

PUBLIC HEARING NOTICE  
PROPOSED AMENDMENT TO ZONING CODE, CHAPTER 331  
RE: WATER VIEW OVERLAY 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 4, 2018, 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 AMENDING SECTION 331-84, WATER VIEW OVERLAY ZONE, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, the Water View Overlay Zone was specifically created to preserve views of Long Island Sound for homeowners within that community; and

WHEREAS, regulating view sheds in an already developed neighborhood with varying street and lot configurations, and various types of existing development and landscaping can be a challenge; and

WHEREAS, from time to time, staff identifies ways that the code can be strengthened to further support the purpose of the zoning; and

WHEREAS, upon further analysis of the Water View Overlay regulations, it has been determined that certain parcels, primarily at the periphery of the zone having front and rear yards that are parallel to the water, could potentially construct additions or other improvements that would be allowed as of right, but may still obstruct a water view; and

WHEREAS, accordingly, zoning language is proposed that would require any improvement that would currently fall under this existing exception in the code to instead file for a special permit with the Planning Board; and

WHEREAS, additionally, the code currently requires new vegetation to not exceed four feet in height, and if this vegetation would not exceed the height of other waterside structures, it would not pose an impact for views; and

WHEREAS, it is recommended that an exception be allowed for vegetation, planted and maintained to not exceed the height of the nearby waterside improvement; now, therefore,

BE IT ORDAINED by the City of New Rochelle:

The Code of the City of New Rochelle, Section 331-84, Water View Overlay Zone, of Chapter 331, Zoning, is hereby amended as follows:

§ 331-84. Water View Overlay Zone.

B. Applicability. Any building permit application to construct a new building; to replace or to expand an existing building; to construct any accessory building; to construct any accessory structure or add equipment onto the roof of a building or structure in the mapped Water View Overlay Zone shall require the prior granting of a special permit by the Planning Board, pursuant to the special permit procedures and standards set forth in §§ 331-88 and 331-89 of this chapter and submission of the proof required under this section, except the following shall not require the granting of a special permit:

- (1) Replacement of a portion or all of an existing building within its existing footprint, exclusive of any unenclosed porches, decks and terraces, as permitted by the underlying zoning, provided none of such replacement creates a height of building in excess of the building's highest roof ridgeline.
- (2) Expansion or replacement of an existing building toward a side lot line, including a side lot line along a street, as permitted by the underlying zoning, which construction does not extend closer to such side lot line than the nearest point of the existing building to such side lot line, provided none of such construction creates a height of building in excess of the building's existing roof ridgeline.
- (3) Expansion or replacement of an existing building toward a front or rear lot line, as permitted by the underlying zoning, provided none of such construction creates a height of building in excess of the building's existing roof ridge line. For buildings or structures with flat roofs building height shall be taken from the top of the rafters of the flat roof or roofs. This exception shall not apply to front or rear yards that are not oriented perpendicular to the water where an improvement would obstruct an otherwise unobstructed view of the water.
- (4) Construction alongside an existing building of an unscreened patio or deck no higher than three feet in height above the existing underlying ground level.
- (5) Construction on an existing or proposed building of an open rooftop deck with Open Railings or illuminated posts no higher than 3 1/2 feet in height above such deck, provided the surface of the deck does not create a height of building in excess of six inches above the building's existing roof ridgeline. No vegetation, barbeques or other cooking equipment shall be allowed on any such open rooftop deck.
- (6) New vegetation planted and maintained so as not to exceed a maximum height of four feet, unless a water view would otherwise be obstructed by other waterside structures on-site, in which case said vegetation shall not exceed the height of the other waterside structure.
- (7) New fencing that does not exceed a maximum height of four feet.

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 13, 2018, pursuant to Resolution No. 222.

MICHELLE OLIVEROS  
CITY CLERK