

PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, ZONING,
RE: CENTRAL PARKING AREA –
DOWNTOWN DENSITY BONUS

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, May 6, 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 331-154, DOWNTOWN DENSITY BONUS FLOATING OVERLAY ZONE, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE, AND AMENDING THE ZONING MAP TO INCLUDE THE DOWNTOWN BUSINESS (DB) ZONED DISTRICT ALONG NORTH AVENUE BETWEEN BURLING LANE AND MEMORIAL HIGHWAY

WHEREAS, periodically, changes to the zoning ordinance are proposed by staff when language is found in the ordinance that is incorrect or unnecessary; and

WHEREAS, staff has proposed legislation which would expand the area eligible to apply for and receive a Downtown Density Bonus; now, therefore

BE IT ORDAINED by the City of New Rochelle:

Section 1. § 331-154, Downtown Density Bonus Floating Overlay Zone, of the New Rochelle Zoning Code, is hereby amended as follows:

§ 331-154. Downtown Bonus Floating Overlay Zone.

- A. Legislative Findings and Purpose. There exists within the Central Parking Area and in the DB zoned district on North Avenue between Burling Lane and Memorial Highway, as shown on the Zoning Map, the potential and desire to redevelop certain large underutilized areas with mixed-use projects to create a vibrant mix of residential, office, hotel, retail, and entertainment uses to serve both resident and nonresident (e.g., office and visitor) populations. There are also the potential and desire to encourage re-occupancy or adaptive reuse of smaller properties along Main Street in a manner consistent with the smaller-scale Main Street character. Additionally, on North Avenue between Burling Lane and Memorial Highway there is considerable potential for redevelopment and adaptive reuse. Recognizing this potential and desire, the City seeks to encourage redevelopment that has significant public benefits and enhances the character of the Downtown area and the area on North Avenue between Burling Lane and Memorial Highway. Density bonuses are intended to give property owners incentives to provide public benefits such as improved parks and open space, new public parking,

improved pedestrian areas, and preservation of the Downtown's historic character in conjunction with the development of mixed-use projects.

- B. **Initiation.** A density bonus on a development site shall be sought from the City Council. An application shall be initiated by filing a petition with the City Council.
- C. **Eligibility of Development Site.** The Downtown Density Bonus Floating Overlay Zone (DDB) is hereby established as a floating overlay zone with potential application to any development site which meets all of the following eligibility requirements:
 - (1) The development site shall be located within the DB, DMU, or DMUR zoning district, in the Central Parking Area as shown on the Zoning Map. A development site in the DB zone shall also be eligible for the density bonus if it is located on North Avenue between Burling Lane and Memorial Highway.
 - (2) The development site, in the DMU or DMUR zoning district, shall consist of a parcel or assemblage of parcels with an area of at least 60,000 square feet.
 - (3) The development site, in the DB zoning district, shall consist of a parcel or assemblage of parcels with an area of not greater than 60,000 square feet.
 - (4) <http://ecode360.com/12427987 - 12427987> The development site, in the DMU or DMUR zoning district, shall be located within 500 feet of the New Rochelle Transit Center or a public parking facility with greater than 300 spaces.
 - (5) The development site, in the DB zoning district, shall be located within 500 feet of any public parking facility, except that where a development site does not meet such distancing requirement but satisfies all other zoning requirements, provides all parking on-site, all such parking is subsurface, and the applicant submits an environmental impact statement for the proposed project on the site, the City Council may, in its sole and absolute discretion, waive such distancing requirement for a development site in the DB zoning district.
- D. **Permitted uses and Dimensional Standards.** Permitted uses and Dimensional Standards within the Downtown Density Bonus Floating Overlay District are the same as those for the underlying DB, DMU, and DMUR Zoning Districts with the exception of Height and FAR, which may be increased at the discretion of City Council under the provisions of this Section.
- E. **Bonuses.** The density bonuses to be applied to a development site can consist of additional FAR and/or Height.
 - (1) FAR bonuses, which vary by the underlying zoning district, may be applied to the base FAR of a development site for providing any one or several of the public benefits identified in the table below. In no event may total FAR for a development site exceed 4.0 in the DB, 5.5 in the DMU, or 11.5 in the DMUR.

Public Benefit	Maximum FAR Bonus		
	DB	DMU	DMUR
Provision of new public parking in excess of that required for proposed uses and which provides a significant public benefit, or	<u>1.0</u>	1.0	1.5

significant improvement or replacement of an existing parking facility			
Provision of new publicly accessible open space on-site or anywhere within the DB, DMU, or DMUR Zoning Districts in the Central Parking Area, and/or improvements to existing open space or streetscape in excess of any improvements required by § <u>331-119.1</u> .	N/A	1.0	1.5
Provision of publicly accessible or publicly dedicated, open or enclosed program space on-site or anywhere within the DB, DMU, or DMUR Zoning Districts in the Central Parking Area	2.0	2.0	2.0
Commitment to design and construct a project to achieve United States Green Building Council Leadership in Energy and Environmental Design (LEED) certification at any of the following levels			
Silver	2.0	1.25	2.5
Gold	2.0	1.5	3.0
Platinum	2.0	1.5	3.5
Provision of a minimum of 100,000 square feet of office and/or hotel with conference center use guaranteed by a covenant to provide same	N/A	1.5	3.0
Protection, conservation, or renovation of historic site or building element of historic quality	2.0	1.0	1.5
Maintain and enhance the overall architectural character, massing, and urban design of Main Street, furthering its critical role as a pedestrian-scaled retail destination	2.0	N/A	N/A
Provision of public access between Main Street and public or private parking facilities	0.25	0.25	0.25
New construction with high-quality design that is in context with adjacent buildings or that serves to enhance the downtown visual environment	2.0	1.5	2.0
Maximum Total FAR Bonus	2.0	2.0	6.0

(2) A Height bonus for a total Height not exceeding 500 feet may be provided to any development site in the DMU or DMUR Zoning Districts or for a total Height not exceeding 165 feet may be provided to any development site in the DB Zoning District, which site meets all of the criteria in § 331-154C and some or all of the criteria in § 331-154E(1) and 331-154G.

(3) Any Height bonus shall be set back at least 55 feet from the right-of-way of Main Street starting at a point a maximum of 40 feet above grade.

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 April 8, 2014, pursuant to Resolution No. 57.

Bennie F. Giles, III, City Clerk