

## ARTICLE XXXI

**Planned Design District Overlay Zones****[Added 11-5-2020 by L.L. No. 13-2020; amended 12-28-2021 by L.L. No. 1-2022]****§ 300-248. Purpose and intent.**

- A. It is found and determined that there is a need throughout the Town of Yorktown to encourage and establish further economic development. To stimulate that growth and provide for revitalization, the Town requires the use of smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns. Specifically, the Town needs flexibility in land uses which bolster economic development by providing not only a diverse array of commercial businesses, but mixed-use residential and commercial parcels to both provide abundant job opportunities and contribute to the local tax base.
- B. This article regulates the location, design, occupancy, and use of structures and the use of land within the areas known as the "Planned Design District Overlay Zones" (hereinafter "PDDOZ") within the Town of Yorktown. The primary purpose of this article is to institute a legally enforceable zoning code for each unique Planned Design District ("PDD") adopted herein or prospectively, based upon and in furtherance of the goals established by Chapter 4 of the Town of Yorktown Comprehensive Plan adopted on July 15, 2010 (hereinafter "the Comprehensive Plan") and as hereinafter amended. The applicability of the provisions of this article shall only apply to the specific overlay zones duly adopted and set forth herein and to those properties within said zones that the Town Board has determined granting the flexibility allowed by the Planned Design District will result in a significantly better site plan that still protects the health, safety, and welfare of Yorktown's businesses and residents.
- C. This article is intended to promote the health, safety and general welfare of the Town by creating a holistic and comprehensive economic development strategy that utilizes the principles of social, economic, and environmental responsibility to encourage the economic development within a mixed-use setting. This article is intended to create an opportunity for a more economically successful and environmentally responsible Town by enabling a hamlet with a more harmonious and pedestrian-oriented public realm than can be achieved under the regulations in the underlying zoning in effect at the time of adoption of this article. Specifically, this article will promote complete streets approach and practices as one of many mechanisms to fulfill the purpose and intention herein.
- D. It is also the intent of this article to further the economic development goals of the Town's Comprehensive Plan to invigorate the hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create a special sense of place. The intent of the overlay zones is to promote flexibility in design, allowed uses, and bulk requirements to make infill and redevelopment of the hamlets both desirable for residents and economically feasible for investors. It is also the intent of this article to provide for suitable mixed-use developments within the PDDs, blending the surrounding commercial and residential zones.
- E. This article will assist in achieving preservation and retention of the remaining historic and architecturally significant buildings and encourage the renovation and construction of other buildings consistent with architectural designs of buildings constructed during the early history of the Town.

**§ 300-249. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**FAR (FLOOR AREA RATIO)** — As defined in § 300-3, Definitions; word usage.

**INCENTIVE** — A zoning benefit that is granted, pursuant to § 261-b of the Town Law, to adjust provisions of Chapter 300, Zoning, of the Town Code of the Town of Yorktown for the purpose of bringing about revitalization in a Planned Design District.

**LIVE-WORK UNIT/SPACE (LIVE-WORK UNIT or LIVE-WORK SPACE)** — A building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. The residential space must be occupied by the owner of the commercial business to which it is accessory.

**MIXED-USE BUILDING** — A building that houses varied uses normally segregated from one another by zoning classification within the Yorktown Zoning Code such as residential uses and retail uses, but not limited thereto.

**PLANNED DESIGN DISTRICT** — For the purposes of this chapter, an independent zoning district identified by the Town Board as ideal to promote development in accordance with the Comprehensive Plan, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a set of criteria and smart-growth techniques as established by the Town Board herein.

**UNIQUE BUILDINGS** — Existing buildings that should be retained because of their distinctive cultural, architectural, or historical references to the Town's history as decided by the Town Board and listed herein.

**§ 300-250. Applicability.**

- A. The provisions of this article XXXI shall apply to all parcels, lots or properties lying within each Planned Design District and may be applied to new development, redevelopment, exterior alterations, changes of use, site plan alteration, commercial signs and exterior lighting within the Planned Design District Overlay Zones.
- B. When the provisions of this chapter are applied by the Planning Board, in any Planned Design District, no buildings or premises shall be used, and no buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses herein cited in §§ 300-255 through 300-259, or the underlying zoning, provided that a site plan of development in accordance with Chapter 195 of the Yorktown Town Code is approved by the Planning Board, after public notice and hearing, as being in conformity with this chapter.

**§ 300-251. Authorization to approve plans; procedures.**

- A. Authorization is hereby granted to the Planning Board of the Town of Yorktown, as herein set forth, to simultaneously, with the approval of a site plan or subdivision map, pursuant with this article, modify applicable provisions of Chapter 300 subject to the conditions set forth in this article and such other reasonable conditions as the Town Board of the Town of Yorktown may, in its discretion, add thereto.
- B. An applicant desiring to use the standards set forth in this article shall file with the Town Board a written request for authorization for consideration and review under the overlay district, which shall

§ 300-251 include a detailed statement setting forth the nature of modifications, changes or supplementation of existing underlying zoning provisions and the reasons in support of those changes or modifications. Said statement shall include the manner in which such modifications, changes or supplementations of existing zoning provisions will benefit the Town and will further the economic development, public health, safety, or welfare of the community. The applicant shall also file plans and other drawings, sketches, or renderings necessary to understand and consider the proposed project. The Town Board shall consider the request and evaluate the project for such authorization. The Town Board, at its discretion, may refer the request, plans, and other documentation to other boards, departments or agencies for comment and recommendation. The Town Board may hold a public hearing in accordance with Chapter 205 of the Town Code.

- (1) The Town Board may authorize the project via resolution for review under the overlay district after considering the following factors:
    - (a) Whether the project is consistent with the general goals of the Comprehensive Plan;
    - (b) Whether the project will likely be detrimental to the character of its immediate neighboring properties, or the district and Town at large;
    - (c) Whether the scope of the project will likely cause operational difficulties on the site that have potential to negatively affect the health, safety, and welfare of the public;
    - (d) Whether the Town's infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated;
    - (e) Whether the project will eliminate a blight or potential blight within the district;
    - (f) Whether the project is consistent with the goals and intent of the overlay district;
    - (g) Whether the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth therein;
    - (h) Whether the project is likely to contribute to the economic development of the district and the Town at large.
  - (2) Any such resolution shall contain a reasoned elaboration of the potential application of the overlay district to the proposed site based on the above considerations, including whether some of the considerations are relevant to the project. The Town Board may attach thereto any conditions that may be desirable to maintain the highest standards that are represented by the intent and goals of the overlay district regulations. Projects that are authorized by the Town Board shall be referred, together with the authorizing resolution, to the Planning Board for site plan review and approval.
- C. Once a project has been authorized for review and approval under this article by the Town Board, the applicant shall file with the Planning Board the application and plans required for site plan or subdivision review and approval as set forth in Chapter 195, Land Development. The Town of Yorktown signage ordinance manual shall govern all matters relating to signs within each overlay zone. Such application and plans shall have clearly marked upon their face that said plan is for development in accordance with the standards of this article. The applicant may be required, at various stages of the planning process, to further justify his request to use the standards and procedures set forth herein.
- D. The recreation requirements as set forth within this chapter and the Town of Yorktown Town Code

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shall remain applicable to the provisions of this article.

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**§ 300-252. Conflicting provisions.**

In the event that any provisions of this article shall be inconsistent or in conflict with the other provisions of this chapter, then the provisions of this article shall prevail and be complied with.

**§ 300-253. Development incentives.**

The following list of development incentives may be applied by the Planning Board to any project filed under this article. In the event the Applicant includes green-building standards as recognized by the United States Green Building Council ("USGBC") and the recognized Leadership in Energy and Environmental Design ("LEED") standards, the Applicant will be granted priority in approval and shall not be limited in its requests for any and all of the incentives set forth below. In addition, an Applicant bringing forth a proposal that would qualify for LEED certification (though no certification is required) shall be entitled to propose additional incentives, not listed below, to be considered as part of the site plan approval process under this article. The incentives adopted herein are as follows:

- A. Priority of application review and agenda placement.
- B. Enhanced staff guidance, including additional staff meetings, throughout the approval process.
- C. Relief from area and bulk requirements, parking requirements upon demonstration of proximity to downtown pedestrian access and public transportation, or a social, cultural or economic need or benefit.
- D. In the event an Applicant agrees to make infrastructure improvements that benefit the Town to an extent greater than what is required by the conditions of this article, the Planning Board may grant incentives in relation to density, area and bulk requirements and including parking relief.
- E. In the event an Applicant provides real-property or rentable square footage to the Town, the Planning Board may grant incentives in relation to density, area and bulk requirements and including parking relief.

**§ 300-254. Flexibility standards; area and bulk requirements.**

- A. The Planning Board, in considering an application for site plan or subdivision approval within any Planned Design District Overlay Zone, shall be guided by but shall not be strictly bound by the considerations and standards within the underlying zone in which a proposed project exists, as amended, and as applicable to each Planned Design District, upon which the Planning Board shall be the approval authority as set forth herein. In general, these standards shall be deemed to be the minimum requirements for the convenience, economic benefit, health, safety and welfare of the Town and in compliance with the Comprehensive Plan.
- B. In the course of project site plan review, as required by this article and SEQRA, the Planning Board may, pursuant to its stated purposes, vary the zoning requirements as to open space requirements, lot area, lot frontage, side yard requirements, front and rear yard requirements, maximum allowable coverage, parking regulations, building heights, floor area ratios, unit density per acre, off-street parking and loading spaces, and all bulk regulations in connection with a specific plan of development on a specific parcel of land in any Planned Design District, and other matters related to the siting and construction of improvements listed in the Schedule of Regulations, provided that the Planning Board shall determine that such variations are in the public interest and necessary in order

§ 300-254 to foster high-quality development and redevelopment, are in compliance with the general purpose and intent of this chapter, and will ensure compatibility with uses on adjoining properties. In no case shall the variation of any requirement be greater than 60% of said requirement, unless otherwise stated in §§ 300-255 through 300-259. Such variations shall apply only to the particular site plan and proposals thereon which are under review and shall not apply to the maximum FAR. § 300-255

C. The Planning Board may adjust the regulations and reduce the procedural requirements in accordance with this section to implement the intent and purpose of this article so that the public interest is secured, provided that any such adjustment or procedural modification will not have the effect of nullifying the spirit and intent of this article.

**§ 300-255. Yorktown Heights Planned Design District Overlay Zone.**

A. Purpose and intent. The Yorktown Heights Planned Design District consists of the parcels and rights-of-way within the boundary as shown on the zoning map of the Town of Yorktown.<sup>1</sup> This area was once the center of commerce in the Town, was redeveloped during urban renewal to accommodate automobile-centered life with many large commercial buildings and large paved parking areas. Many of these buildings are now vacant as lifestyles and buying habits transition to digital consumerism making this area ripe for other types of redevelopment. The intent of this overlay zone is to encourage a walkable hamlet-style development that is both a commercial and community center that better serves the needs of its residents and surrounding neighborhoods. Further, the Town Board notes that the Yorktown Heights hamlet supports several developments such as the Underhill Apartments, the Kear Street Apartments and the Beaver Ridge Apartments, which were built with densities exceeding the multifamily R-3 zoning district regulations, and these developments do not exhibit adverse impacts related to their density. The Yorktown Heights hamlet business center is able to support appropriate density above that shown in the R-3 zone. It is the intent of this article to promote development of appropriate densities that will support the downtown, promote economic development, and increase housing types within the Town, while also improving the walkability and quality of open spaces. Specifically, the following objectives are encouraged:

- (1) Phase out of incompatible, nonconforming uses and signs.
- (2) Construction of attractive building facades along Commerce Street, Downing Drive, Veterans Road, Kear Street, and Underhill Avenue with off-street rear parking lots.
- (3) Transportation design that emphasizes Complete Street design methods and practices and that includes the pedestrian and bicycle experience to encourage users of the North County Trailway, connected Town trailways, and the disabled to be able to move through the overlay zone safely.
- (4) Creation of off-street parking lots for shared parking between adjoining and neighboring principal uses.
- (5) Application of enhanced street access, building design, off-street parking, landscaping and buffering controls by the Planning Board to enhance the physical appearance of properties in the Yorktown Heights Planned Design District Overlay Zone.
- (6) Development of multifamily residential uses not to exceed three stories, unless otherwise stated herein.

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1. Editor's Note: Said map is included as an attachment to this chapter.

§ 300-255 (7) Creation of mixed-use space that includes live-work space or professional office use in a residence pursuant to § 300-76. § 300-255

B. Permitted main uses.

- (1) The same main uses permitted in the underlying zone in which the subject property lies.
- (2) Mixed-use development.
- (3) Multifamily and townhouse-style residential development.
- (4) Live-work unit developments.
- (5) Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments, including the grooming of house pets, except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing.
- (6) Government buildings and uses.
- (7) Community-based uses for senior citizens.

C. Permitted uses by special permit.

- (1) The same special uses permitted by the underlying zone in which the subject property lies.
- (2) Boutique hotels in accordance with the regulations set forth in § 300-52.

D. Permitted accessory uses.

- (1) The same permitted accessory uses allowed in the underlying zone in which the subject property lies.
- (2) Signs as approved on the site plan.
- (3) Outdoor public gathering places.

E. Permitted accessory uses by special permit.

- (1) The same permitted accessory uses by special permit allowed in the underlying zone in which the subject property lies.
- (2) Outdoor dining and sidewalk cafes pursuant to § 300-80.

F. Area and bulk requirements. The area and bulk regulations for the Yorktown Heights Planned Design District Overlay Zone shall comply as follows:

- (1) Any project within a planned design district overlay zone and authorized by the Town Board to be considered under the regulations set forth herein shall remain subject to the discretion of the Planning Board set forth in §§ 300-253 and 300-254 to modify the requirements due to the special circumstances of a particular project. The discretion granted in § 300-253 and § 300-254 is subject to the following requirements:
  - (a) Area and bulk requirements shall be as set forth in the underlying zone and subject to variations and limitations as set forth herein. For residential or mixed-use residential

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projects, the Planning Board may be guided by the area and bulk requirements of the R-3 multifamily zone and may apply variations to those requirements within the limitations set forth herein.

- (b) FAR shall be allowed up to, but may not exceed, 0.55;
- (c) Maximum height of building shall be as set forth in the underlying zone subject to variation of up to 25% and may not exceed three stories. Enclosed space may be allowed at roof level which may not exceed 50% of the area of the roof.
- (d) Maximum height may be increased to 52 feet and a maximum of four stories, provided that the lot on which a project is proposed is a single contiguous lot that is a minimum of 10 acres in size.

(2) (Reserved)

(3) (Reserved)

G. Design requirements. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed-use buildings in the Yorktown Heights Planned Design District Overlay Zone:

(1) Architectural designs. All applicants shall adhere to the following guidelines for design standards of any renovation or new construction on a property within the Yorktown Heights Planned Design District:

- (a) Exterior renovations or additions to historic buildings shall make every effort to restore the original appearance to the exterior of the building, with modifications only as approved.
- (b) Acceptable architectural forms will include Colonial, Federal, Georgian, and Victorian styles. Exact duplicates of historic buildings are not required; however, designs should reflect a sense of historical styles at an appropriate scale.
- (c) Appropriate use of sheathing (exterior covering) and decorative details. All new construction will be in brick or wood, unless it is demonstrated to the Advisory Board on Architecture and Community Appearance that some other material may be more appropriate given extenuating circumstances of the project, such as an addition on an existing building. Modern sheathing techniques may be used as long as the overall appearance conveys use of traditional building materials.
- (d) The following materials are not preferred for use in the Yorktown Heights Planned Design District:

[1] Prefabricated metal siding, typical of manufactured commercial buildings.

[2] Dryvit-faced buildings or similar stucco-type surfaces.

[3] Prefabricated-rock-aggregate-faced buildings.

[4] Concrete-block-faced buildings.

[5] Tilt-up concrete panels.

[6] Ribbon glass, tinted glass panels as sheathing, or tinted glass windows, windows that

appear to be frameless.

- (e) Unique buildings. All applicants for renovation of a unique building or new construction on a property on which exists a unique building within the Yorktown Heights Planned Design District shall be required to submit plans that respect the precedents and styles that relate to the early history of the Town. All plans must be in keeping with these guidelines for:
- [1] Existing unique buildings. For any proposal that includes an existing unique building, whether to be modified or not, the applicant shall provide information concerning the original design of the building and the modifications that have taken place to the building. Every effort shall be made to restore the original appearance of the exterior of the building, with modifications only as considered appropriate by the Advisory Board on Architecture and Community Appearance and the Heritage Preservation Commission, should the unique building be a designated landmark.
  - [2] Design elements. All proposed improvements to buildings shall be evaluated by the Advisory Board on Architecture and Community Appearance for the appropriateness of the improvement in terms of the following design elements:
    - [a] Overall design and cohesiveness;
    - [b] Appropriate use of exterior sheathing and decorative details;
    - [c] Window and door configuration; and
    - [d] Setbacks and parking areas and site plan considerations.
- (2) Signage. The following types of signs shall be preferred in the Yorktown Heights Planned Design District Overlay Zone as outlined in the Town of Yorktown signage ordinance manual.
- (a) Sign designs should utilize historically referenced styles, colors, and materials to create attractive, functional, legible signs that can further enhance the Town's character.
  - (b) Freestanding signs should be monument signs. Using brick piers or bases with uplighting is encouraged.
  - (c) Building sign designs should enhance and accent the architecture and character of the building. Signs should not block or dominate the building facade.
  - (d) Building signs, painted wood signs or awning signs that are coordinated with the style, shape, color, and scale of the building are preferable to internally lit box signs.
- (3) Site planning and design. Every effort shall be made to maintain and encourage designs and layouts that enhance the pedestrian experience of the Town within the Yorktown Heights Planned Design District Overlay Zone:
- (a) Loading docks, overhead doors, and other service entries shall be screened and not be located facing primary street facades.
  - (b) Applicants shall be encouraged to contribute to the public spaces. Lighting fixtures and street furniture installed along public rights-of-way shall match the Yorktown Heights streetscape design plan to visually link the overlay zone.
  - (c) Landscaping. Landscaping shall be provided to create attractive facades and screen views



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of parking, loading, and refuse areas from the property frontage and from residential uses.

- (d) Parking shall not be located in the front yard unless this requirement is waived by the Planning Board due to the special circumstances of a particular site.
- (e) Shared parking and conservation parking spaces shall be encouraged wherever possible to reduce unnecessary underutilized parking areas.
- (f) Sidewalks. All sidewalks shall be properly maintained in accordance with Town regulations. All new property developments and redevelopments must provide sidewalks along any property lines that front on public streets, unless this requirement is waived by the Planning Board due to the special circumstances of a particular site. Internal sidewalks will be provided as deemed appropriate by the Planning Board.

H. Access to site; off-street parking.

- (1) The required parking for residential units is 1.5 parking spaces per dwelling unless modified by the Planning Board.
- (2) The required parking for commercial uses shall be as required by § 300-182 unless modified by the Planning Board due to special circumstances of a particular site, including, but not limited to:
  - (a) The use of shared parking between different uses on the same site and/or shared parking between adjacent properties.
  - (b) The use of conservation parking spaces.
  - (c) The availability of on-street parking or public parking within close proximity to the site.
  - (d) Variation in the probable time of maximum use of differing uses on the same site.

I. Recreation. The required recreation for multifamily units built within mixed-use development projects shall be as required in the R-3 zone except that the Planning Board may modify this requirement due to special circumstances of a particular site and the proximity of the site to nearby public recreation.

J. Plan of development. No building permit or certificate of occupancy for any building designed for multifamily mixed-use residential developments, townhouse-style residential developments, stores or shops for the conduct of retail business, or professional and business office developments within the Yorktown Heights Planned Design District Overlay Zone shall be issued, except in accordance with a plan of development or amendment thereof approved by the Planning Board, and after said approved plan of development, signed and certified by the Chairperson of the Planning Board, is issued and filed in the records of the Town.

K. Official submission and review of plan. The Planning Board shall take action within 62 days of the submission to it of the plan of development. The site plan shall be considered officially submitted only when all the required surveys, plans and data in accordance with the requirements of Chapter 195, Land Development, described in the above sections have been checked for completeness by the Town Engineer and Director of Planning and filed with the Planning Board.

L. Unique buildings. The Town Board acknowledges that there are unique buildings holding historical value within the Town, and the Board may, in its discretion, designate a building as a unique building upon under its own incentive or referral by the Advisory Board on Architecture and Community

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Appearance. Modifications necessary to accommodate a new use will be permitted; however, it is the intention to require that all project plans retain original features of the buildings, including window type and configuration, front entries, storefronts (if applicable), and identifying decorative details, including those that provide a historical reference to the original use of the building. This provision shall be in addition to the requirements of Chapter 198, Heritage Preservation, should a unique building be a designated landmark.

The Town Board hereby designates the following buildings in this Yorktown Heights Planned Design District as unique buildings:

- (1) 322 Underhill Avenue (Spadaccia Insurance building, now Westchester Health).
  - c. 1890. Wood shingle residence converted to offices. Large center chimney (parged); projecting pedimented gable over second floor bay window; rear one-story ell; three front gable dormers.
- (2) 360 Underhill Avenue: Former home of Edward Kear, aka The Grace Building.
  - c. 1890. This onetime home of Edward Kear, who served as Town Supervisor for 13 years, is one of the last of the grand Victorian homes that were built around the Town center that the railroad established in the late 19th century, and in January of 2017 was named a Home of Historic Distinction by the Yorktown Landmarks Preservation Commission.
- (3) 363 Underhill Avenue: Town Hall.

Yorktown's Town Hall was built in 1935 at the corner of Underhill Avenue and Saw Mill River Road (Route 118) during the administration of Supervisor Theodore Hill. The Police Department and the Town Court, once housed here, were moved at different times to other facilities. Additional wings were built on either side of the original building in the mid- to late-1950s. The building is Colonial Revival style with brick-faced concrete walls and a slate roof.
- (4) 366 Underhill Avenue: Coldwell Banker building.
  - c. 1890. Gothic Revival. Brick center chimney; gabled side ell; Doric columns on front porch; bay window on first-floor front facade; one-story hipped extension front on left rear corner.
- (5) 370 Underhill Avenue: Captain Underhill House.

Completed in 1881, the Captain Underhill Manor and Estate. The estate was most recently used by the Soundview Preparatory private school. Prior to the school, the farmhouse was used by the Gilbert Beaver conference center.
- (6) 1803 Commerce Street (Dubovsky).
  - c. 1870. two-bay storefront (four bays deep) addition with two sets of triple windows, flat roof (now vacant); house re-sided with metal.
- (7) 1807 Commerce Street (Trailside Cafe).
  - c. 1870. Colonial Revival storefront addition c. 1950; stucco; parapet wall has been covered with vinyl; upper windows on storefront replaced.
- (8) 1811 Commerce Street (Wishes).

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c. 1930. Tudor Revival. One-half timbering with half circle design on front attic level; wood shingle pent over storefront windows; side ell for stairway to second floor apartments; fully exposed brick side wall chimney; one-story rear ell; sunburst pattern in side gable peak and on front of side ell stairwell.

(9) 1826 Commerce Street: Yorktown Heights Railroad Station.

The Yorktown Heights Railroad Station was built around 1878 as part of the Old Putnam Line of the New York & Northern Railroad. By 1914, the New York Central Railroad and its Putnam Division operated the line from High Bridge to Brewster. The last passenger train ran on the Old Put line on Thursday, May 29, 1958, and the last freight movement picked up an empty box car at Creed Brothers lumber yard in Yorktown Heights on September 17, 1962. By spring of 1963, the rails were removed. Since that time, the abandoned railroad bed was sold to New York State, and the station building was acquired by the Town's urban renewal agency. The station building has been designated a local (1976), state (1981), and federal (1981) landmark. The station became the center of Railroad Park and has gone through several refurbishment attempts. A complete restoration of the building was finally completed in July of 2020. The station building is the last remaining building of its unique design on the Old Putnam Line.

(10) 1932 Commerce Street: Conciatori Building/Emilio's Castle aka Starbucks Coffee.

c. 1920. Small side ell, left c. 2000. False brick endwall chimneys; granite block door and window surrounds; rear extension that once housed service station stalls.

(11) 1952 Commerce Street (former Mulvey Realty, corner of Commerce and Veterans).

c. 1920. Last remaining wood Victorian-era home along Commerce Street.

(12) 1974 Commerce Street: Albert A. Capellini Community and Cultural Center.

Although not within the planned design district boundaries, the former Central School District No. 2 building is a Town designated landmark that is a significant part of the fabric of Yorktown Heights. Originally built in 1923, the school district added a north wing in 1927, and a south wing and gymnasium was added in 1935. The auditorium/theater was completed in the rear of the school between 1954 and 1955. In 1975 the school was closed due to declining enrollments and new schools built in other parts of the community. In July of 1980, the Town acquired the old school building to use for several Town offices and a community center. In 2019, the Town designated the building as a local landmark. The structure has exterior walls of masonry, terracotta block and brick facing, with plaster interior finish.

**§ 300-256. Lake Osceola Planned Design District Overlay Zone.**

A. Purpose and intent. The Lake Osceola Development Design District shall consist of the parcels and rights-of-way within the boundary shown on the map set forth here as Attachment 6.<sup>2</sup> The purpose of this section shall be to implement the goals of this article and to promote and ensure that the Jefferson Valley Mall remains a viable economic engine and center of retail and restaurant activity while enhancing the recreational and tourism activities and opportunities provided by the lakefront. The Jefferson Valley Mall has been a major regional shopping destination, and this article and specifically this overlay zone will facilitate the region's continued success. Additionally, while providing for the continued health of the Mall, this section shall also offer incentives for the

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2. Editor's Note: Said map is included as an attachment to this chapter.

§ 300-256 transformation of Hill Boulevard into a walkable main-street attraction by expanding public transportation options and opening increased access to the recreational and tourism opportunities offered by the lakefront. The consistent goals of this article are to strengthen the economic health of the hamlets within the Town. § 300-256

B. Permitted main uses.

- (1) The same main uses permitted in the underlying zone in which the subject property lies.
- (2) The same main uses permitted in the CR (Commercial Recreation) zone.
- (3) Mixed-use development.
- (4) Multifamily residential development.
- (5) Live-work unit developments.
- (6) Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments, including the grooming of house pets, except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing.

C. Permitted main uses by special permit.

- (1) The same special uses permitted by the underlying zone in which the subject property lies.

D. Permitted accessory uses.

- (1) The same permitted accessory uses allowed in the underlying zone in which the subject property lies.
- (2) Signs as approved on the site plan.
- (3) Outdoor public gathering places.

E. Permitted accessory uses by special permit.

- (1) The same permitted accessory uses by special permit allowed in the underlying zone in which the subject property lies.

F. Area and bulk requirements. The area and bulk regulations for the Lake Osceola Planned Design District Overlay Zone shall comply as follows:

- (1) Any project within a planned design district overlay zone and authorized by the Town Board to be considered under the regulations set forth herein shall remain subject to the discretion of the Planning Board set forth in §§ 300-253 and 300-254 to modify the requirements due to the special circumstances of a particular project. The discretion granted in §§ 300-253 and 300-254 is subject to the following requirements:
  - (a) Area and bulk requirements shall be as set forth in the underlying zone and subject to variations and limitations as set forth herein. For multifamily residential or mixed-use residential projects, the Planning Board may be guided by the area and bulk requirements of the R-3 multifamily zone and may apply variations to those requirements within the limitations set forth herein.

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- (b) FAR shall be allowed up to, but may not exceed, 0.55;
- (c) Maximum height of building shall be as set forth in the underlying zone subject to variation of up to 25% and may not exceed three stories.

G. Design requirements. In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed-use buildings in the Lake Osceola Planned Design District Overlay Zone:

- (1) Architectural designs. All applicants shall adhere to the following guidelines for design standards of any renovation or new construction on a property within the Lake Osceola Planned Design District:
  - (a) Exterior renovations or additions to historic buildings shall make every effort to restore the original appearance to the exterior of the building, with modifications only as approved.
  - (b) Acceptable architectural forms will include Colonial, Federal, Georgian, and Victorian styles. Exact duplicates of historic buildings are not required; however, designs should reflect a sense of historical styles at an appropriate scale.
  - (c) Appropriate use of sheathing (exterior covering) and decorative details. All new construction will be in brick or wood, unless it is demonstrated to the Advisory Board on Architecture and Community Appearance that some other material may be more appropriate given extenuating circumstances of the project, such as an addition on an existing building. Modern sheathing techniques may be used as long as the overall appearance conveys use of traditional building materials.
  - (d) The following materials are not preferred for use in the Lake Osceola Planned Design District:
    - [1] Prefabricated metal siding, typical of manufactured commercial buildings.
    - [2] Dryvit-faced buildings or similar stucco-type surfaces.
    - [3] Prefabricated-rock-aggregate-faced buildings.
    - [4] Concrete-block-faced buildings.
    - [5] Tilt-up concrete panels.
    - [6] Ribbon glass, tinted glass panels as sheathing, or tinted glass windows, windows that appear to be frameless.
  - (e) Unique buildings. All applicants for renovation of a unique building or new construction on a property on which exists a unique building within the Jefferson Valley Planned Design District shall be required to submit plans that respect the precedents and styles that relate to the early history of the Town. All plans must be in keeping with these guidelines for:
    - [1] Existing unique buildings. For any proposal that includes an existing unique building, whether to be modified or not, the applicant shall provide information concerning the original design of the building and the modifications that have taken place to the building. Every effort shall be made to restore the original appearance of the exterior

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of the building, with modifications only as considered appropriate by the <sup>§ 300-256</sup> Advisory Board on Architecture and Community Appearance and the Heritage Preservation Commission, should the unique building be a designated landmark.

- [2] Design elements. All proposed improvements to buildings shall be evaluated by the Advisory Board on Architecture and Community Appearance for the appropriateness of the improvement in terms of the following design elements:
- [a] Overall design and cohesiveness;
  - [b] Appropriate use of exterior sheathing and decorative details;
  - [c] Window and door configuration; and
  - [d] Setbacks and parking areas and site plan considerations.
- (2) Signage. Sign requirements shall be as required by the underlying zone. The following types of signs shall be preferred in the Lake Osceola Planned Design District Overlay Zone as outlined in the Town of Yorktown signage ordinance manual.
- (a) Sign designs should utilize historically referenced styles, colors, and materials to create attractive, functional, legible signs that can further enhance the Town's character.
  - (b) Freestanding signs should be monument signs. Using brick piers or bases with uplighting is encouraged.
  - (c) Building sign designs should enhance and accent the architecture and character of the building. Signs should not block or dominate the building facade.
  - (d) Building signs, painted wood signs or awning signs that are coordinated with the style, shape, color, and scale of the building are preferable to internally lit box signs.
- (3) Site planning and design. Every effort shall be made to maintain and encourage designs and layouts that enhance the pedestrian experience and experience of Lake Osceola, including enhancing views, providing public gathering spaces, and public use of the lake:
- (a) Development shall attempt to offer amenities that include use of or enhanced views of the lake. Lakefront properties should be encouraged to participate in a boardwalk or pedestrian walkway system when feasible.
  - (b) Loading docks, overhead doors, and other service entries shall be screened and not be located facing primary street facades.
  - (c) Applicants shall be encouraged to contribute to the public spaces. Lighting fixtures and street furniture installed along public rights-of-way shall match to visually link the overlay zone.
  - (d) Landscaping. Landscaping shall be provided to create attractive facades and screen views of parking, loading, and refuse areas from the property frontage and from residential uses.
  - (e) Parking shall not be located in the front yard unless this requirement is waived by the Planning Board due to the special circumstances of a particular site.
  - (f) Shared parking and conservation parking spaces shall be encouraged wherever possible to reduce unnecessary underutilized parking areas.

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- (g) Sidewalks. All sidewalks shall be properly maintained in accordance with Town regulations. All new property developments and redevelopments must provide sidewalks along any property lines that front on public streets, unless this requirement is waived by the Planning Board due to the special circumstances of a particular site. Internal sidewalks will be provided as deemed appropriate by the Planning Board.

H. Access to site; off-street parking.

- (1) The required parking for residential units is 1.5 parking spaces per dwelling unless modified by the Planning Board.
- (2) The required parking for commercial uses shall be as required by § 300-182 unless modified by the Planning Board due to special circumstances of a particular site, including, but not limited to:
- (a) The use of shared parking between different uses on the same site and/or shared parking between adjacent properties.
- (b) The use of conservation parking spaces.
- (c) The availability of on-street parking or public parking within close proximity to the site.
- (d) Variation in the probable time of maximum use of differing uses on the same site.

I. Recreation. The required recreation for multifamily units built within mixed-use development projects shall be as required in the R-3 zone except that the Planning Board may modify this requirement due to special circumstances of a particular site and the proximity of the site to nearby public recreation.

J. Plan of development. No building permit or certificate of occupancy for any building designed for multifamily mixed-use residential developments, townhouse-style residential developments, stores or shops for the conduct of retail business, or professional and business office developments within the Jefferson Valley Planned Design District Overlay Zone shall be issued, except in accordance with a plan of development or amendment thereof approved by the Planning Board, and after said approved plan of development, signed and certified by the Chairperson of the Planning Board is issued and filed with the Town Clerk in the records of the Town.

K. Official submission and review of plan. The Planning Board shall take action within 62 days of the submission to it of the plan of development. The site plan shall be considered officially submitted only when all the required surveys, plans and data in accordance with the requirements of Chapter 195, Land Development, described in the above sections have been checked for completeness by the Town Engineer and Director of Planning and filed with the Planning Board.

L. Unique buildings. The Town Board acknowledges that there are unique buildings holding historical value within the Town and the Town Board may, in its discretion, designate a building as a unique building under its own incentive or upon referral by the Advisory Board on Architecture and Community Appearance. Modifications necessary to accommodate a new use will be permitted; however, it is the intention to require that all project plans retain original features of the buildings, including window type and configuration, front entries, storefronts (if applicable), and identifying decorative details, including those that provide a historical reference to the original use of the building. This provision shall be in addition to the requirements of Chapter 198, Heritage Preservation, should a unique building be a designated landmark.

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The Town Board hereby designates the following buildings in this Jefferson Valley Planned Design District as unique buildings:

(1) 466 East Main Street.

A gothic-revival-style, wood-frame structure built in 1861 and once known as "Bailey's Lodge."

(2) 3642 Hill Boulevard, Lourdes Building.

Built in 1975, the shopping center with large mansard roof is part of the unique character of the Jefferson Valley hamlet.

**§ 300-257. through § 300-261. (Reserved)**