

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, ZONING
RE: HOURS OF OPERATION-COLLEGE DISTRICT
WITHIN NORTH AVENUE (NA) ZONE

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 237-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on Tuesday, December 5, 2017, at 7:00 P. M., in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on a proposed amendment to the City's Zoning Code, Chapter 331, as follows:

ORDINANCE PROPOSED ORDINANCE AMENDING SECTION 331-4, SPECIFIC TERMS DEFINED, SECTION 331-54.1, NORTH AVENUE ZONE, SECTION 331- 87, APPROVING AGENCIES, AND ADDING SECTION 331-113.11, SPECIAL PERMIT USES – RESTAURANTS WITH EXTENDED HOURS IN THE NORTH AVENUE COLLEGE DISTRICT, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE (NORTH AVENUE COLLEGE DISTRICT).

WHEREAS, the City provides a definition for extended hours of operation for businesses in commercial districts, which includes further restrictions for businesses within the North Avenue College District; and

WHEREAS, as set forth in the definition of the North Avenue College District, restaurants applying for extended hours in this zone are required to submit a special permit application for review and approval by the Planning Board; and

WHEREAS, as special permit approval is already required, it is recommended that the Planning Board review individual applications and set hours of operation as appropriate, which requires an amendment to the Code; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-4, Specific Terms Defined, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-4. Specific terms defined.

EXTENDED HOURS

The hours of 11:00 p.m. to 6:00 a.m. [in the North Avenue College District, the hours for restaurants shall be permitted to be extended until 1:00 a.m. on Thursday, Friday and Saturday nights only when the establishment does not serve alcohol and the occupancy is 49 persons or fewer.]

Section 2. Section 331-54.1, North Avenue Zone, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-54.1. North Avenue Zone.

A. Permitted principal uses.

(7) Restaurants (except as regulated in § 331-54.1C).

C. Uses allowed by special permit.

(12) Restaurants with extended hours of operation as per § 331-113.11.

Section 3. Section 331-87, Approving Agencies of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-87. Approving agencies.

B. Planning Board

(ee) Restaurants with extended hours in the North Avenue College District as regulated by § 331-113.11.

Section 4. Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended by adding the following:

§ 331-113.11. Special Permit Uses – Restaurants with Extended Hours in the North Avenue College District.

The Planning Board may approve restaurants with extended hours in the North Avenue College District subject to the following:

- A. The hours of operation shall be set by the Planning Board.
- B. The hours that alcohol may be served shall be set by the Planning Board.
- C. The operation of outdoor dining shall be reviewed and approved by the Planning Board.

Matter [bracketed] deleted.

Matter underlined added.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated November 14, 2017, pursuant to Resolution No. 210.

BENNIE F. GILES, III, CITY CLERK