

REVISED NOTICE
NEW ROCHELLE, NY
PUBLIC HEARING NOTICE
RE: PROPOSED AMENDMENT TO CHAPTER 331,
ZONING CODE – SCHEDULE OF OFF-STREET PARKING,
LOADING SPACE REQUIREMENTS

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a *virtual* Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 239-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, April 13, 2021, at 7:00 P. M.**, in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on the proposed amendment, as follows:

ORDINANCE AMENDING ARTICLE XII, SPECIAL PERMIT USES, SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, AND SECTION 331-87, APPROVING AGENCIES, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE. (Revised)

WHEREAS, all private property land uses are subject to minimum parking and loading space requirements depending on the type and scale of a use; and

WHEREAS, smaller parcels and buildings that were built prior to the proliferation of automobiles, provide an urban form that does not support on-site parking; and

WHEREAS, applying traditional zoning parameters that require on-site parking creates several problems for existing and historic properties, particularly in the downtown; and

WHEREAS, while many buildings and their tenants are grand-fathered, and protected from the current requirements for off-street parking, problems arise if a use becomes vacant and/or abandoned (with either a vacant commercial space, or a completely vacant parcel); and

WHEREAS, in order to occupy these spaces, the site must not provide a use and/or square footage that exceeds what previously existed and would either need to construct on-site parking, or seek a variance; and

WHEREAS, from a design perspective, providing on-site parking is simply problematic and would destroy the urban fabric the City is trying to protect and promote with major impact upon the commercial real estate market; and

WHEREAS, the code limits a property owner's ability to fill space, which contributes to the existence of vacant storefronts, or uses occupying spaces that do not meet a site's full potential; and

WHEREAS, after further studying the current state of the older building stock in the downtown area, staff has identified approximately 300 ground floor commercial spaces within

undersized parcels, ranging from around 400 to 4,000 square feet, where approximately 20% (60 spaces) are currently vacant, and a significant amount are underutilized; and

WHEREAS, under the existing regulations, many of the commercial spaces mentioned above cannot be adaptively reused; and

WHEREAS, it is recommended that the city eliminate parking and loading space requirements for existing commercial spaces with less than 3,000 square feet of gross floor area, and an occupancy that does not exceed 49 people; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. Article XII Special Permit Uses, of the Code of the City of New Rochelle is hereby amending by adding the following:

Section 331-115.5 Off-street parking and loading space requirement reductions.

The Planning Board shall have the authority to approve a special permit for off-street parking and loading space requirement reductions as set forth in Section 331-126D subject to the following:

A. The applicant shall provide a parking plan, which among other things, shall identify nearby opportunities for staff and customer parking, total number of employees, total employees by shift, and hours of operation.

B. The Planning Board shall have the authority to set the hours of operation.

Section 2. Section 331-126, Schedule of off-street parking and loading space requirements, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-126. Schedule of off-street parking and loading space requirements.

D. Effect on existing structures and uses. Structures and uses legally in existence or for which building permits have been issued prior to the effective date of this chapter shall not be subject to the parking or loading space requirements of this chapter, provided that any parking and loading facilities existing or approved to serve such structures or uses shall not in the future be reduced or redesignated to serve other structures or uses, except to the extent that they exceed such requirements. At the time of any enlargement, change or expansion of existing structures or uses in the future, the following requirements shall apply:

(4) The provisions in items § 331-126D(1)-(3), regardless of use, shall not apply to existing commercial spaces with less than [two] three thousand square feet of gross floor area, and an occupancy that does not exceed 49 people. Any applicant seeking reductions pursuant to this section of the code shall satisfy the requirements specified in Section 331-115.5 of the code.

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

§ 331-87. Approving agencies.

B. Planning Board.

(1) The Planning Board shall have authority to approve the following listed special permit uses, in addition to any other specially permitted uses not specifically identified in this section:

(jj) Off-street parking and loading space requirement reductions as regulated by § 331-115.5.

Matter [bracketed] deleted.

Matter underlined added.

Due to the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the City Council will not be able to accommodate any in-person public attendance or participation for Public Hearings and Citizens to be Heard. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views, Public Hearings and Citizens to be Heard will be broadcast live on the City's website and cable public access channel on television (Optimum Channel 75 / Verizon Channel 28). In addition, the City Council will allow the public to provide oral comments in real time via telephone or virtually through Microsoft Teams.

[Sign up to speak at the Public Hearing or Citizens to be Heard](#)

All registrations must be received by noon on April 13.

By order of the City Council by resolution duly adopted on March 16, 2021.

Michelle Oliveros
City Clerk