County and local traffic regulations; and
- (iii) No Commercial Vehicles shall be permitted to regularly enter or exit or park on or within a site located within the PAP District beyond those involving standard delivery, maintenance, repairs, minor improvements, and other vans, provided they are in accordance with all applicable Westchester County and local traffic regulations;
- (iv) With respect to the site known as 1 Bradford Road, notwithstanding anything to the contrary in the PAP Zoning, no Commercial Vehicles, except as permitted in subsection (iii) herein, shall be permitted to enter or exit or park on or within the subject Site, provided, said landowner shall be permitted, following receipt of any duly authorized Building Permits issued in connection with an adopted site plan and/or special permit approval from the Planning Board, to utilize a limited number of Construction Vehicles on the Site, to the extent permitted by law and local road regulations, for the sole and exclusive purpose of completing any improvements expressly provided in said Building Permit(s). Use of any vehicles herein must be in accordance with a detailed construction plan prepared and approved by the Planning Board, which minimizes or avoids all adverse impacts to the surrounding residential area and parkland, including ensuring safe access for pedestrians residing in the surrounding area. No Commercial Vehicle activity, except as permitted in subsection 2 herein, shall be permitted on the subject Site following the issuance of the Certificate of Occupancy.

Accordingly, based upon the above, the Council finds that the Proposed Action will not cause any significant adverse affect upon transportation, traffic, pedestrian safety or parking associated with the proposed Project. Any subsequent proposal for development at the Site, including the Proposed Building, will be the subject of the aforementioned conditions and the Planning Board’s subsequent Site Plan review of the Project.

D. Noise and Odor

The Property is located nearby residences within the Vernon Park neighborhood of Mt. Vernon. Specifically, the Property is approximately 140 feet from the closest residence in Vernon Park on Grandview Avenue. The neighborhood is separated from the Site by the tracks of the MTA New Haven Line. The tracks are situated on an approximately 10-foot-tall embankment overlooking the Site.

The Applicant has proposed various measures to reduce the obtrusive noise impacts from the forklift at the Site. However, as noted above, the Council has conditioned these Findings on restricting palette or outdoor storage of building materials and other commercial and construction uses at the Site, thereby obviating the need for a forklift.

Accordingly, there is no anticipated affect upon noise and odor impacts associated with the Proposed Action. Any subsequent proposal for development at the Site, including the Project, will be the subject of the aforementioned conditions and the Planning Board's subsequent Site Pan review of the Project.

E. Air Quality

The Proposed Action will not affect air quality. Any subsequent proposal for development at the Site, including the Project, will be the subject of the aforementioned conditions and the Planning Board's subsequent Site Plan review of the Project.

F. Open Space and Recreation

The Proposed Action will not affect any open space or recreational areas. Any subsequent proposal for development at the Site, including the Project, will be the subject of the aforementioned conditions and the Planning Board's subsequent Site Plan review of the Project.

G. Municipal Services

The Proposed Action will not affect municipal services. Any subsequent proposal for development at the Site, including the Project, will be the subject of the aforementioned conditions and the Planning Board's subsequent site plan review of the Project.

Conclusion

The City Council has conducted a coordinated review and analysis of the entire Record and the potential environmental effects from the Proposed Action. Based upon all of the information generated for the Proposed Action as part of its public deliberations, the conditions added to the Proposed Action and its own careful and thorough coordinated review and public discussion of its potential environmental effects, the City Council has determined that Proposed Action will not result in any significant adverse environmental impacts.

As a result of their review of the Proposed Action, the City Council has determined that a negative declaration be issued on the potential impacts for the Proposed Action herein, and that the Proposed Action will not have a significant effect on the environment and that any potential significant negative impact has been addressed and avoided to the greatest extent practicable, and, therefore, the preparation of an Environmental Impact Statement ("EIS") is not required.

Planned Adjacent Park Zoning District

Article I - Purposes

O. To preserve the natural and scenic qualities of open lands.

Article II – Section 3. Definitions.

ACCESSORY USE

BUFFER

Land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

BULK STORAGE

Exposed outside storage of sand, lumber, coal, mulch, gravel, stone, soil, aggregate, wood chips, earth materials, or other bulk materials, and bulk storage of liquids in tanks.

CONSTRUCTION TRAILER

A modular or portable structure located on the premises of a construction project and used primarily to accommodate temporary offices for developers and contractors during a construction project. May include eating facilities and meeting space. Construction trailers may not be occupied overnight by employees or security personnel, and may not be utilized as a construction equipment storage container.

CULTURAL CENTER

A facility, operated by a public, private, or nonprofit organization, that is open to the public and has as its primary purpose the advancement and preservation of culture and arts.

DEVELOPMENT

The construction, reconstruction, conversion, structural alternation, relocation, or enlargement of any structure; any mine, excavation, landfill or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

DUMPSTER

Any container (other than a conventional trashbarrel) intended for the temporary storage of rubbish, garbage, trash, or refuse of any sort and designed to be hoisted and emptied into a truck for removal.

EDUCATIONAL INSTITUTION

A school (including a technical, trade, or vocational school) that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

LAND DEVELOPMENT PROJECT

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or commercial, institutional, recreational, open space, and/or mixed uses as provided for in the zoning ordinance.

NATURAL FEATURE

Any naturally occurring tree, plant, plant community, eco-system, body of water, or geographical or geological site or feature.

OUTDOOR STORAGE

The keeping of or display of any inventory, goods, material(s), supplies, equipment, machinery, vehicles, pallets or merchandise, including raw, semi-finished, and finished materials for any period of time, produced or used by or associated with the principal use of the property, and as an accessory to the primary use of the establishment. This includes cargo storage containers and membrane structures which are located on the premises.

Article III - Establishment of Districts

Article III – Section 1. District Classification.

The City of Mount Vernon is hereby divided into the following classes of districts:

A. Residence Districts.

- R1-7 One-Family Residence
- R1-4.5 One-Family Residence
- R1-3.6 One-Family Residence
- R2-4.5 Two-Family Residence
- RMF-6.75 Multifamily Residence
- RMF-10 Multifamily Residence
- RMF-15 Multifamily Residence H
 Hospital

B. Mixed-Use Districts.

- MVW Mount Vernon West Transit Oriented Development Zone

C. Nonresidence Districts.

- NB Neighborhood Business
- OB Office Business
- DB Downtown Business
- CB Commercial Business
- LI-15 Landscaped Industrial
- LI-7.5 Landscaped Industrial
- I Industry

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
- PAP Planned Adjacent Park Zoning District
- UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit
 Development Overlay Zone

§ 267-6. Zoning Map establishment.

The boundaries of all districts are hereby established as shown on a map entitled Zoning Map, City of Mount Vernon, New York, dated March 1, 2018, and as may be amended from time to time and certified by the City Clerk, which map accompanies and with all explanatory matter thereon is made part of this chapter. The official copy of this map is kept by the City Clerk, with copies thereof kept by the Department of Planning and Department of Buildings. Unofficial copies at a reduced scale are included with copies of this chapter. Whenever the City Council amends the Zoning Map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the official copy of the Zoning Map and to the copies kept by the Department of Planning and Department of Buildings.

Article V - Districts

Article V – Section 1. 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

(1) For the R1-TH Townhouse Residence District, to promote the development of one-family attached or detached dwellings on sites where topographic features, landscape resources, locational characteristics and acreage suggest clustering of buildings as the most appropriate building type.

(2) For the RMF-SC Multifamily Senior Citizen Housing Floating Overlay Zoning District, to provide housing opportunities for senior citizens in locations convenient to shopping, transportation and community facilities which comprise of superior functional design, quality of construction, appearance and operational standards.

(3) For the Urban Renewal Planned Development, to encourage a predominately residential mixed use planned unit development of a large tract of land in such manner as to permit a variety of compatible land uses, encourage flexibility of design and development, to expand the city's tax base and to otherwise promote development in connection with the stated goals and objectives of the City.

(4) For the PUD-2 Planned Unit Development, to encourage flexibility of design and development of land in such a manner as to minimize negative environmental impacts, provide for excellence in architectural design of buildings, maximize fiscal benefits for the City and otherwise promote the most environmentally desirable form of future development.

(5) For the PAP- Planned Adjacent Park zoning District within a Park Setting, to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of adjacent park lands.

(6) For the UR-PUD-S4 South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone, to preserve the special character of architecturally and culturally significant structures while fostering the development of high-rise mixed use structures within the South Fourth Avenue-East Third Street Urban Renewal Area.

Article V – Section 7. List of Special Zoning District uses.

E. PAP – Planned Adjacent Park Zoning District as regulated by Chapter 267-Article V-Section 12.

(1) Permitted principal uses.

(a) Business, professional or governmental offices.

(b) Park, ball field or plaza.

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(c) Research, experimental, testing and/or development activities where manufacturing, fabrication, production, testing, repair, indoor storage, sale or resale of materials, goods, and products which are purchased and reassembled are incidental to the principal use, and take place indoors.

(d) Uses supportive and complementary to a specific research and development industry and intended primarily to serve businesses and employees therein, but not to exceed five percent (5%) of the total acres, excluding street rights-of-way, or five percent (5%) of the total floor space of the research and development park; including business service establishments, personal service establishments, health and fitness centers, restaurants excluding drive-through facilities; and provided such uses are not in free standing buildings.

(e) Conference or training centers.

- (f) Cultural centers, museum and art galleries.
- (g) Restaurants.
- (h) Agriculture, horticulture, or forestry or fishery.
- (i) Day Camps.
- (j) Health and fitness centers.
- (k) Libraries.
- (l) Performance arts center, theaters and/or concert halls.
- (m) Golf courses.
- (n) Parking for the surrounding park.
- (o) Interactive Science and Technology Center.
- (p) Recreation establishment, outdoor and indoor.
- (q) Data Center.
- (r) Repository of archives.
- (s) Summer theatre/Amphitheatre/ Theatre.
- (t) Community purpose.
- (u) Arboretum.
- (v) Aviary.
- (w) Aquarium.
- (x) Botanical garden.
- (y) Plant nursery.
- (z) Educational institution, day care, nursery school, after school.
- (aa) Reselling, fabrication, assembly, or packaging of materials, which take place indoors, and are not adverse to surrounding neighborhood.

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(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, including maintenance and community buildings serving uses on the site.

(3) Temporary Uses.

(a) Carnivals, fairs, and festivals, including music festivals.

(b) Specialty shows, such as animal shows, bazaars, business shows, merchandise shows, circuses, antique shows, expositions, horse shows, dog shows, and flea markets.

(c) Sale of Christmas trees in the winter or other seasonal commodities such as pumpkins in the fall and/or watermelons during summer.

(4) Uses allowed by special permit.

(a) Wireless Telecommunication Facilities.

(5) Prohibited Uses.

- (a) Outdoor storage, including, but not limited to, bulk storage, supplies, pallets, machinery and equipment..
- (b) Indoor or outdoor vehicular repair and maintenance.
- (c) Use of the site, including entering, exiting or parking, by Commercial Trucks-Vehicles.

Article V – Section 12. PAP- Planned Adjacent Park Zoning District.

A. Intent.

The City Council hereby finds that structures, architectural features, building forms and/or site layouts for properties/parcels which are surrounded by Westchester County parkland and the Metro-North Rail Road tracks must be appropriately designed to incorporate, encompass and accentuate the “park-like” feel which surrounds these parcels. The City Council further finds that permitted land use development in parkland settings should be designed so as to have no inappropriate visual impact on surrounding parklands or adjoining neighborhoods, and that any industrial visual impact is *prima facie* inappropriate in a parkland setting.

Furthermore, the City Council hereby finds and declares that in order to align the City’s policy with that of New York State and implement the City’s policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, the preservation, development and improvement of forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old-growth areas, character, and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the City.

B. Purpose.

It is the purpose of this ordinance to permit the establishment of primarily administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a park-like atmosphere and environmentally sensitive design to accommodate and complement existing natural features including extensive landscaping, low ground coverage by buildings, buildings of moderate height and careful attention to such aesthetic considerations as location, size of signs, lighting, parking and service areas and the like to:

- a. Encourage creative and flexible site design that is sensitive to the land’s natural features and adapts to the natural topography. 5
- b. Protect environmentally sensitive areas surrounding the site(s) and neighboring environs and preserve on a permanent basis open space and natural features.
- c. Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development and layout.
- d. Promote maximum use of infrastructure using such techniques that reduce stormwater runoff into the City’s sewer system and neighboring bodies of surface and/or ground water.
- e. Encourage social interaction, walking and biking in open space areas within the site and surrounding the site.

- f. To allow for the design and intensity of development that are architecturally and environmentally innovative; to achieve better utilization of land than is possible through standard zoning practices.
- g. To encourage land development that to the greatest extent possible preserves natural vegetation, respects natural topographic and geologic conditions and refrains from adversely affecting flooding, soil, drainage and other natural ecologic conditions.
- h. To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows for efficient site layout and development intensity based on innovation and functionality.
- i. To provide for abundant, accessible and properly located public and/or private open and recreational space.
- j. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximizes the allocation of fiscal and natural resources.
- k. To enable the intensity of land development to be compatible and congruous with adjacent and surrounding Westchester County Park(s).
- l. To ensure that the intensity of land development occurs at proper locations, away from environmentally sensitive areas and on land physically suited to construction.
- m. To allow unique, ancillary and unusual land uses to be planned for and located in a manner that ensures visual and aesthetic harmony and compatible uses with surrounding Westchester County parks.
- n. To preserve or create as much "greenscape" as possible.

C. General construction of language.

The following rules of construction apply to the language of this chapter:

1. The specific shall control the general.
2. All words used in the present tense include the past and the future tense.
3. All words in the singular number include the plural number, and vice-versa, unless the natural construction of the wording indicates otherwise.
4. Words used in the masculine gender include the feminine and neuter, and vice-versa, unless the natural construction of the wording indicates otherwise.
5. The word "shall" is mandatory; the word "may" is permissive.
6. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or" or "and/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - d. "And/or" indicates that all the connected items, conditions, provisions or events shall

apply singly and in any combination.

8. A building or structure includes any part thereof.

9. The words "lot," "plot" and "tract of land" shall one include the other.

10. The word "premises" shall include land and any buildings thereon.

11. The word "occupied" or "used" shall be considered to be followed by the words "or intended, arranged or designed to be occupied or used," unless the natural construction of the wording indicates otherwise.

12. References made to officials and official bodies shall mean officials and official bodies of the City of Mount Vernon, unless the natural construction of the wording indicates otherwise.

13. Unless otherwise specified, all distances shall be measured horizontally.

14. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

D. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. **Common Open Space** - the portion of the site set aside in perpetuity as open space. This area may include coastal and freshwater wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, paved areas, landscaped areas or other elements to be protected from development, canopies, awnings, "lean to", structures, freestanding and/or retaining walls, as well as easements for public utilities.

2. **Conservation Easement** - an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in Article V – Section 12 of this title.

3. **Greenspace** - Open space maintained in a natural, undisturbed, or revegetated condition.

4. **Public Body** - the state, County of Westchester, City of Mount Vernon or a municipal corporation as that term is defined in section two of the General Municipal Law or the United States of America acting by and through the Department of the Interior.

5. **Open Space** - A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community or common open space or preserved as green space.

6. **Commercial Trucks Vehicles** – trucks all construction vehicles and related equipment, including but not limited to, cargo box trucks, construction box trucks, three-axle trucks, semi-trucks, and dump trucks, bulldozers, loaders, cranes, excavators, and forklifts, which are used primarily by construction businesses regularly for their work and operations, except where such Trucks are related to local on-site delivery (e.g., Federal Express, UPS, Prime, etc.) or on-site maintenance and repair activities conducted in strict accordance with any duly adopted governmental site plan and other approval, and any restrictions included therein or in the zoning rules and regulations herein.

E. Eligibility.

The PAP Zoning District shall apply only to those parcels within the City of Mount Vernon abutting Metro-North Railroad tracks and located within, adjacent to and/or surrounded by a Westchester County Park, excluding lot 1.1 - Cell Tower tax lot

F. Boundary.

The boundaries of the PAP Zoning District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council.

1. The following described areas are designated as sites within the PUCD-Park Zoning District:

- a. Section 165.66, Block 2204, Lot 1
- b. Section 165.66, Block 2204, Lot 4

G. Applicability.

In accordance with Chapter 267- Article XI (Amendments) of the Zoning Code, the City Council may from time to time, on its own motion or on petition by applicants and after public notice and hearing as required by law, act to amend, supplement, repeal or change the existing regulations and provisions and rezone property to the PAP Zoning District established under this Chapter.

H. Use Requirements.

Permitted principal, accessory and special permit uses as set forth in Chapter 267-Article V-Section 7 of the Zoning Code.

I. Planning Board Approval.

Prior to allowing any permitted uses identified in Chapter 267 – Article 5 – Section E(1) within the PAP Planned Adjacent Parking Zoning District, application shall be made for site plan approval and/or amendment thereof to be granted by the Planning Board in accordance with its applicable rules and procedures.

J. Standards.

The following standards are hereby established as the minimum or maximum requirements, as the case may be, but may be made more restrictive where such is determined appropriate, based upon consideration of the particular circumstances of the individual application, to satisfy the purposes as set forth in Chapter 267- Article V-Section 1(D)(5) hereof.

1. Requirements.

a. Building Height.

- i. A maximum of 45 feet in height from the finished grade and not more than 3 stories.
- ii. The number of floors shall include all floors located above the finished grade. Portions of the building, such as basements or podiums that are substantially or partly located below grade, shall not be counted as a floor provided they do not extend more than five feet above grade. Floors that extend more than five feet above grade shall be counted as a floor.

b. Building Coverage. The maximum building coverage shall not exceed 25%.

c. Impervious Coverage. Suitable stormwater management infrastructure shall be installed to address impervious surfaces up to 90%, which shall be the maximum allowed.

d. Lot Area. The minimum lot area shall not be less than 130,000 square feet.

e. Side Yard Setback. The minimum side yard setback shall be no less than 90 feet from the Northern property line.

- f. Lot Width and Frontage. The minimum lot width and frontage shall be 75 feet.
- g. Front Yard Setback. The minimum front yard setback shall be 25 feet.
- h. Secondary Front Yard Setback. The minimum secondary front yard setback shall be 25 feet.
- i. Side Yard Setback. The minimum side yard setback shall be no less than 20 feet from the Southern property line.
- j. Rear Yard Setback. There shall be no minimum rear yard setback.
- k. The Planning Board shall have the authority to increase minimum setback requirements based on structures' relationship to surrounding structures and the character of the neighborhood.
- l. Buffers. Any application to construct or alter a structure within this zoning designation shall include provisions for a buffer screening area along any/all lot lines and/or property lines. All required setbacks shall be used for this purpose. The Planning Board may allow for the construction of a wall, fencing, landscaping and/or any other item(s) that in its judgment will appropriately screen the activity and/or intensity of development or structure(s) involved from the neighboring parkland. The buffer screening shall be of a design, materials, location, type, height, spacing, and arrangement to the satisfaction of the Planning Board. The buffer screening shall consist of materials or vegetation that is consistent with and mirrors the natural landscape of the surrounding parkland or adjoining neighborhoods. These requirements may be waived by the Planning Board in situations where the Planning Board determines that adjoining topographic features or existing vegetation satisfy the same purpose. The plan and specifications for such buffer screening shall be filed with the plans for the use of the lot. All required landscaping shall be properly maintained in a healthy growing condition as specified on the approved site plan, in perpetuity.
- m. Merging tax lots. A property owner who owns two or more contiguous parcels of land and seeks the use of the PAP Zoning Designation shall merge all associated tax lots for municipal regulation and tax purposes through the Office of the City Tax Assessor. Wireless telecommunications infrastructure eligible for separate tax lot identification shall be exempt from this provision.
- n. Declaration of Restrictive Covenants. To ensure the compact development of the property into perpetuity, a property owner who owns a parcel(s) of land with the zoning designation of PAP shall file with the Westchester County Clerk, in a form approved by the Corporation Counsel for the City of Mount Vernon, a declaration of restrictive covenants preventing any further subdivision of the land. A certified copy of the duly recorded Declaration shall be submitted to the City Planning Board and Law Department for the files.
- o. Off Street Parking Space and Loading Requirements. The Planning Board shall establish the minimum number of parking spaces and loading spaces required based upon the specific nature of the proposed facility(ies) and/or use(s) within the PAP Zoning District. The Planning Board shall establish the requirements on that basis. Required spaces developed for specific structures and uses shall be reserved at all times to persons who are employed at or make use of such structures and uses
- p. Site Standards. The purpose of these standards is to ensure that proposed developments within the PAP Zoning District exhibit creativity and variety in design features so that the unique and natural character of Mount Vernon in the surrounding park is preserved. These guidelines shall be applicable to all proposed developments and/or associated accessory structures and shall incorporate the following design elements:
1. Buildings shall maximize the number of façade openings for windows and doors in keeping with the intended function of the building and the natural features of the site and surroundings.

2. All sides of a proposed building(s) and/or structure(s) shall employ architectural features such as windows, a variety of colors, patterns, roof heights and complex massing to achieve visual and aesthetic interest that compliments the surrounding park and natural surrounding landscape. All building(s) and/or structure(s) shall have great building articulation. Flat, blank walls shall be prohibited.

3. Complex massing shall be used for all structures proposed. Building designs featuring a single geometric shape, such as a simple rectangle, shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.

4. Each building on a site shall have clearly defined, highly visible ground floor entryway(s).

q. Accessory Structures. The minimum setbacks for all accessory structures shall be no less than 7 feet from any property boundary

r. Traffic Requirements.

1. All traffic traveling to and from a site located within the PAP District shall comply with all applicable Westchester County and local traffic regulations.

2. No Commercial Trucks-Vehicles shall be permitted to regularly enter or exit or park on or within a site located within the PAP District beyond those involving standard delivery, maintenance, repairs, minor improvements, and other vans, provided they are in accordance with all applicable Westchester County and local traffic regulations.

3. With respect to the site known as 1 Bradford Road, notwithstanding anything to the contrary in the PAP Zoning, no Commercial Truck-Vehicles activity, except as permitted in subsection 2 herein, shall be permitted to enter or exit or park on or within the subject Site, provided, said landowner shall be permitted, following receipt of and receipt of any duly authorized Building Permits issued in connection with an duly-adopted site plan and/or special permit approval from the Planning Board, to utilize a limited number of Construction trucks-Vehicles on the Site, to the extent permitted by law and local road regulations, for the sole and exclusive purpose of completing any improvements expressly provided in said Building Permit(s). Use of any trucks-vehicles herein must be in accordance with a detailed construction plan prepared and approved by the Planning Board, which minimizes or avoids all adverse impacts to the surrounding residential area and parkland, including ensuring safe access for pedestrians residing in the surrounding area. No Commercial Vehicle activity, except as permitted in subsection 2 herein, shall be permitted on the subject Site following the issuance of Certificate of Occupancy.

2. Supplemental Development Standards.

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a. For the purposes of this Subsection, the buffer area shall comply with the following design standards:

1. The buffer area shall, to the greatest extent possible, protect natural features having particular value in the context of preserving the existing natural, open space character, in compliance with the intent of this Ordinance.

2. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals. Permitted modifications may include but may not be limited to:

- Woodland management.
- Reforestation.
- Meadow management.

- Wetlands management.
- Streambank protection.
- Buffer area landscaping.
- Restoration of ecosystem.
- Habitat restoration.

3. All wetlands, floodplains, wildlife habitat areas and slopes over 12 percent shall be contained within the buffer area wherever possible.

4. To preserve scenic views, ridge tops and rock outcroppings should be contained within the buffer area wherever possible. Trees shall not be removed from the buffer area unless a similar tree is planted in its place.

5. The boundaries of the buffer area shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable visitors to the site or the public, if applicable, to distinguish where the buffer area(s) ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.

6. Buffer area(s) shall include lands located along existing public streets in order to preserve existing natural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

7. The following areas shall not be included in the buffer area(s):

- Street and highway rights-of-way, public or private.
- Railway and utility rights-of-way.
- Parking areas.
- Material storage areas

8. To preserve the existing natural landscape and woodland character of the surrounding area, landscaping shall comply with the following design standards:

a. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.

b. Existing woodlands shall be retained to the maximum extent possible.

c. All new landscaping to be installed and existing vegetation to be preserved shall be protected.

b. For the purposes of this Subsection, the site design shall comply with the following standards:

1. Utilities shall be installed underground and any aboveground equipment shall be located with minimal disturbance to the surrounding woodland character. Equipment boxes shall be located so as to minimize their visibility using landscaping or some other form of screening that preserve the woodland character of the park to the satisfaction of the Planning Board. Relocation and provisions for private and public underground utility systems are to be made, as needed.

2. Adequate facilities shall be provided for the removal of snow, trash, garbage, and recyclables and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent platforms that shall be well distributed to serve the development. All receptacles shall be suitably enclosed on four (4) sides by opaque screening or other treatment to be approved by the Planning Board in its site plan review.

3. Building-mounted lighting shall be exempt from the height limitation, provided it does

not project light into the adjacent park. Outdoor lighting shall minimize the light source's visibility from the adjacent park. No outdoor light source from a free standing light structure shall be more than twelve (12) feet above the ground level underneath it. Illumination levels shall not exceed 1 footcandle along all property lines.

4. One hundred percent (100%) of the calculated stormwater runoff shall be retained on-site.

5. Within any PAP Zoning District, landscaping, buffering, and screening shall be used to screen all areas of collection of refuse, loading areas and parking areas from surrounding streets.

R. De Minimis Exceptions, Supplemental Development Exceptions and Waivers. Deviation from the development requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board has the ability to waive or allow an applicant to deviate from this Section of the Ordinance based on existing conditions hardship or a special reasons hardship.

1. Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant creates the hardship to enhance the building and site design, the Planning Board may grant exceptions from certain parking or development requirements, provided that the applicant demonstrates:

- That the proposed design exception will not substantially impair the intent of the City's long range planning strategy.
- That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.
- That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.
- That the proposed design will advance the purposes of this ordinance.

S. Design Standards.

1. The purpose of these standards is to ensure that proposed structures within the PAP zoning designation exhibit creativity and variety in design features so that the unique character of Mount Vernon, in particular, the natural woodland character of the surrounding park is preserved. These guidelines shall be applicable to the principal building, unless specifically referring to an accessory building.

a. The placement, pattern, scale, size, and rhythm of window and door openings on building façades, including proportions and details around them make up building fenestration. The disposition and design of window and door openings of traditional buildings help determine their appeal and charm, and distinguish a building façade from a generic, uninteresting appearance. Buildings with poor fenestration appear visually uninteresting and/or boxy. The relationship of window and door openings to the wall surface of the façade contributes to a building's appeal and character. The added architectural details, including materials, trims, bands and cornices bring visual interest to building façades, enhance the "box" and provide a human scaled backdrop.

- i. Buildings shall maximize the number of street level façade openings for windows and doors. Accessory buildings shall have at least 1 window and plantings on or around at least 1 wall of a building.
- ii. Buildings shall maximize upper level façade openings for punched-in windows, or glass and metal curtain wall. (Note: a glass block-filled wall opening is part of the solid wall surface and not considered a window).
- iii. Buildings shall set ground floor window frames at a height above the finished grade to reflect traditional building qualities.
- iv. Buildings shall recess all window frames, particularly along the ground floor, from

the typical wall plane surface to provide a shadow line and accentuate the ground floor.

v. All windows shall exhibit proportional scale that appropriately indicates functions within the building.

vi. Buildings shall delineate change in surface material by a reveal or a recess detail.

vii. All sides of a building open to public view shall employ architectural features such as windows, a variety of colors, patterns and complex massing to achieve interest especially at the pedestrian level. Flat, blank walls along public right-of-ways shall be prohibited.

viii. Architectural massing refers to the way a building is shaped. Building designs featuring a single geometric shape such as a simple rectangle shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.

x. Each building on a site shall have clearly defined, highly visible ground floor entryways featuring no less than three of the following:

- Entryways shall be recessed or projected along the street level façade of the typical wall plane;
- canopies or porticos;
- overhangs;
- recesses/projections;
- raised corniced parapets over the door;
- peaked roof forms;
- arches;
- outdoor patios;
- planters;
- wing walls; and
- any other architectural detail or feature that accentuates the entryways for the public.

xi. On-site development identification signs should be limited to thirty-two square feet, its construction should be of natural materials (i.e., wood, brick and/or stone), should not exceed five feet in height, and the base area should be appropriately landscaped. Internally illuminated signage is prohibited and may only be illuminated by flood or spot lighting that shines away from the public street and surrounding park.

xii. The creation of lawn areas in excess of 10,000 square feet is strongly discouraged.

xiii. Native species should be included in all landscape designs.

xiv. The use of dyed and textured concrete as well as of other natural materials is encouraged for visible structures such as curbing, culverts, walls, and outlet structures to minimize the visual impact.

xv. Roadways should follow existing contours to minimize the extent of cuts and fills.

xvi. In the PAP Zoning District, exposed masonry walls (freestanding and retaining) shall be finished in stucco when located along a street, public right-of-way and/or visible from the surrounding park.

xvii. In the PAP Zoning District, all fences shall be constructed of aluminum or wrought iron and shall be completely within all lot lines when visible to the public from any street or public right-of-way, except that fences may be black chain-link when not visible to the public from any street or right-of-way, located behind buildings, or suitably screened by landscaping.

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xviii. In the PAP Zoning District, all fences shall have the finished or more attractive side facing the neighboring property, the street, the Metro-North Railroad and/or the park.

ixx. All curbing including curbed landscaped islands shall be concrete, granite block curbing and/or Belgian block.

xx. Electrically charged fences, barbed-wire fences, razor wire and other fences constructed of sharp materials shall not be permitted.

xxi. Window signs shall not be permitted.

xxii. Moving and/or windblown signs shall be prohibited.

xxiii. Signs displaying flashing or intermittent lights and lights of changing degrees of intensity of color shall be prohibited.

xxiv. Roof signs shall be prohibited.

xxv. All signs that obstruct a window, door, fire escape, stairway, ladder, opening or

access intended for light, air, ingress to or egress from a building shall be prohibited. xxvi. All signs which, due to their location, size, shape and/or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal or device erected by a public authority or where they may interfere with, mislead or confuse traffic shall be prohibited. These signs are subject to immediate removal and disposal by an authorized County and/or City official as a nuisance.

xxvii. All accessory structures shall have garage doors, light fixtures, a roof form, exterior materials, colors, etc. that are compatible with the primary structure.

xxviii. All accessory structures shall be located no less than 7 feet from any property line.

xxix. Only one accessory structure shall be permitted on the lot. Any additional accessory structure shall be subject to review of the Planning Board for its location and operation and Architectural Review Board for its aesthetics.

xxx. Accessory buildings and structures. The height of an accessory building shall be limited to one story with a maximum building height of 20 feet.

T. Design Exceptions and Waivers.

1. Deviation from the design requirements, provisions, standards and regulations may be necessary in unusual circumstances. To account for these circumstances the Planning Board and the Architectural Review Board has the ability to waive or allow an applicant to deviate from this Section of the Ordinance based on existing conditions hardship or a special reasons hardship with the exception of building height.

a. Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant creates the hardship to enhance the building and site design, the Planning Board and the Architectural Review Board may grant exceptions from certain design requirements, provided that the applicant demonstrates:

- That the proposed design exception will not substantially impair the intent of the City's long-range planning strategy.
- That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.
- That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.
- That the proposed design will advance the purposes of this ordinance.

U. Obtaining Approval of Design Exceptions and Waivers. The applicant shall demonstrate to the satisfaction of the Architectural Review Board the following for approval of an exception or waiver:

- The goals and objectives of this ordinance and the City's long range planning strategy shall be further advanced.
- The project will have no adverse impact on the physical, visual and spatial natural woodland character of the surrounding area.
- The project will enhance the physical, visual and spatial character of the surrounding natural woodland area.

V. Establishment of a Conservation Easement.

1. Where determined necessary by the City of Mount Vernon or Westchester County, a conservation easement shall be filed within the Land Records Office of Westchester County prohibiting or limiting new construction on any lot with the PAP Zoning District. This easement shall comply with all City, County and State regulations and requirements.

W. Conveyance of Open Space.

1. Common open space may be conveyed as follows:

(a) To the City of Mount Vernon and accepted by it for park, open space, agricultural or other specified use or uses, provided that the conveyance is recommended by the Planning Board and/or Architectural Review Board and approved by the City Council and is in a form approved by Corporation Counsel; or

(b) To a nonprofit organization whose principal purpose is the conservation of open space or trust such as but not limited to the Westchester Land Trust. If such a trust is used, ownership shall pass with the conveyance of the lot. The conveyance shall be recommended by the Planning Board and approved by the City Council and shall be in a form approved by the Corporation Counsel.

2. In any case, where the common open space is conveyed pursuant to subparagraph (1)(b) above, a deed restriction enforceable by the City of Mount Vernon shall be recorded that provides that the common open space shall:

(a) be kept in the authorized condition(s); and

(b) not be developed for principal uses, accessory uses (e.g., parking), or roadways.

X. Conflicting Requirements.

1. Within the areas designated by the City Council as being within the PAP Zoning District, all ordinances or parts of ordinances inconsistent with this Section of the Ordinance are repealed, to the extent of such inconsistency only.

2. If any standards, objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section of the Ordinance differ in content from provisions set forth in other section(s) of the Zoning Ordinance, unless otherwise specified, this section of the Ordinance shall prevail.

3. If any provision or regulation of this section of the Ordinance shall be judged, ruled or deemed invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Section of the Ordinance and such section, subsection, paragraph, subdivision or clause of this Section of the Ordinance is hereby declared severable.