

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, ZONING,
RE: MOTOR VEHICLE DEALERSHIP

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, April 8, 2014, 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 SECTION 331-4, SPECIFIC TERMS DEFINED, SECTION 331-102, MOTOR VEHICLE DEALERSHIP, AND SECTION 331-126, SCHEDULE OF OFF STREET PARKING AND LOADING SPACE REQUIREMENTS, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE.

WHEREAS, City staff has identified the need to regulate the expansion of motor vehicle dealerships, particularly with respect to vehicle storage, building orientation and employee parking; and

WHEREAS, many auto dealerships are located along Main Street/Boston Post Road in a C-1M zoned district, and it is important to the city that a design standard is created and maintained which respect the businesses and the neighboring residential uses; now therefore,

BE IT ORDAINED by the City of New Rochelle:

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

§ 331-4. Specific Terms Defined.

MOTOR VEHICLE DEALERSHIP

An establishment primarily engaged in enclosed and accessory outdoor retail sale of new automobiles[, and which may include as accessory uses one or more of the following: the sale of parts and accessories for said new automobiles; the sale of used automobiles; and minor service, vehicle preparation and repair work (excluding primary uses allowed for a motor vehicle body repair shop)]. The primary use shall include the showroom, interior display and storage of vehicles, offices, interior service and repair, vehicle preparation and repair work the sale of parts and accessories for said new automobiles and the required parking for any primary use, which at a minimum shall include parking for employees, customers, sales, offices and repair services. Accessory uses shall include one or more of the following: the sale of used automobiles; the exterior storage of vehicles, and the required parking for any accessory use (excluding primary uses allowed for a motor vehicle body repair shop).

Section 2. § 331-102, Motor Vehicle Dealership, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-102. Motor Vehicle Dealership.

The Planning Board shall approve a special permit for a motor vehicle dealership, provided the following conditions are met:

- A. The minimum lot frontage along a public street shall be 150 feet with a lot depth of no less than 100 feet, and the minimum lot area shall be ½ acre.
- B. Landscaping, screening and buffer areas shall be provided in accordance with the more stringent of the two following sections; §331-119.1B and 331-130 of this chapter.
- C. Parking shall be provided in accordance with Article XIV of this chapter.
- D. All exterior lighting shall be designed and oriented so as to minimize the visual impact upon adjacent and nearby residential properties. The Planning Board shall determine what time exterior lights shall be dimmed and/or turned off for the night. A photometric plan shall be submitted for review by the Building Official.
- E. The hours of operation shall be limited to 6:00 AM to 9:00 PM.
- F. No exterior public address system shall be permitted.
- G. No exterior display of banners, pennants, ribbons, or other similar temporary advertising materials shall be permitted in any outdoor sales area.
- H. Employee parking provided on site as required by Article XIV of this Chapter shall be designated by signage indicating “this space is reserved for employees.” Parking areas designated for employees shall not be used for vehicle storage, repair or finishing work, display or customer parking.
- I. The required customer parking shall be designated by signage indicating “this space is reserved for customers.” Parking areas designated for customers shall not be used for vehicle storage, repair or finishing work, display or employee parking.
- J. For new construction all vehicle storage and the bulk of the required parking, save for any required customer parking, shall be located in the rear of the building and be screened from abutting properties and the street, as allowable by the Code. Customer

parking shall be located as close to the front entrance as permitted by the site restrictions and this Code.

K. 1) All parking and vehicle storage shall be screened from the street and from the abutting properties. All site and perimeter landscaping required by 331-119.1 and/or 331-130 shall be native, non-invasive species, drought resistant and shall be planted to a minimum height of 36 inches. In addition to any required landscaping pursuant to 331-119.1 and/or 331-130 the dealership shall design and construct a second landscape buffer strip set back from the interior edge of the required perimeter landscaping an appropriate distance to accommodate up to two (2) rows of cars. This second landscape buffer strip shall be a minimum of 8 feet in width and shall be planted with densely spaced evergreen plantings a minimum of 48 inches tall. The area between the two (2) landscape buffer strips shall be able to park up to two (2) rows of cars given the typography of the site. The intent of the two (2) buffer strips is to provide an outdoor showroom to display vehicles for sale. This landscaping requirement shall be counted towards any requisite interior landscaping that may be required by 331-119.1 and/or 331-130.

2) When the lot is less than an acre in size and the applicant cannot accommodate the second landscape buffer at the site then the required perimeter landscape buffer strip shall be a minimum of ten (10) feet in width and shall be planted with evergreen plantings a minimum of 48 inches tall so as to tightly screen the site from the street. This landscaping requirement shall be counted towards any interior landscaping that may be required by 331-119.1 and/or 331-130.

3) If the lot shall have two (2) frontages the aforementioned shall apply to only one frontage and the Building Official shall determine which frontage shall comply with this section.

4) If the applicant believes that the typography and site constraints limit their ability to comply with 331-102(K) either partially and/or in its entirety, the applicant shall request a waiver from the Planning Board for the additional buffer; however, the applicant shall comply with any and all landscaping required by 331-119.1 and/or 331-130 including any interior islands.

L. The building design shall address and relate to the scale, massing, setbacks and materials in relationship to neighboring properties and the neighborhood in general. The proposal shall be reviewed by the Peer Architectural Review Committee.

M. The hours of loading and unloading of vehicles shall be determined by the Planning Board. All loading and unloading shall occur on the subject site and not in or on the public right-of-way. If the site is unable to accommodate the loading and unloading on site due to site constraints and/or the size of the lot, the applicant shall request that the City's Traffic Engineer evaluate the feasibility of the installation of a loading zone within 250 feet of the subject site. In making such a determination, the Traffic Engineer shall consider the traffic impact to any abutting residentially zoned districts. Said loading zone, if permitted by the Traffic Engineer, shall have appropriate

signage indicating the hours when the loading zone is in effect, that parking is not permitted during those hours and that it is a tow away zone. Additionally, if the applicant owns/leases property within the C1-M zone or any other zone where parking and storage of vehicles is permitted the applicant shall request from the Planning Board the ability to utilize the second site for loading and unloading of vehicles. The second site shall comply with all Code requirements.

N. Vehicles to be repaired or serviced shall not be parked or stored on any street, alley or public right-of-way.

O. Service bay doors shall not face residentially zoned districts and/or uses.

P. All motor vehicle dealerships shall be subject to an annual inspection by the Building Official or his designee.

Section 3. § 331-126, Schedule of Off Street Parking and Loading Space Requirements, of the New Rochelle Zoning Code, is hereby amended as follows:

Motor Vehicle Dealerships Sales: 1 per 300 square feet of GFA
Service: 5 [per service bay] for the first service bay and 2 per every service bay thereafter; 1 per 2 employees; 1 loading space a minimum of 50 feet in length is required.

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 March 18, 2014, pursuant to Resolution No. 53

Bennie F. Giles, III, City Clerk