

GENERAL ORDINANCE NO.4-2023

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO. 4-2000 AND THE ACCOMPANYING MAP, ALSO KNOWN AS CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, AND MORE COMMONLY KNOWN AS THE ZONING CODE OF THE CITY OF YONKERS, TO FACILITATE A TRANSIT ORIENTED, MIXED-USE DEVELOPMENT AT THREE PROJECT SITES: THE TEUTONIA HALL SITE, THE CHICKEN ISLAND SITE, AND THE NORTH BROADWAY SITE TO BE LOCATED ON THE REAL PROPERTY KNOWN AS 41 BUENA VISTA AVENUE AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 1, BLOCK 512, LOT 11; THE PROPERTIES KNOWN AS 20 PALISADE AVENUE AND 32 JOHN STREET, AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 1, BLOCK 485, LOT 1 AND SECTION 1, BLOCK 475, LOT 51, RESPECTIVELY; AND THE PROPERTIES 7 OVERLOOK TERRACE, 15 OVERLOOK TERRACE, 23 OVERLOOK TERRACE, 14 OVERLOOK TERRACE, 12 OVERLOOK TERRACE, 14 NORTH BROADWAY (PART), 16 NORTH BROADWAY, 18 NORTH BROADWAY, 50 NORTH BROADWAY, 2 BALDWIN PLACE, 10 BALDWIN PLACE, AND 18 BALDWIN PLACE, AND DESIGNATED ON THE CITY OF YONKERS TAX MAP AS SECTION 2, BLOCK 2018, LOTS 8, 12, 16, 18, 20, 25, 48 (PART), 50, 51, 67, 71, 75, AND 79, RESPECTIVELY.

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1. Recitals.

(a) AMS Acquisitions, LLC and its affiliates (the "Applicant") propose to develop a transit oriented, mixed-use development at three project sites: the Teutonia Hall site, the Chicken Island site, and the North Broadway site (together the "Project Sites").

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(b) In several phases over approximately ten years, the Applicant intends to develop the Project Sites with approximately 3,556 residential rental units, including affordable rental units as required by Article XV of the City of Yonkers Zoning Ordinance, approximately 84,000 square feet (sf) of retail, restaurant, and person service uses, approximately 30,000 square feet (sf) of commercial office, and approximately 3,904 parking spaces (the "Project").

(c) To facilitate the development of the Project, on August 25, 2020, the Applicant petitioned (as amended and restated on October 20, 2022, the "Petition") the City of Yonkers City Council ("City Council") for amendments to, among other things, the City of Yonkers Zoning Map and Zoning Ordinance ("Zoning Ordinance").

(d) The amendments to the Zoning Ordinance requested in the Petition primarily affect permitted building heights and building footprints in the D-MX District, parking requirements, a map amendment to rezone three tax lots from the A District to the D-MX District, and the regulations for "Designated Development Sites" (collectively the "Amendments").

(e) On September 17, 2020, the City Council circulated a Lead Agency Notice in connection with the Applicant's Petition to amend the Zoning Ordinance, pursuant to Pursuant to Article 8 (State Environmental Quality Review- SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617 ("SEQRA").

(f) On October 14, 2020, the Planning Board of the City of Yonkers ("Planning Board") adopted a resolution in response to the City Council's notice requesting the City Council cede SEQRA Lead Agency status to the Planning Board.

(g) By resolution 116-2020, adopted by the City Council on October 27, 2020, the City Council ceded SEQRA Lead Agency status to the Planning Board ("Lead Agency").

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(h) On November 18, 2020, the Planning Board declared its intent to serve as Lead Agency for the proposed action, namely, the Project, issued a Positive Declaration of environmental significance requiring the preparation of the Draft Environmental Impact Statement ("DEIS") for the Project, and set a public DEIS Scoping Session for November 30, 2020.

(i) Written comments on the proposed DEIS Scoping Document were accepted through December 21, 2020.

(j) On February 10, 2021, the Planning Board adopted the Final Scoping Document for the Project.

(k) A DEIS was prepared by the Applicant pursuant to SEQRA in accordance with the adopted DEIS Scope, and submitted to the Planning Board for review.

(l) The Planning Board issued a Notice of Completion of the DEIS on February 9, 2022.

(m) Public hearings on the DEIS were held by the Lead Agency on March 9, 2022 and April 13, 2022.

(n) Written comments on the DEIS were accepted from February 9, 2022 through April 27, 2022.

(n) A Final Environmental Impact Statement ("FEIS") was prepared by the Applicant pursuant to SEQRA and submitted to the Planning Board for review.

(o) On September 21, 2022, the Planning Board issued a Notice of Completion of the FEIS and filed the FEIS.

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(p) At its November 9, 2022 meeting, pursuant to SEQRA, the Lead Agency, after considering the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS and weighing and balancing the relevant environmental impacts with social, economic and other essential considerations, adopted a resolution adopting its findings ("Findings Statement").

(q) By Resolution 136-2022, adopted on November 9, 2022, the City Council, in accordance with Section 43-164(A) of the Zoning Ordinance and Section 239-m of the General Municipal Law, referred the Petition to the Planning Board and the County of Westchester Planning Board ("County Planning Board") for its review and report.

(r) The Findings Statement notice was filed on November 10, 2022 and circulated to all Involved Agencies, as such term is defined by SEQRA.

(s) On November 21, 2022, the County Planning Board delivered its report to the Planning Board.

(t) On January 11, 2023, the Planning Board issued a favorable recommendation of the Amendments.

(u) The City Council finds that the Project will continue the City's efforts to revitalize its downtown districts, provide necessary infrastructure to support redevelopment, and add to its tax base.

(v) The City Council desires to amend the Zoning Ordinance to incorporate the Amendments.

(w) The City Council, as an involved agency under SEQRA, is also required to adopt its own findings to the Project.

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Section 2. SEQRA. Based upon the Findings Statement, DEIS, and FEIS, reviewed by the City Council, and other representations and information furnished by the Company regarding the Project, the City Council hereby finds and determines as follows: (i) the City Council concurs with the Lead Agency that the proposed action is an "Type I" action, as that term is defined in under SEQRA; (ii) that the environmental review of the proposed action pursuant to SEQRA was conducted by the Lead Agency and (iii) the City Council concurs with the Findings Statement, and adopts said findings as its own. The City Council further finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project, which requires the adoption of the Amendments, among other things, avoids or minimizes adverse environmental impacts to the maximum extent practicable and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating the relevant mitigation measures identified in the Findings Statement.

Section 3. Amendments. General Ordinance No. 4-2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers, and more commonly known as the Zoning Code of the City of Yonkers, is hereby amended, as follows:

(a) The Zoning Map is hereby amended to rezone the properties known as 7 Overlook Terrace, 12 Overlook Terrace, and 18 Baldwin Place, designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 25, and 79, respectively, from A District to D-MX District.

(b) Map B: *Height District Map* (43 Attachment 14) of the Zoning Ordinance is hereby amended to add footnote #1 see Table 43-8 for Dimensional Standards for D-MX and D-IRT Districts and to map in the following parcels in the 250 feet permitted Maximum Height classification:  
÷ (a) the entirety of the approximately 1.14 acre property known as 41 Buena Vista Avenue and designated on the City of Yonkers Tax Map as Section 1, Block 512, Lot 11; (b) the properties comprising a total of approximately 5.25 acres known as 20 Palisade Avenue and 32 John Street, and designated on the City of Yonkers Tax Map as Section 1, Block 485, Lot 1 and Section 1, Block 475, Lot 51, respectively; and (c)

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the properties comprising a total of approximately 1.97 acres known as 7 Overlook Terrace, 15 Overlook Terrace, 23 Overlook Terrace; 14 Overlook Terrace, 12 Overlook Terrace, 14 North Broadway (part), 16 North Broadway, 18 North Broadway, 50 North Broadway, 2 Baldwin Place, 10 Baldwin Place, and 18 Baldwin Place, and designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48 (part), 50, 51, 67, 71, 75, and 79, respectively. A copy of the amended Height District Map to be included in the Zoning Ordinance is attached hereto as Exhibit A.

(c) The definition of "Designated development site" in Section 43-8 of the Zoning Ordinance is hereby amended and restated in its entirety, to read as follows:

"Designated development site." A tract in the D-MX District comprised of one or more lots having 1.75 or more acres of area in the aggregate and located in the maximum height district shown on Map B: Height District Map, may be designated by the City Council as a single designated development site.

(d) Table 43-8 (Dimensional Standards for D-MX and D-IRT Districts) (43 Attachment 10) of the Zoning Ordinance is amended to add new footnote 4 to "Maximum building height" in the second column (labeled "D-MX") and to the "Notes" following the table, to read as follows:

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<u>Bulk and Setback Regulations</u>	<u>Districts</u>	
	<u>D-MX</u>	<u>D-IRT</u>
<u>Bulk</u>		
<u>Maximum building height</u>	<u>66 feet, unless permitted height by § 43-221B and Map B: Height District Map<sup>4</sup></u>	<u>66 feet, unless permitted height by § 43-221B and Map B: Height District Map</u>
<u>Minimum building height</u>	<u>25 feet and 2 stories</u>	<u>25 feet and 2 stories</u>
<u>Required Setbacks</u>		
<u>Front build-to line</u>	<u>0<sup>1,2</sup></u>	<u>0<sup>1,2</sup></u>
<u>Minimum interior side setback</u>	<u>0</u>	<u>0</u>
<u>Side front build-to line</u>	<u>0<sup>1,2,3</sup></u>	<u>0<sup>3,4</sup></u>
<u>Minimum rear setback</u>	<u>Nonresidential: 0 Residential: 10'</u>	<u>0</u>

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Notes:

1. Exceptions: See Map C: Additional Sidewalk Width Requirement Map for sidewalk enhancement setback requirements.
  2. A setback may be increased to a maximum of 25 feet if a public plaza or public seating area is incorporated and located adjacent to a public street.
  3. On a corner lot, where a rear yard is required because of residential uses, the side front build-to line requirement applies only up to the rear yard line, where no setback is required to the rear lot line.
  4. Maximum building height on a lot which is located in the maximum height district shown on Map B: Height District Map, is as follows:
    - (a) Maximum building height is 435 feet on a lot 1 acre or greater which is located within 1/8<sup>th</sup> mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.
    - (b) Maximum building height is 300 feet, on a lot 1.5 acres or greater which is located between 1/8<sup>th</sup> mile and 1/3<sup>rd</sup> mile walking distance to the Yonkers Metro- North Railroad Station over public street sidewalks.
    - (c) Maximum building height is 400 feet on a lot 4 acres or greater which is located between 1/3<sup>rd</sup> mile and 1/2 mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.
- (e) Section 43-46 (Designated development sites) of the Zoning Ordinance is amended and restated in its entirety, to read as follows:
- "Following preliminary site plan approval by the Planning Board in accordance with Article IX of this chapter, the City Council may, upon petition by one or more applicants, designate a tract in the D-MX District comprised of one or more lots having 1.75 or more acres of area in the aggregate and located in the maximum height district shown on Map B: Height District Map, as a single designated development site for the purpose of effecting the comprehensive redevelopment of an area of the City. The following supplemental regulations shall apply to a designated development site:
- A. The lot and dimensional regulations of this chapter, including but not limited to the regulations in § 43-33, § 43-221, and Table 43-8 of this chapter, shall apply to the entire tract designated as a designated development site and not to any of the individual lots which comprise the designated development site or any of the individual lots into which the designated development site is subdivided, and regardless of the ownership of the lots, provided that the lots shall be used only in



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accordance with the approved site plan for the lots comprising a designated development site.

B. Notwithstanding any other provision of this chapter, the lots which comprise a designated development site may be separated by public or private streets or rights-of-way."

(f) Section 43-132 of the Zoning Ordinance is amended to add a new subsection E, to read as follows:

"E. Valet parking in the D-MX District. The agency approving a site plan may, on the recommendation of the Traffic Engineer, allow valet or attended parking in a private garage or semi-public garage in the D-MX District."

(g) Article X of the Zoning Ordinance is amended to add a new Section 43-139, to read as follows:

"43-139 Reduced parking requirement for apartments on certain tracts in the D-MX District.

Notwithstanding Table 43-10 or any other provision of this chapter, the minimum number of required parking spaces for apartments shall be one space per apartment for new construction on the following tracts in the D-MX District:

A. The tract comprised of the lots designated on the City of Yonkers Tax Map as Section 1, Block 485, Lot 1 and Section 1, Block 475, Lot 51.

B. The tract comprised of the lots designated on the City of Yonkers Tax Map as Section 2, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48 (part), 50, 51, 67, 71, 75, and 79."

(h) Section 43-221B(3)(a) of the Zoning Ordinance is amended and restated to read as follows:

"(a) Residential use: 12,000 square feet maximum tower footprint, except maximum tower footprint on a lot which is located in the maximum height district shown on Map B: Height District Map, is as follows:

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[1] Maximum aggregate tower footprint is 24,000 square feet in two towers on a lot 1 acre or greater which is located within 1/8<sup>th</sup> mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.

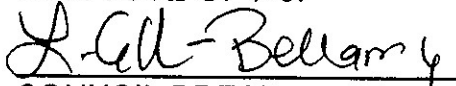
[2] Maximum tower footprint is 13,000 square feet and maximum aggregate tower footprint is 26,000 square feet in two towers on a lot 1.5 acres or greater which is located between 1/8<sup>th</sup> mile and 1/3<sup>rd</sup> mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks.

[3] Maximum tower footprint is 38,000 square feet and maximum aggregate tower footprint (A) is 80,000 square feet up to 250 feet in height, and (B) 28,000 square feet from 250 feet in height to 400 feet in height, in up to six towers, on a lot 4 acres or greater which is located between 1/3<sup>rd</sup> mile and 1/2 mile walking distance to the Yonkers Metro-North Railroad Station over public street sidewalks."

Section 4. If any section, subdivision, sentence, clause, phrase or other portion of this Ordinance is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such constitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance, which remaining portions shall remain in full force and effect.

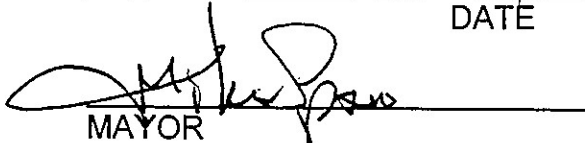
Section 5. This Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 28, 2023. BY A VOTE OF 7-0.

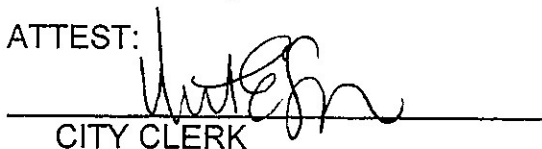
  
COUNCIL PRESIDENT

3/3/2023  
DATE

SENT TO MAYOR 3/6/2023  
DATE

  
MAYOR

APPROVED MAR 6.23  
DATE

ATTEST:   
CITY CLERK

3/6/2023  
DATE