

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, "ZONING"
RE: VARIOUS TEXT CHANGES

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 Thursday, July 7, 2011, at 7:30 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 VARIOUS SECTIONS OF CHAPTER 331,
ZONING, OF THE NEW ROCHELLE ZONING CODE.**

BE IT ORDAINED by the City of New Rochelle:

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

§ 331-4 Specific Terms Defined.

[RESTAURANT, FAST-FOOD

An establishment primarily engaged in the sale of ready-to-consume food and beverages generally served in disposable or prepackaged containers or wrappers in which patrons usually select their orders from a posted menu offering a limited number of specialized items such as, but not limited to, hamburgers, chicken, fish and chips, pizza, tacos, and hot dogs; these items are prepared according to standardized procedures for consumption either on or off the premises in a facility where a substantial portion of the sales to the public is by drive-in or stand-up service, and cleanup is primarily generally performed by the customer. The term "fast-food restaurant" shall not be considered to include restaurants, delicatessens, carry-out establishments, bakeries or ice cream/confectionary stores.]

Section 2. Chapter 331-12(D)(3)(D). Reconstruction, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-12(D)(3)(D). Reconstruction.

(1) Should a building or structure, other than a one-family residential building in a residential zone, the use of which or the use of a portion of which is nonconforming, or which is dimensionally nonconforming, be destroyed or damaged by any means to an extent greater than 50% of the replacement cost of the entire building or structure used in connection therewith at the time of the reconstruction, it shall not thereafter be reconstructed or used except in conformity with the provisions of this chapter.

(2) Should a building or structure, the use of which or the use of a portion of which is nonconforming or which is dimensionally nonconforming, be destroyed or damaged by any means to an extent of 50% or less of the replacement cost of the entire building or structure used in connection therewith at the time of the reconstruction, it may be reconstructed and any accompanying nonconforming use continued, provided that the reconstruction is commenced within one year of the date of such damage and completed within two years of said date, and further provided that it shall be reconstructed in accordance with a plan approved by the Board of Appeals on Zoning via a special permit so as to result, where reasonable, in greater conformity with this chapter.

(3) An existing garage accessory to a one (1) or two (2) family dwelling may be replaced in the same dimensions as the original structure and in accordance with a plan submitted to and approved by the Building Official.

Section 3. Chapter 331-45(I) (4) Additional Regulations for Residence Districts, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-45(I) (4) Additional Regulations for Residence Districts.

(4) The emergency energy-generation system shall be adequately screened with evergreen vegetation or architectural device to minimize its visibility from adjoining properties and the street, and such vegetation shall be maintained throughout the life of the system [with a minimum ten-year maintenance bond or cash deposit, in an amount to be determined by the Building Official, posted therefor with the City]. Such vegetation shall meet the minimum distancing requirements established by the manufacturer of the emergency energy-generation system;

Section 4. Chapter 331-56. NB Neighborhood Business District, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-56. NB Neighborhood Business District.
See § 331-28C(2).

A. Permitted principal uses.

- (1) Business, professional, or governmental offices.
- (2) Stores and shops exclusively for sales at retail or the performance of customary personal services.
- (3) Manufacture of products for retail sale on the premises only, provided that not more than five persons shall be so employed at any one time, and provided further that not more than 30% of the gross floor area of any establishment be so used.
- (4) Retail laundries or retail dry cleaners.
- (5) Banks.
- (6) Restaurants.
- (7) Restaurants, carry-out.
- (8) Health clubs.
- (9) Community purpose buildings.
- (10) Off-street parking facilities. (See Article XIV.)

- (11) Houses of worship.
- (12) Martial arts studios, dance studios and aerobic exercise studios.
- (13) Dwelling units located on the second floor and above only, including living/loft or office arrangements as regulated by § 331-72C of this chapter.

Section 5. Chapter 331-58. LSR Large Scale Retail District, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-58. LSR Large Scale Retail District.

See §§ 331-28C(4) and 331-74.

A. Permitted principal uses.

- (1) Large scale retail facilities.
- (2) Stores and shops exclusively for sales at retail or the performance of customary personal services.
- (3) Business, professional, or governmental offices.
- (4) Houses of worship.
- (5) National brand retail establishment, including accessory fully enclosed storage, repair, servicing, and customizing of merchandise sold by the national brand retailer and other complementary accessory uses, which accessory uses shall not constitute more than 40% of the total gross floor area of the establishment.
- (6) Enclosed tennis, squash, handball and/or racquetball court facility.
- (7) Indoor wall or rock climbing facility.
- (8) Restaurants and Restaurants-Carry Out.

Section 6. Chapter 331-126.1. Off-street bicycle parking facilities, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-126.1. Off-street bicycle parking facilities.

C. Design Criteria for Bicycle Parking Facilities.

- (14) Notwithstanding the foregoing, under circumstances where it is determined by the Planning Board to be futile to require the construction of bicycle parking facilities on-site, the Board may allow the placement of such required facilities at a specific off-site location.

Section 7. Chapter 331-126 (E)(2). Alternate methods of complying with parking and loading requirements, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-126 (E)(2). Alternate methods of complying with parking and loading requirements.

- (g) Notwithstanding the foregoing, in the Central Parking Area (CPA) when a property owner is proposing a new residential use or a change of use to residential which includes any dwelling units including living/loft use, such property owner shall be eligible to have its requisite parking requirements reduced for up to 100 dwelling units when the proposed project meets the conditions (a-f) as set forth above and shall demonstrate compliance with the following:

- A) The property owner shall provide proof that there is adequate capacity at an existing City owned, municipal parking facility; and

- B) The proposed project is located within 500 feet of such existing municipal parking facility; and
- C) The property owner shall provide a legal instrument reviewed and approved by the Corporation Counsel to provide for the required residential parking in perpetuity; and
- D) The property owner shall be required to include parking permits in the fee charged for rent; and
- E) The property owner shall be able to utilize this provision to provide the parking for a maximum of 100 dwelling units.

Section 8. Chapter 331-126.1. Design Criteria for Bicycle Parking Facilities, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-126.1

C. Design Criteria for Bicycle Parking Facilities.

(12) Whenever possible, bicycle parking facilities shall be [bicycles to] compatible with the natural elements.

Section 9. Chapter 331-127. Setbacks, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-127. Setbacks.

C. Any H or RMF-SC-4.0 District. In any H or RMF-SC-4.0 District, off-street parking and loading spaces shall comply with all front, side, and rear yard setback requirements, except that minimum front, side and rear yard setbacks for unenclosed parking shall be only five feet. When this section is in conflict with any other section of the Code with respect to setback requirements, this section shall govern.

Section 10. The Schedule of Dimensional Regulations, Residence Districts, of Chapter 331, Zoning, of the New Rochelle Zoning Code, is hereby amended as shown on the attachment.

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 June 14, 2011, pursuant to Resolution No. 100.

Bennie F. Giles, III, City Clerk

331 Attachment 1

City of New Rochelle

Schedule of Dimensional Regulations Residence Districts

[Amended 5-19-2005 by Ord. No. 120-2005; 6-19-2007 by Ord. No. 162-2007; 6-19-2007 by Ord. No. 165-2007; 5-13-2008 by Ord. No. 108-2008; 6-17-2008 by Ord. No. 133-2008]

District/Use	Maximum Dimensional Requirements						Minimum Dimensional Requirements									Usable Open Space for Dwelling Unit
	Floor Area Ratio	Building Height ¹		Building Length (feet)	Coverage		Lot Area (square feet)	Lot Area Per Dwelling Unit (square feet)	Floor Area Per Dwelling Unit (square feet)	Lot Width and Frontage ² (feet)	Front (feet)	Yards ^{3,10}		Rear (feet)		
		Stories	Feet		Buildings	Impervious Surfaces						For Lots With Dwellings	For All Other Uses	For Lots With Dwellings	For All Other Uses	
R1-20 One-Family Residence	0.25	3	30	—	20%	35%	20,000	20,000	1-story: 1,600 2-story: 1,800	150	35	25	60	40	60	—
R1-15 One-Family Residence	0.3	3	30	—	25%	45%	15,000	15,000	Same as R1-20	100	30	Each: 12 Combined: 27	60	30	60	—
R1-10 One-Family Residence	0.3	3	30	—	25%	45%	10,000	10,000	Same as R1-20	100	30	Each: 12 Combined: 27	60	30	60	—
R1-10A One-Family Residence	0.35	3	30	—	30%	50%	10,000	10,000	1,600	100	25	Each: 8 Combined: 20	60	30	60	—
R1-HIST One-Family Historic	See § 331-45F for dimensional regulations applicable to this district.															
R1-WF-10 One-Family Waterfront	0.3	3	30	—	25%	45%	10,000	10,000	1-story: 1,600 2-story: 1,800	100	30	Each: 12 Combined: 27	60	30	60	—
R1-CH One-Family Cluster Residence ⁴	0.25	3	30	120	25%	45%	174,240	Same as underlying zone	1,700	—	50	50 ⁵	NA ⁶	50 ⁵	NA	—
R1-7.5 One-Family Residence	0.35	3	30	—	30%	50%	7,500	7,500	1,600	75 ¹	25 ¹	Each: 8 Combined: 20	60	30	60	—
R2-7.0 Two-Family Residence	0.40	3	35	—	30%	60%	7,000	3,500	1,600 per dwelling but not less than 600 per dwelling unit	70	20	Each: 8 Combined: 20	30	30	40	—
R1-URTH Urban Renewal Townhouse District ⁷	0.50	3	35	—	35%	70%	2 acres	2,200	1,000	—	10	—	—	10	—	—
RMF-0.4 Multifamily Residence ⁹	0.40	3	35	—	30%	60%	7,000	3,500 per unit for first two units; 3,500 for each additional unit	1,600 per dwelling but not less than 600 per dwelling unit	70	20	Each: 8 Combined: 20	30	30	40	200
RMF-0.5 Multifamily Residence	0.50	3	35	180	30%	60%	7,000	Same as above	400, plus 200 per bedroom	70	20	Each: 8 Combined: 20	30	30	40	200

NOTES:

NA Not applicable

¹ See § 331-15 also.

² In approving new subdivisions, the Planning Board may reduce the lot frontage requirement on culs-de-sac, along curved sections of streets, or elsewhere determined appropriate by said Board.

In no case shall the minimum lot frontage be less than 15 feet.

³ See § 331-14 also.

⁴ See § 331-45G also.

⁵ Where a project abuts an undeveloped area within a zone which requires the same minimum lot area per dwelling unit, the Planning Board may modify side and rear yard dimensional requirements as deemed appropriate, but not less than the minimum required for one-family dwellings in the comparable one-family zone.

⁶ Minimum distance between buildings to be decided by the Planning Board at the time of application review.

⁷ See § 331-61 also.

⁸ For buildings up to 40 feet in height: same as in the RMF-0.7 District. For buildings greater than 40 feet in height: 25 feet plus 1/16 the height of the wall facing the side lot lines.

⁹ Not to exceed four dwelling units per lot.

¹⁰ If [the] a new Multifamily Dwelling has a rear or side exit, balcony, patio, porch, deck, or similar outdoor recreation area adjacent to a side or rear yard, it shall be set back from the side and/or rear property line by a minimum of 30 feet. If [the] a new Multifamily Dwelling has no exits, balconies, patios, porches, decks, or similar outdoor recreation area adjacent to a side yard, the minimum side yard setback shall be as specified in the Schedule of Dimensional Regulations. This footnote shall apply to all new Multifamily Dwellings.

Schedule of Dimensional Regulations
Residence Districts

(cont'd)

District/Use	Maximum Dimensional Requirements						Minimum Dimensional Requirements									
	Floor Area Ratio	Building Height ¹		Building Length (feet)	Coverage		Lot Area (square feet)	Lot Area Per Dwelling Unit (square feet)	Floor Area Per Dwelling Unit (square feet)	Lot Width and Frontage ² (feet)	Yards ^{3,5}				Usable Open Space for Dwelling Unit	
		Stories	Feet		Buildings	Impervious Surfaces					Front (feet)	Side (feet)		Rear (feet)		
RMF-0.7 Multifamily Residence	0.70	3	40	180	35%	60%	7,000	3,500 per unit for first 2 units; 3,500 for each additional unit	400 plus 200 per bedroom	70	25	12, but not less than half the height of the wall facing the side lot line	—	30	—	200
RMF-1.0 Multifamily Residence	1.0	—	70	180	35%	65%	7,000	3,500 per unit for first 2 units; 2,500 for each additional unit	400 plus 200 per bedroom	70	25	12	30	30	—	200
RMF-1.3 Multifamily Residence	1.3	—	70	280 ⁶	40% ⁷	65% ⁸	7,000	3,500 per unit for first 2 units; 2,500 for each additional unit	400 plus 200 per bedroom	70	25	⁴	—	30	—	200
RMF-2.0 Multifamily Residence	2.0	—	140	310	50%	65%	40,000	3,500 per unit for first 2 units; 2,500 for each additional unit	400 plus 200 per bedroom	100	20	20	—	20	—	100
RMF-SC-4.0 Multifamily Senior Citizen	4.0	—	120	240	50%	80%	20,000	250	350 plus 150 per bedroom	100	10	10	—	20	—	50
H Hospital	3	14	180	310	70%	95%	12,000	—	—	75	10	10	10	—	10	200

NOTES:

NA Not applicable

¹ See § 331-15 also.

² In approving new subdivisions, the Planning Board may reduce the lot frontage requirement on culs-de-sac, along curved sections of streets, or elsewhere determined appropriate by said Board. In no case shall the minimum lot frontage be less than 15 feet.

³ See § 331-14 also.

⁴ For buildings up to 40 feet in height: same as in the RMF-0.7 District. For buildings greater than 40 feet in height: 25 feet plus 1/16 the height of the wall facing the side lot lines. Where a site does not abut a residential district, each sideyard setback shall not be less than 20 feet.

⁵ If [the] a new Multifamily Dwelling has a rear or side exit, balcony, patio, porch, deck, or similar outdoor [recreation] area adjacent to a side or rear yard, it shall be set back from the side and/or rear property line by a minimum of 30 feet, except where a site does not abut a residential district. If [the] a new Multifamily Dwelling has no exits, balconies, patios, porches, decks, or similar outdoor [recreation] area adjacent to a side yard, the minimum side yard setback shall be as specified in the Schedule of Dimensional Regulations. This footnote shall apply to all new Multifamily Dwellings.

⁶ Building length may exceed 280 feet but shall not exceed 525 feet for a building and its site which meet the following criteria: A. The site does not abut a residential district;

B. Length in excess of 280 feet shall not be used for dwelling purposes;

C. Length in excess of 280 feet shall not exceed two stories above ground; and

D. Length in excess of 280 feet shall not be located on a site whose frontage on a street exceeds 280 feet.

⁷ Where a site does not abut a residential district. Building Coverage shall not exceed 45%.

⁸ Where a site does not abut a residential district. Impervious Surface Coverage shall not exceed 70%.

⁹ Where a site does not abut a residential district, lot area shall be provided as follows: 3,500 per unit for the first two units, and 1,200 for each additional unit.