

PUBLIC HEARING NOTICE
RE: PROPOSED AMENDMENT TO CHAPTER 331,
ZONING CODE – DRIVE-THRU FACILITIES IN THE C-1M
GENERAL COMMERCIAL MODIFIED DISTRICT

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 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, June 8, 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 APPROVING THE PETITION OF PH HUGUENOT RMR LLC (“APPLICANT”), AMENDING SECTION 331-55, C-1M GENERAL COMMERCIAL MODIFIED DISTRICT, SECTION 331-61, ADDITIONAL REGULATIONS FOR NONRESIDENCE DISTRICTS, SECTION 331-87, APPROVING AGENCIES, AND AMENDING THE NEW ROCHELLE ZONING MAP, FORMING PART OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE. (Intro. 4/13/21; Held 4/13/21; Revised, Re-intro. 5/18/21; Public Hearing 6/8/21)

BE IT ORDAINED by the City of New Rochelle:

Section 1. Section 331-55, C-1M General Commercial Modified District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-55. C-1M General Commercial Modified District.

- A. Permitted principal uses.
 - (17) Restaurants, Carry-Out.
- C. Uses allowed by special permit.
 - (12) Drive-In Facilities.

Section 2. Section 331-61, Additional regulations for nonresidence districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-61. Additional regulations for nonresidence districts.

- H. Drive-in facility. A drive-in facility shall be prohibited when such facility is located on a lot which is adjacent to a residentially zoned district. Notwithstanding the foregoing, a drive-in facility shall be permitted in the C-1M General Modified Commercial District subject to the issuance of a special permit and if the site and application for site plan/special permit approval meets the following requirements:
 - a. Frontage on two streets;

- b. An entrance on each street frontage;
- c. A minimum of 300 feet of total street frontage;
- d. Shall not abut a one-family or two-family residential zoning district;
- e. A traffic report reviewed and approved by the Director of Traffic Engineering;
- f. An air quality study reviewed and approved by the Commissioner of Development or designee. Six months following the issuance of a certificate of occupancy, the City shall commission a supplemental air quality study funded by the applicant;
- g. Any change in use or tenancy shall require the re-application for a Special Permit.

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

- (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) Drive-In Facilities.

Section 4. The New Rochelle Zoning Map, forming part of the New Rochelle Zoning Code, is hereby amended to reflect these code changes.

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 by Resolution duly adopted on May 18, 2021.

Michelle Oliveros, City Clerk