

PUBLIC HEARING NOTICE  
PROPOSED AMENDMENT TO CITY CODE  
RE: MORATORIUM ON CODE AMENDMENTS  
IMPACTING THE PROPOSED DOWNTOWN OVERLAY ZONE

NOTICE is hereby given that the City Council of the City of New Rochelle, New York, will hold a Public Hearing in accordance with the provisions of Section 16 of Article III of the Charter of the City of New Rochelle, and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, in the Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York, on Tuesday, November 10, 2015 at 7:30 P. M., on a proposed Local Law, Intro. No. 1, as follows:

LOCAL LAW, INTRODUCED AS NO. 1 OF 2015, ESTABLISHING A MORATORIUM WITH RESPECT TO THE ISSUANCE OF ZONING AMENDMENTS IN THE FOLLOWING ZONING DISTRICTS LOCATED IN THE DOWNTOWN: C-1M, GENERAL COMMERCIAL; DB, DOWNTOWN BUSINESS; DMU, DOWNTOWN MIXED USE; DMUR, DOWNTOWN MIXED USE URBAN RENEWAL; H, HOSPITAL; LI, LIGHT INDUSTRIAL; LSR, LARGE SCALE RETAIL; MUFE, MIXED USE FAMILY ENTERTAINMENT; NA, NORTH AVENUE, NB, NEIGHBORHOOD BUSINESS; RMF-0.5, MULTI-FAMILY RESIDENCE; RMF - 0.7, MULTI-FAMILY RESIDENCE; RMF - 1.3, MULTI-FAMILY RESIDENCE; RMF-SC-4.0, MULTI-FAMILY RESIDENCE; DDB, DOWNTOWN DENSITY BONUS FLOATING OVERLAY ZONE; CPA, CENTRAL PARKING AREA DISTRICT; CAB, CABARET OVERLAY ZONE; NB-TOFD, NEIGHBORHOOD BUSINESS – TRANSIT ORIENTED FLOATING DISTRICT.

BE IT ENACTED by the City of New Rochelle:

Section 1. This Local Law shall establish a moratorium for a period of ninety (90) days with respect to the issuance of zoning amendments in the following zoning districts in the downtown: C-1M, General Commercial; DB, Downtown Business; DMU, Downtown Mixed Use; DMUR, Downtown Mixed Use Urban Renewal; H, Hospital; LI, Light Industrial; LSR, Large Scale Retail; MUFE, Mixed Use Family Entertainment; NA, North Avenue, NB, Neighborhood Business; RMF - 0.5, Multi-Family Residence; RMF - 0.7, Multi-Family Residence; RMF - 1.3, Multi-Family Residence; RMF - SC - 4.0, Multi-Family Residence; DDB, Downtown Density Bonus Floating Overlay Zone; CPA, Central Parking Area District; CAB, Cabaret Overlay Zone; NB-TOFD, Neighborhood Business - Transit Oriented Floating District.

Section 2. Legislative Intent, Findings of Fact, and Purpose.

The intent of this Local Law is to restrict the approval of zoning amendments while the City reviews the DGEIS related to the proposed adoption of form-based zoning in the context of a downtown overlay zoning district. The DGEIS analyzes the impacts that may occur as a result of the adoption of perhaps the most significant amendment to the New Rochelle Zoning Ordinance, which is designed to implement redevelopment initiatives in the downtown. At this time, it is critical to ensure that the review of this proposal is not undermined or complicated by other code amendments. Accordingly, it is recommended that the City Council place a ninety (90) day moratorium on any further ordinance amendments affecting the downtown. In order to allow the City Council and City staff adequate time to review the DGEIS and related zoning amendments this Council believes that the proposed ninety (90) day moratorium is required.

### Section 3. Scope of Controls.

During the effective period of this Local Law and as provided herein, no zoning amendments shall be approved in the following zoning districts located in the downtown: C-1M, General Commercial; DB, Downtown Business; DMU, Downtown Mixed Use; DMUR, Downtown Mixed Use Urban Renewal; H, Hospital; LI, Light Industrial; LSR, Large Scale Retail; MUFE, Mixed Use Family Entertainment; NA, North Avenue, NB, Neighborhood Business; RMF-0.5, Multi-Family Residence; RMF-0.7, Multi-Family Residence; RMF-1.3, Multi-Family Residence; RMF-SC-4.0, Multi-Family Residence; DDB, Downtown Density Bonus Floating Overlay Zone; CPA, Central Parking Area District; CAB, Cabaret Overlay Zone; NB-TOFD, Neighborhood Business - Transit Oriented Floating District.

### Section 4. Appeal Provisions.

- (A) The City Council shall have the power to vary or modify the application of any provision of this Local Law upon its determination, in its absolute legislative discretion, that such variance or modification is consistent with the spirit of this Local Law and the general welfare of the City.
- (B) Upon receiving any application for such variance or modification, the City Council shall refer such application to the Planning Board for a report of said Planning Board. To expedite this process, the City Clerk shall forward such application to the Planning Board for its report within forty-eight (48) hours after receipt. Such report shall be returned to the City Council within sixty (60) days of such reference and shall be placed on the next City Council agenda for determination. Failure of the City Council or Planning Board to act within the time limits set forth herein shall not be deemed an approval of the required variance or modification.

### Section 5. Effective Date.

This Local Law shall take effect immediately upon its filing with the Secretary of State and it shall remain in force for a consecutive period of ninety (90) days from its effective date.

### **PURPOSE AND JUSTIFICATION:**

The intent of this Local Law is to restrict the approval of zoning amendments while the City reviews the DGEIS related to the proposed adoption of form-based zoning in the context of a downtown overlay zoning district. At this time, it is critical to ensure that the review of this proposal is not undermined or complicated by other code amendments. Accordingly, it is recommended that the City Council place a ninety (90) day moratorium on any further ordinance amendments affecting the downtown.

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 October 13, 2014, pursuant to Resolution No. 190.

Bennie F. Giles, III, City Clerk