

GENERAL ORDINANCE -- 2011

BY:

A GENERAL ORDINANCE AMENDING SECTION
43-47 OF THE ZONING CODE OF THE CITY
OF YONKERS IN REGARD TO THE SOUTH
BROADWAY DISTRICT

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

Section 1. 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, in part, by adding a new Section 43-47, entitled "South Broadway District", to read as follows:

"Section 43-47 South Broadway District.

A. Purpose. The purpose of the South Broadway Zoning District (SBD) is to recognize, preserve and develop the special character of the South Broadway shopping area. South Broadway developed as one of the premier shopping streets in Yonkers and Southern Westchester County and remains one of the important shopping areas in the City. It is a vibrant example of the traditional urban shopping street with wide sidewalks, street trees, a pedestrian and shopper friendly physical environment complete with fine architecture and a beneficial and sustainable mix of retail, commercial and residential uses. The South Broadway Zoning District recognizes the advantages that this form of development brings to the City of Yonkers and seeks to enhance and preserve the business, residential and physical environment of the area while removing regulatory impediments to the continued growth of the area.

B. District. The South Broadway Zoning is divided into four sub-areas, North, Center, Core and South.

C. Dimensional Regulations. The South Broadway Zoning District dimensional regulations shall be:

- (1) Central Area
- (a) Front yard set back- None required.

- (b) Side yard set back-None required.
 - (c) Rear yard set back-10 Feet for commercial.
 - (d) Side Front yard set back-None required.
 - (e) Build to line- New structures shall be required to meet the average street build to line of the adjacent structures. The approving agency may in its review of an enlarged or altered development require the construction to meet the front build-to-line in order to maintain a consistent street frontage in the South Broadway District.
 - (f) Floor area ratio- 4.0
 - (g) Height- Forty Feet.
 - (h) Lot area, minimum-None required.
 - (i) Lot width- None required.
 - (j) Maximum Lot Coverage- 90%.
- (2) Core Area
- (a) Front yard set back- None required.
 - (b) Side yard set back-None required.
 - (c) Rear yard set back-10 Feet for commercial or 25 feet for residential.
 - (d) Side Front yard set back-None required.
 - (e) Build to line- New structures shall be required to meet the average street build to line of the adjacent structures. The approving agency may in its review of an enlarged or altered development require the construction to meet the front build-to-line in order to maintain a consistent street frontage in the South Broadway District.
 - (f) Floor area ratio- 3.0
 - (g) Height- 50 Feet Base/80 Feet total.
Tower setback 15 feet minimum above 50 feet.
 - (h) Lot area, minimum-None required.
 - (i) Lot width- None required.
 - (j) Maximum Lot Coverage- 90%.
- (3) South Area
- (a) Front yard set back- None required.
 - (b) Side yard set back-None required.
 - (c) Rear yard set back-10 Feet for commercial or 25 feet for residential.
 - (d) Side Front yard set back-None required.
 - (e) Build to line- New structures shall be required to meet the average street build to line of the adjacent structures. The approving agency may in its review of an enlarged or altered development require the construction to meet the front build-to-line in order to maintain a consistent street frontage in the South Broadway District.

- (f) Floor area ratio- 10.0
 - (g) Height- 120 Feet,
60 Feet Base/120 Feet total.
 - (h) Lot area, minimum-None required.
 - (i) Lot width- None required.
 - (j) Maximum Lot Coverage- 90%.
- (4) North Area
- (a) Front yard set back- None required.
 - (b) Side yard set back-None required.
 - (c) Rear yard set back-10 Feet for commercial or 25 feet for residential.
 - (d) Side Front yard set back-None required.
 - (e) Build to line- New structures shall be required to meet the average street build to line of the adjacent structures. The approving agency may in its review of an enlarged or altered development require the construction to meet the front build-to-line in order to maintain a consistent street frontage in the South Broadway District.
 - (f) Floor area ratio- 10.0
 - (g) Height- 120 Feet,
60 Feet Base/120 Feet total.
 - (h) Lot area, minimum-None required.
 - (k) Lot width- None required.
 - (l) Maximum Lot Coverage- 90%.
- (5) Building Requirements.
- (a) Mandatory ground floor transparency:70%
 - (b) Building facades more than 50 feet wide abutting streets shall be divided into multiple bays similar to existing contextual architecture
 - (c) façade materials and design shall respect existing contextual architecture with regards to treatment of material and fenestration.
 - (d) Buildings shall be designed to articulate a base , middle and top and shall design the windows and cornice to respect and remain in context to similar contextual architecture on either side of the building.
 - (e) The overall width of a building portion above 50 feet or four stories, whichever is less shall not exceed 100 feet along the lot's frontage.

D. Nonconforming uses. Nonconforming uses in the South Broadway District shall be governed by the provisions of Section 43-21 of the Yonkers Zoning Code entitled "Nonconforming uses buildings and structures", except as otherwise provided herein:

(a) Existing Apartment Houses and mixed use Apartment Houses and Commercial uses may continue as non-conforming uses and structures and shall not be subject to Section 43-21 (E) of the Yonkers Zoning Code. Reconstruction of a nonconforming use, building or structure, in so much as that section mandates that in the event of destruction or damage exceeding 50% of the valuation of the structure as assessed for City taxes that the structure may not be reconstructed except subject to review by the Zoning Board of Appeals. In order to preserve the mixed use nature of the South Broadway Zoning District should a building or structure used as an apartment house or a Mixed Use/Apartment House and Retail, the use of which or the use of a portion of which is nonconforming or which is dimensionally nonconforming, be destroyed or damaged by any means to an extent not exceeding 85 percent of the assessed valuation of the structure as assessed for City Taxes, it may be reconstructed and any accompanying nonconforming use continued, provided that the reconstruction is commenced within twenty four (24) months of the date of such damage and completed within two years of said date. No additional review of the reconstruction shall be required beyond that necessary to obtain a building permit and certificate of occupancy provided that the building is reconstructed in kind as determined by administrative review by the Commissioner of Housing and Buildings and the Director of Planning.

E. Permitted Uses. The following uses shall be permitted in the South Broadway District:

Permitted Uses

Municipal uses (City of Yonkers)

Apartment Houses (permitted in the Core, North and South sub-district areas.

Live/work units

Banks and financial uses

Commercial Schools

Department Stores

Eating and drinking establishments

Fast food restaurants

Food and beverage stores

Funeral Parlors or mortuaries

Health Clubs and gymnasiums

Indoor markets

Medical Establishments

Offices

Pawnshops and Check Cashing Stores
Personal service establishments
Restaurants
Retail establishments
Retail craft uses
Telephone Switching Facilities
Theaters and Movie Theaters

Permitted uses (with supplemental requirements)
Automobile Rental Establishments
Automobile Sales Establishments
Offices of philanthropic institutions
Audio, radio, video and television stations and studios
Banquet and catering facilities
Cabarets and night clubs
Day Care Centers
Dry Cleaning establishments
Hotels
Senior Citizens Apartment Houses (permitted in Core, North and South sub-district areas)

Uses permitted subject to special use requirements.
Private Not -for Profit recreational uses:
Supermarket

Accessory Uses

Permitted Uses

None

Permitted uses (with supplemental requirements)
Automatic Teller Machines
Amusement games and devices
Awnings
Bars or Lounge areas serving liquor or brew pubs
Christmas tree sales
Fences and Walls
Home Occupations
Laboratories
Live entertainment
Loading berths or spaces
Newspaper vending machines
Outdoor dining areas
Outdoor storage
Refuse collection, storage and recycling
Retail uses in conjunction with offices
Signs

Soda or candy vending machines
Private garage
Private open air parking
Semi-public open air parking
Semi-public parking structure
Shared parked

Uses permitted subject to special use requirements
Satellite antennas
Fee in lieu of parking

F. Off Street Parking and Loading. The following parking regulations, in addition to parking regulations found elsewhere in Chapter 43, will be applied in this district:

(1) The provisions of Section 43-127 and Section 43-131(A) shall not apply to buildings, structures or uses in existence at the time of the passage of this Chapter, whether continued as permitted uses or as a nonconforming use, or thereafter converted or changed to a different lawful use.

(2) The approving agency shall not permit any reduction or elimination of whatever quantity of parking or loading space that may already exist, except to the extent that it may exceed such requirement.

G. Previously Approved Projects. Buildings, structures or uses approved under the zoning regulations in existence at the time of the adoption of this amendment shall be permitted to be started for a period of two (2) years after the approval of this amendment and must be completed within a period not to exceed five (5) years from the adoption date of this amendment."

Section 2. General Ordinance No. 24-1968 as readopted, confirmed, reenacted and reaffirmed by General Ordinance No. 39-1970, commonly known as the Zoning Ordinance of the City of Yonkers and the zoning map, is hereby amended by adding the South Broadway (SBD) District as shown on the annexed map.

Section 3. This ordinance shall take effect immediately.

PLANNING BOARD RESOLUTION

RESOLUTION OF THE YONKERS PLANNING BOARD APPROVING THE SOUTH BROADWAY ZONING STUDY AND FORWARDING THE PLAN TO THE YONKERS CITY COUNCIL FOR ITS USE AND ADOPTION.

WHEREAS, the Yonkers Department of Planning and Development has caused to be prepared a draft master plan for the South Broadway Area and

WHEREAS, The Yonkers Department of Planning and Development forwarded the South Broadway Zoning Study to the Yonkers City Council and the City Council then forwarded it to the Yonkers Planning Board for its review and recommendation to the Yonkers City Council as required under General City Law §28-a; and

WHEREAS, the Yonkers Planning Board has reviewed the South Broadway Zoning Study, has toured the plan area and reviewed the proposed actions of the plan and finds that the Zoning Study proposes an orderly and desirable rezoning scheme for the continued development of the South Broadway corridor that takes into account the goals of the city's overall comprehensive plan, and

WHEREAS, the board desires to see the South Broadway Zoning Study and South Broadway zoning adopted in the compliance with the accepted and proper protocols as required under various New York State laws and regulations,

Now therefore, be it resolved

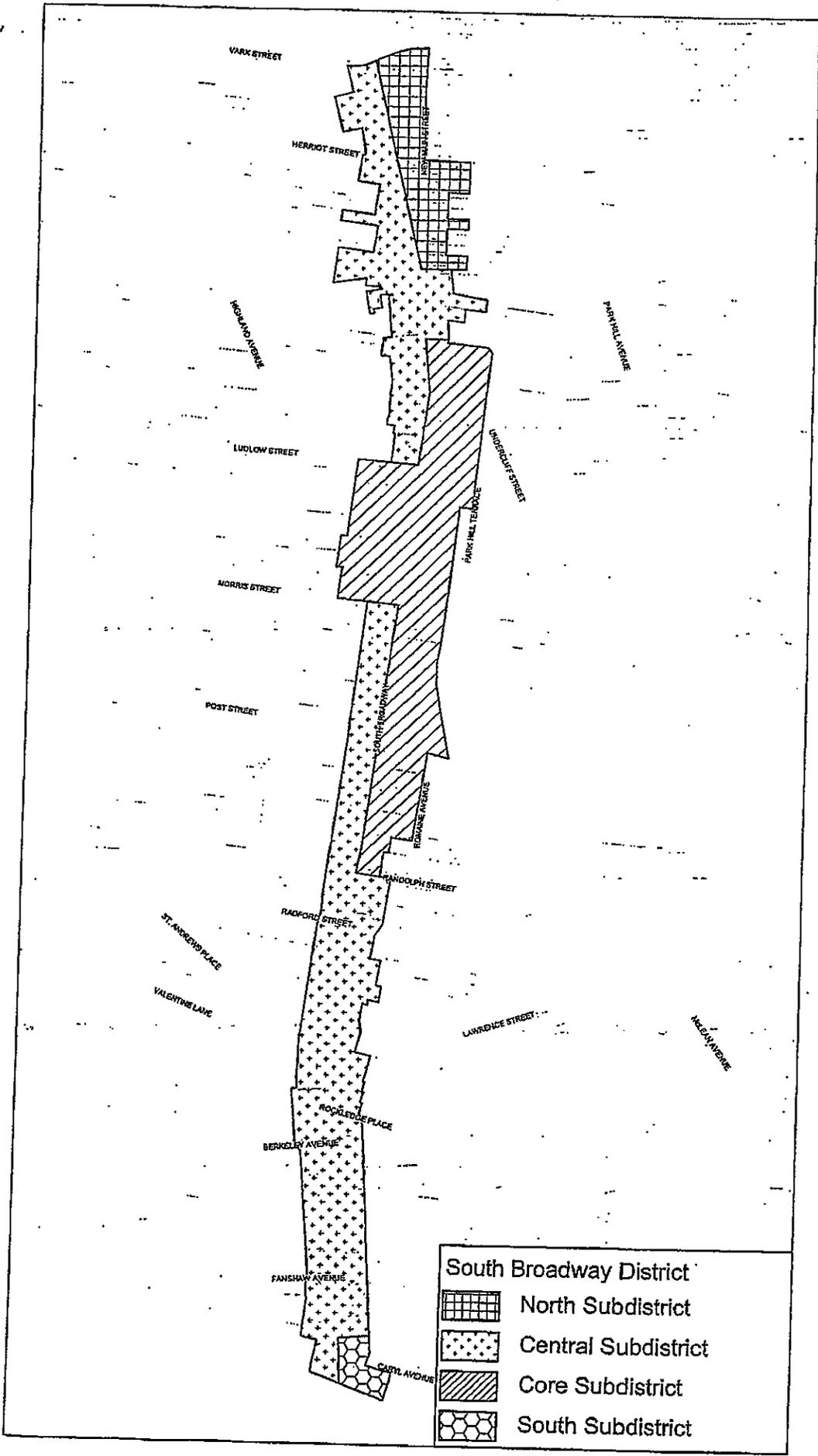
The Yonkers Planning Board, pursuant to Section 28-a of the General City Law of New York State, gives its favorable recommendation regarding the approval of the South Broadway Zoning Study to the City of Yonkers City Council and recommends the adoption without amendment of the Zoning Study and its accompanying zoning.

Motion by: *Greg*

Seconded by: *Civil*

Approved by a vote of: *5-0 (Waldman) (vand)*

Meeting of September 15, 2010



- South Broadway District**
-  North Subdistrict
 -  Central Subdistrict
 -  Core Subdistrict
 -  South Subdistrict

RESOLUTION NO. - 2011

RESOLUTION OF THE YONKERS CITY COUNCIL AUTHORIZING THE ISSUANCE OF A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE AMENDMENT OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO THE SOUTH BROADWAY DISTRICT.

BY:

WHEREAS, there is pending before the Yonkers City Council an ordinance for the amendment of the Zoning Code of the City of Yonkers, specifically the addition of a new § 43-47 entitled "South Broadway District"; and

WHEREAS, the City Council has determined that the proposed amendment of the Zoning Code is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, an Environmental Assessment Form has been prepared to assist the City Council in complying with its responsibilities under SEQRA; and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if the proposed action will have a significant impact upon the environment.

NOW THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon it's review of the Environmental Assessment Form and for the reasons set forth in said Environmental Assessment Form, it is determined that there will be no adverse impact on the environment from the proposed amendment of the Zoning Code of the City of Yonkers regarding the South Broadway District; and,

BE IT FURTHER RESOLVED, that the City Council President is authorized and directed to sign the Determination of Significance on the Environmental Assessment Form, on behalf of the City Council pursuant to Article 8 of the Environmental Conservation Law, indicating that the proposed action will not result in any significant adverse environmental impacts and to immediately transmit same to be filed and made available pursuant to the requirements of 6 NYCRR Part 617; and,

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