

NEW ROCHELLE
PUBLIC HEARING NOTICE
PROPOSED AMENDMENT TO CHAPTER 331, ZONING,
RE: VARIOUS SECTIONS

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 Monday, September 12, 2016, at 7:00 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 331-14, PROVISIONS GOVERNING YARDS, SECTION 331-25, SOLAR ENERGY COLLECTORS, ADDING SECTION 331-25.1, WIND ENERGY TURBINES, AMENDING SECTION 331-29, LIST OF USE REGULATIONS, SCHEDULE OF DIMENSIONAL REGULATIONS, SECTION 331-46H, HOSPITAL DISTRICT, SECTION 331-50, WR WATER RELATED DISTRICT, SECTION 331-50.1, WR-1 WATER RELATED – MIXED USE, SECTION 331-58, LSR SCALE RETAIL DISTRICT, SECTION 331-59, LI LIGHT INDUSTRY DISTRICT, SECTION 331-65 WR WATER RELATED DISTRICT, SECTION 331-65.1, WR-1 WATER RELATED MIXED USE DISTRICT, SECTION 331-85.1, FIFTH AVENUE OVERLAY ZONE (FA), SECTION 331-85.3, CULTURAL DISTRICT EXTENSION OVERLAY ZONE, SECTION 331-126, SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS, SECTION 331-152, REQUIREMENTS FOR AFFORDABLE HOUSING, OF CHAPTER 331, ZONING, OF THE CODE OF THE CITY OF NEW ROCHELLE, AND RELATED MAP AMENDMENTS.

BE IT ORDAINED by the City of New Rochelle:

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

§331-4. Specific terms defined.

Recreational Uses

A business and/or club, which for compensation and/or dues, offers recreational services, including but not limited to gyms; health clubs; martial arts studios; educational uses; indoor sports facilities; outdoor recreation facilities such as skating rinks, bocce and sports courts; children's play facilities; bowling alleys; rock climbing gyms; indoor tennis clubs; e-sports and similar establishments.

Wind Turbine or Wind Energy Turbine.

A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

Section 2. Section 331-14, Provisions governing yards, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§331-14. Provisions governing yards.

A. Use of yards.

(1) Buildings and structures. No principal building shall be constructed on any portion of a lot which is less in width than the minimum required for the district in which it is located. No building or structure shall be permitted within any minimum required yard except:

- (a) Decks or terraces less than 18 inches above the level of the ground beneath them and not extending closer than six feet to any side lot line or 10 feet to a rear lot line.
- (b) Swimming pools as regulated by § 331-17.
- (c) Fences as regulated by § 331-16.
- (d) Sports courts but not closer than 10 feet from any property line.
- (e) Other minor accessory structures in a side or rear yard but no closer than three feet from any property line.
- (f) Ground mounted solar energy collectors not extending closer than six feet to any side lot line or 10 feet to a rear lot line.

Section 3. Section 331-25, Solar energy collectors, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§331-25. Solar energy collectors.

C. Rooftop and building-mounted (including parking garage rooftop) solar energy collectors shall be allowed as a permitted accessory use in all zoning districts, subject to the following requirements:

(1) Building permits shall be required for installation of rooftop and building mounted solar energy collectors.

(2) The solar energy collector surface and mounting devices for building-mounted solar energy collectors shall be set back not less than one (1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.

D. Ground-mounted and freestanding solar collectors are permitted by special permit to the Planning Board as accessory structures in all zoning districts, subject to the following requirements:

(1) The location of the solar energy collector meets all applicable setback requirements of the zone in which it is located.

(2) The height of the solar collector and any mounts shall not exceed the height of the principal structure or 20 feet, whichever is less, when oriented at maximum tilt.

(3) The total surface area of all ground-mounted and freestanding solar collectors shall not exceed 1,000 square feet in area or 5% of the area of the lot on which they are located, whichever is less.

(4) A building permit has been obtained for the solar collector.

- (5) The solar collector is located in a side or rear yard.
- (6) All abandoned or unused freestanding solar energy collectors shall be removed within six (6) months of the cessation of operations.
- (7) Solar collectors shall be screened from neighboring properties and the public right of way, as appropriate.

E. Height Exceptions for rooftop and building-mounted Solar Energy Collectors.

- (1) One-Family and Two Family Residential Districts.
 - (a) Solar energy collectors may extend up to 18 inches above the maximum height limit, with unlimited rooftop coverage.
- (2) Multifamily Residential Districts.
 - (a) Notwithstanding the height limitations of the zoning district, solar energy collectors may extend up to two feet above the ridge level of a roof on a structure with a gable, hip or gambrel roof and shall not extend higher than four feet above the surface of the roof when installed on a flat or shed roof, with unlimited rooftop coverage. The Planning Board may grant exceptions up to six feet if viewsheds are protected.
- (3) Mixed Use Districts.
 - (a) Solar energy collectors may extend up to four feet above the surface of the roof, with unlimited rooftop coverage. The Planning Board may grant exceptions up to six feet if viewsheds are protected.
- (4) Commercial and Industrial Districts.
 - (a) Solar energy collectors may extend up to four feet above the maximum height limit, with unlimited rooftop coverage. The Planning Board may grant exceptions up to six feet if viewsheds are protected.

Section 4. Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended by adding the following section:

§331-25.1. Wind energy turbines.

A. Definitions.

(1) Wind Turbine or Wind Energy Turbine. A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

(a) Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10kW or less. They are also certified by the Small Wind Certification Council to meet AWEA Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.

(b) Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW. These turbines may or may not be connected to the power grid. Large wind turbines are not permitted.

B. Installation of wind turbines in multifamily residential, mixed use, and commercial and industrial districts shall be subject to approval by the Planning Board, in accordance with the provisions and procedures of Article XIII, Site Plan Approval, which shall take into account the needs of energy conservation. Wind energy facilities shall not be permitted in single family residential districts.

C. Wind turbines shall be allowed as a permitted accessory use in all multifamily residential, mixed use, and commercial and industrial districts, subject to the following requirements:

- (1) Building permits shall be required for installation of building mounted wind turbines.
- (2) Pole mounted or ground mounted turbines shall not be permitted.

D. Rotor swept area. The rotor swept area is the projected area as defined by the AWEA. The maximum rotor swept area is 150 square feet.

E. Setbacks and Height.

(1) Setbacks. Building mounted turbines are subject to the minimum setbacks of the building they are mounted on.

(2) Height. A turbine may be up to 50 percent above the base zone height limit, or 45 feet above the height of the building it is mounted on, whichever is less.

Section 5. Section 331-29, List of use regulations; Schedule of Dimensional Regulations, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§331-29, List of use regulations; Schedule of Dimensional Regulations.

A. The accompanying list of use regulations lists and defines the permitted uses of land, buildings and structures. All permitted uses are set forth in the list of use regulations by district. Any use not specifically listed as being permitted shall be deemed to be prohibited. Only in multifamily and nonresidence districts is more than one permitted principal use allowed on a single lot.

B. The list of use regulations prescribed in Articles VI through XI is subject to the Schedule of Dimensional Regulations, which is hereby incorporated and made part of this chapter.[1]

[1] Editor's Note: The Schedule of Dimensional Regulations is included at the end of this chapter.

C. See §331-25 for exceptions to Dimensional Regulations for solar energy collectors.

D. See §331-25.1 for exceptions to Dimensional Regulations for wind energy turbines.

Section 6. Section 331-46, H Hospital District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-46. H Hospital District.
See § 331-28B(1)

A. Permitted principal uses.

- (10) Educational and research uses.

Section 7. Section 331-50, WR Water related District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-50. WR Water Related District.

A. Permitted principal uses; 1.0 Maximum FAR for the following water-dependent uses:

(12) Bed and breakfast, hotel.

C. Uses allowed by special permit by the City Council.* (See Article XII for body having jurisdiction to issue special permit.)

(1) [0.25] 0.40 maximum FAR for the following [non-water-dependent] uses:

(a) Aquarium, maritime museum, marine sciences institute.

[(b)] Inn, bed and breakfast, hotel.]

[(c)](b) Enclosed sports/amusement/recreation complex.

[(d)](c) Retail sales and service establishments.

[(e)](d) Business, professional or government offices.

[(f)](e) Studios, theater, auditorium (up to a capacity of 80 people).

[(g)](f) Enclosed restaurant with outdoor dining.

[(h)](g) Indoor sports courts and billiard rooms.

[(i)](h) Parking lots for the storage of passenger vehicles and enclosed garages for not more than two commercial vehicles.

[(j)](i) Greenhouse, nursery, arboretum.

[(k)] Boatyards.]

[(l)](j) Public utility uses as regulated by § 331-106.

[(m)](k)Municipal uses.

[(n)](l) Yacht, boat, rowing, beach, and other water-dependent membership clubs as regulated by § 331-45D.

[(2)] 0.25 maximum FAR (maximum 10 dwelling units per acre) for the following non-water-dependent residential uses:]

[(o)](m)One-family attached and detached dwelling.

[(p)](n) Two-family dwellings.

(o) Multifamily dwellings.

(p) Mixed use commercial/residential with dwelling units located on the second floor and above.

[(3)](2) 1.0 FAR for other uses, including:

(a) Dry boat storage for vessels under 16 feet in length.

*NOTE: All special permit [non-water-dependent buildings and] uses shall be subject to waterfront design guidelines, which shall encourage nautical building design decoration, water-orientation and views, salt water-tolerant vegetation, lighting, and screening.

Section 8. Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended by adding the following section:

§331-50.1. WR-1 Water Related – Mixed Use District

§ 331-50.1 WR-1 Water Related – Mixed Use District.

A. Permitted principal uses; 1.0 Maximum FAR for the following uses:

(1) Pier, dock, marina, boat launching, boat storage and boatyards.

(2) Boat building and boat/sail repair.

(3) Boat service facility, including the sale and storage of fuel, lubricants, parts, accessories, ice, bait as an incidental marina use.

(4) Dry boat storage for boats 16 feet or longer.

- (5) Tanks and pumps for dispensing gasoline and fuel for motors.
- (6) Establishments for the sale and rental of boats, motors and accessories.
- (7) Ferry, water taxi, excursion, fishing and charter boat services.
- (8) Beach, park, promenade, boardwalk at or near the water's edge.
- (9) Navigation aids, marine police and fire station, public utility structure, municipal use.
- (10) Public parks and public open space.
- (11) Houses of worship.
- (12) Mixed use commercial/residential with dwelling units located on the second floor and above.
- (13) Multifamily apartment buildings.
- (14) Bed and breakfast, hotel.
- (15) Retail sales and service establishments.
- (16) Recreational uses.

B. Permitted accessory uses.

- (1) Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which they are located.
- (2) Swimming pools as regulated by § 331-17.
- (3) Satellite earth station or dish antennas as regulated by § 331-24, but only when accessory to a permitted principal use on the lot on which it is located.
- (4) Outdoor dining as per § 331-95 of the Zoning Chapter.
- (5) Facilities for the pumping out of marine holding tanks.
- (6) Shore protection structures.

C. Uses allowed by special permit by the City Council.* (See Article XII for body having jurisdiction to issue special permit.)

- (1) 0.4 maximum FAR for the following uses:
 - (a) Aquarium, maritime museum, marine sciences institute.
 - (b) Business, professional or government offices.
 - (c) Studios, theater, auditorium (up to a capacity of 80 people).
 - (d) Enclosed restaurant with outdoor dining.
 - (e) Indoor sports courts and billiard rooms.
 - (f) Parking lots and parking structures for the storage of passenger vehicles.
 - (g) Greenhouse, nursery, arboretum.
 - (h) Public utility uses as regulated by § 331-106.
 - (i) Municipal uses.
 - (j) Yacht, boat, rowing, beach, and other water-dependent membership clubs as regulated by § 331-45D.
- (2) 1.0 FAR for other uses, including:
 - (a) Dry boat storage for vessels under 16 feet in length.
- (3) Dimensional requirements on Hudson Park Road. In addition to the dimensional requirements in §331, Attachment 2 Schedule of Dimensional Regulations: Mixed-Use Districts, the following Dimensional Requirements apply to buildings that have frontage along Hudson Park Road:
 - (a) The maximum height shall be six (6) stories or 65 feet.

Section 9. Section 331-58, LSR Large Scale Retail District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-58. LSR Large Scale Retail District.

C. Uses allowed by special permit. (See Article XII for body having jurisdiction to issue special permit.)

- [(1) Outdoor storage of motor vehicles.]
- [(2)](1) Greenhouses, nurseries, and arboretums as regulated by § 331-96.
- [(3)](2) Public utility uses as regulated by § 331-106.
- [(4)](3) Cellular antennas and associated facilities as regulated by § 331-99 of this chapter.
- [(5) Motor vehicle dealership, as regulated by § 331-102.]
- [(6)](4) Self-storage facility, as regulated by § 331-105.1.
- [(7)](5) Day-care centers, as regulated by § 331-113.6.
- [(8)](6) Cabarets accessory to a restaurant use as regulated by § 331-113.2.

Section 10. Section 331-59, LL Light Industrial District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-59. LL Light Industrial District.

A. Permitted principal uses.

- (16) Recreational Uses.

Section 11. Section 331-65, WR Water Related District, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-65. WR Water Related District.

A. Dimensional requirements.

(1) The maximum building height for all permitted and special permit uses shall be three stories and/or 35 feet.

(a) Special permit. By special permit to Planning Board, permitted and special permit uses may increase maximum building height to a maximum of four stories and/or 45 feet. Planning Board shall use preservation of views of the Long Island Sound from adjacent residential areas as a criteria for granting the special permit subject to the following criteria. An applicant for a special permit required under this section shall submit proof to the Planning Board that the construction of a new building or replacement or expansion of an existing building on the site shall not block any significant existing water views, including winter water views, enjoyed by the public on adjacent rights-of-way and/or by adjacent and/or upland property owners, if such views are commonly and frequently enjoyed and easily accessible, including winter water views or if the loss of such view would negatively affect property values. This proof shall include, without limitation, visual demonstration on the applicant's property which identifies the height of the proposed construction or proposed planting. If the Planning Board determines that the special permit procedures and/or standards set forth in § 331-88 and § 331-89 of this chapter have not been met and/or if the Planning Board determines that any significant existing water views, if such views are commonly and frequently enjoyed and easily accessible, enjoyed by the public on adjacent rights-of-way and/or by adjacent and/or upland property owners, including winter water views, are blocked, the special permit shall be denied.

(2) The maximum permitted floor area ration (FAR) shall be 1.0 for [water related] permitted uses. For [residential and water related] special permit uses, the maximum permitted FAR shall be [0.250] 0.40.

(3) The maximum permitted [lot area] building coverage shall be 35% for special permit uses, included uses and structures accessory to a special permit use, except where parking is shared with a

permitted use, in which case the maximum [lot area] building coverage for the special permit use shall be 40%.

- (4) Yard setbacks: 30 feet.

Section 12. Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended by adding the following section:

§331-65.1. WR-1 Water Related Mixed Use District

A. Dimensional requirements.

- (1) The maximum building height for all permitted and special permit uses shall be four stories and/or 45 feet.

- (a) Special permit. By special permit to Planning Board, permitted and special permit uses may increase maximum building height to a maximum of six stories and/or 65 feet for buildings that have frontage along Hudson Park Road.

- (2) The maximum permitted floor area ratio (FAR) shall be 1.0 for permitted uses. For special permit uses, the maximum permitted FAR shall be 0.40.

- (3) The maximum permitted building coverage shall be 35% for special permit uses, included uses and structures accessory to a special permit use, except where parking is shared with a permitted use, in which case the maximum building coverage for the special permit use shall be 40%.

- (4) Yard setbacks: 30 feet.

Section 13. Section 331-85.1, Fifth Avenue Overlay Zone (FA), of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-85.1 Fifth Avenue Overlay Zone (FA).

A. Purpose. The Fifth Avenue Overlay Zone is established to improve the function, aesthetics, and accessibility of Fifth Avenue, Potter Avenue, Pleasant Avenue, Plain Avenue, and other streets contained within the area bounded to the north by Fifth Avenue, to the east by the City limit line, to the south by the New York State Thruway, and to the west by Potter Avenue, so as to phase out nonconforming buildings and uses and to promote attractive commercial, [and] light industrial, and mixed-use residential development, which will complement and be compatible with City Park. Specifically the following objectives are encouraged:

- (8) Creation of a mixed-use district that includes live-work space in accordance with § 331-72C and small-scale manufacturers.

- (9) Development of multi-family residential uses not to exceed three stories.

C. Permitted uses on Fifth Avenue. In addition to those uses permitted by right in the underlying LI Light Industrial District, the following uses shall be permitted by right in the Fifth Avenue Overlay Zone, provided they front on Fifth Avenue [and] or are located within 200 feet of the intersections of Fifth Avenue with Portman Road or Valley Place, respectively:

- (7) Multi-family apartment buildings.
- (8) Mixed use commercial/residential with dwelling units located on the second floor and above.
- (9) Live-work units.

(10) Retail sales and service establishments.

H. Mixed-use, multi-family residential, and live-work space in accordance with § 331-72C. To promote creation of a mixed-use district, mixed-use buildings, multi-family residential, and live-work space shall be permitted in the Fifth Avenue Overlay District. The following dimensional requirements apply to new construction of buildings that include commercial uses on the ground floor such as but not limited to artisans, trades, workshops, and showrooms. Upper floors should include multi-family residential units and/or live-work space for artisans.

(1) Dimensional Requirements.

- (a) The maximum building height shall be 35 feet or three stories.
- (b) The maximum permitted floor area ratio (FAR) shall be 1.0.
- (c) The maximum permitted lot coverage shall be 35% for all buildings and 65% for all impervious surfaces.
- (d) Minimum floor area per dwelling unit shall be 400 square feet plus 200 square feet per bedroom.
- (e) Front yard setbacks shall be a minimum of 10 feet and a maximum of 25 feet.
- (f) Rear yard setbacks shall be a minimum of 30 feet.
- (g) Usable open space per dwelling unit shall be a minimum of 100 square feet.

Section 14. Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended by adding the following section:

§331-85.3 Cultural District Extension Overlay Zone.

A. Purpose. The Cultural District Extension Overlay Zone is established to supports the concepts, goals, and strategies of the Arts + Cultural District Plan and recognizes the unique qualities of the light industrial area in fostering and preserving arts and culture in the city. The Cultural District Extension Overlay Zone is meant to permit and incentivize uses in close proximity to the New Rochelle Transit Center that promote the creation of housing, workspace, and programming that supports New Rochelle's arts and cultural community.

B. Permitted Principal Uses. In addition to those uses permitted by right in the underlying LI Light Industrial District, the following use shall be permitted by right in the Cultural District Extension Overlay Zone:

- (1) Retail for onsite products, including arts-related products.
- (2) Artist work studios and workshops.
- (3) Artist work/live units with artist certification requirement.
- (4) Maker activities, including shared maker labs, studios, and workshops.
- (5) Art galleries.

C. Permitted Accessory Uses.

- (1) Uses and structures accessory to the permitted principal use.
- (2) Satellite earth station or dish antennas.
- (3) Educational activities related to arts, cultural, and maker uses.

D. Special permit uses. All the uses allowed as special permit uses in the underlying LI Light Industrial District shall be allowed as special permit uses in the Cultural District Extension Overlay Zone.

E. Dimensional Requirements.

(1) A minimum of 70% of the gross floor area shall be artist work/studio space and/or artist work/live housing and related common areas. A maximum of 30% of any project may be arts-related auxiliary uses including educational space, gallery space, and retail that is produced on site, as per the underlying light industrial zoning restrictions. Permitted non-arts related uses shall not include non-artist live (residential) or work/live spaces.

(2) Artist work/live units.

(a) Artist work/live units shall have a minimum of 275 square feet for the living unit.

(b) Each living unit shall have a minimum of 100 square feet per unit provided as work space, either as individual studio space or as part of a common work space or maker space. This work space shall be provided as additional space in the living unit.

(c) Artist work/live developments may include other shared or auxiliary spaces related to arts, culture and maker activities such as workshop and tool spaces, storage spaces, and gallery spaces.

(d) Gallery space must be provided for the benefit of all artist work/live units. Gallery space shall be a minimum of 150 square feet.

(e) Artists renting or occupying work/live units must be certified artists by the City of New Rochelle through the City's artist certification program.

(3) Art sales space accessory to and integrated with artist work and work/live spaces may occupy up to a maximum of 30 percent of the gross floor area.

F. Parking Requirements.

(1) Artist work space and maker space: 1 parking space per 500 square feet of gross floor area.

(2) Artist work/live development: 1 parking space for every three artist work/live units plus 1 parking space per 500 square feet of gross floor area of the remaining project (excluding the work/live units and common area for these, and excluding the required work space/studio space for each of these work/live units).

G. Development Incentives.

(1) In the Cultural District Extension Overlay Zone, development that provides adaptive reuse of existing buildings and/or new construction for the use of artist work/studio space and/or artist work/live space as outlined above shall be eligible to receive development incentives as follows:

(a) Increased height up to four stories total (from two stories allowable as of right in the current zoning of the Light Industrial District)

(b) Additional parking relief for the redevelopment of underutilized lots and buildings:

1. A reduction of parking from 1 space per 500 square feet of gross floor area of work space and auxiliary uses to 1 space per 750 square feet of gross floor area of these uses.

Section 15. Section 331-91, Establishment of a new or expansion of existing universities, colleges and private school campuses in residential districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-85.1 Establishment of a new or expansion of existing universities, colleges and private school campuses in residential districts.

B. A special permit shall be required for a new or the expansion of an existing university, college and private school campus in residential districts [on property that had not been previously used for any purposes related to the university, college or private school]. Expansion shall include the merger of lots adjacent to the existing campus.

Section 16. 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 is hereby amended as follows:

§ 331-126. Schedule of off-street parking and loading space requirements.

The schedule of off-street parking and loading space requirements presents the minimum parking space and loading space requirements of this chapter. Where there is more than one use, the minimum requirements shall be cumulative for all uses, except where shared use of parking or loading spaces is permitted by the approving agency pursuant to Subsection A, Subsection G or Subsection [G] H herein. For uses that do not fall within the categories listed, or for uses where no minimum number of spaces is specified, the Building Official or designated representative shall recommend to the Planning Board minimum parking and loading space requirements based upon the specific nature of the proposed facility or use, and the Planning Board shall establish the requirements on that basis. Required spaces developed for specific structures and uses shall be reserved at all times to persons who are employed at or make use of such structures and uses, except where such parking spaces are dedicated to and accepted by the City of New Rochelle as public parking, or where arrangements for shared use are made pursuant to Subsection A, Subsection G or Subsection [G] H below.

<u>Off-Street Parking and Loading Space Requirements</u>		
<u>Use</u>	<u>Minimum Number of Parking Spaces</u>	<u>Minimum Number of Loading Spaces</u>
<u>Residential</u>		
<u>One-family dwelling</u>	<u>2 per dwelling unit</u>	
<u>Two-family dwelling</u>	<u>2 per dwelling unit</u>	
<u>Multifamily dwelling</u>	<u>[1.5] 1.25 per dwelling unit, plus .25 for each bedroom In the CPA District, 1.0 per dwelling unit</u>	<u>1, which may be utilized for parking within requirements for zoning chapter. Area shall be designated on site plan as to size and height, and its feasibility shall be acceptable to the Building Official.</u>
<u>Attached dwelling unit, townhouse</u>	<u>In other than the PUD-AH District or the CPA: [1.5] 1.25 per dwelling unit, plus [.50] .4 per bedroom In the PUD-AH District: 1 per dwelling unit In the CPA: 1 per dwelling unit</u>	
<u>Bed-and-breakfast</u>	<u>In addition to residential component, 1 per each room rented</u>	
<u>Rooming house</u>	<u>1 per 2 guest rooms</u>	
<u>Senior citizen housing</u>	<u>In other than the PUD-AH District: [.05] .06 per dwelling unit; [0.3] 0.4 for publicly assisted senior citizen housing In the PUD-AH District, for multifamily senior citizen assisted-living residences: [0.2] 0.3 per dwelling unit In the PUD-AH District, for medical support facilities: 1 per 350 square feet of gross floor</u>	

		<u>area</u>	
	<u>Independent living residences</u>	<u>In the CPA: 0.5 per dwelling unit; elsewhere: 0.65 per dwelling unit</u>	
	<u>Adult care facilities</u>	<u>In the CPA: 0.20 per bed</u>	
<u>Recreational</u>			
	<u>Athletic facilities accessory to private school, university or college</u>	<u>1 per 10 seats</u>	
	<u>Beach club</u>	<u>1 per 3 seats in area(s) of public assembly and 1 per 100 square feet for other uses (conference room, manager's office, etc.)</u>	
	<u>Billiard hall</u>	<u>1 per billiard or pool table</u>	
	<u>Bowling alley</u>	<u>In CPA¹: 2 per lane; elsewhere: 4 per lane</u>	
	<u>Club, golf</u>	<u>1 per 3 seats in area(s) of public assembly and 1 per 100 square feet for other uses (conference room, manager's office, etc.)</u>	
	<u>Commercial indoor recreation facility and health club</u>	<u>In CPA¹: 1 per 350 square feet of GFA; elsewhere: 1 per 200 square feet of GFA</u>	<u>Up to 10,000 square feet: 1; for each additional 100,000 square feet or major portion thereof: 1 additional</u>
	<u>Golf driving range</u>	<u>1 per tee</u>	
	<u>Indoor wall or rock climbing facility</u>	<u>In CPA: 1 per 350 square feet of GFA; elsewhere: 1 per 250 square feet of GFA</u>	<u>0 to 10,000 square feet: none; 10,000 to 100,000 square feet: 1; for each additional 100,000 square feet or major portion thereof: 1 additional</u>
	<u>Marina</u>	<u>1 per 200 square feet of GFA (not used for storage), plus [1.5] 1.0 per slip</u>	<u>At least 20% of the parking spaces required shall be 9.5 feet by 35 feet in size to accommodate cars with trailers, except when the marina is accessory to multifamily dwelling and no boat-launching facility is provided where no such loading space parking shall be required</u>
	<u>Skating rink</u>	<u>1 per [100] 1000 square feet of rink area</u>	
	<u>Squash, handball, racquetball and similar courts</u>	<u>In CPA¹: 1 per court; elsewhere: 2 per court</u>	
	<u>Tennis courts</u>	<u>In CPA¹: [3] 2 per court; elsewhere: [5] 4 per court</u>	
	<u>Theaters</u>	<u>In CPA¹: 1 per 5 seats; elsewhere: 1 per 3 seats</u>	
<u>Semipublic</u>			
	<u>Church or other places of worship</u>	<u>1 per 5 seats in the sanctuary, and for additional accessory areas and/or uses, parking shall be provided as set forth in this</u>	

		<u>chapter</u>	
	<u>College or university</u>	<u>1 for each faculty member, plus 1 per 3 employees, plus 1 per each 3 students not residing on campus</u>	
	<u>Congregate care facility, domiciliary care facility</u>	<u>[1 per 3 beds, plus 1 for each employee] 0.45 per bed</u>	<u>0 to 30 beds: none; 31 to 100 beds: 1; 101 to 200 beds: 2; over 200 beds: 3</u>
	<u>Hospital</u>	<u>[2.5]1.25 per bed [or] plus 1 per 400 square feet of GFA [whichever is greater] of any outpatient clinic</u>	<u>1 per 100,000 square feet of GFA or major portion thereof</u>
	<u>Group home</u>	<u>1 per 5 residents, plus one per employee</u>	
	<u>Student Residences</u>	<u>In CPA¹: 1 per 3 student resident beds</u>	
	<u>Civic/Institutional use</u>	<u>In CPA¹: 1 spaces per 500 square feet of GFA</u>	
<u>Community Facilities</u>			
	<u>Library</u>	<u>In CPA¹: 1.3 per 1,000 square feet of GFA; elsewhere: 3.3 per 1,000 square feet of GFA</u>	
<u>Schools</u>			
	<u>Nursery and day care</u>	<u>In other than CPA: 1 per 4 children, plus 1 per employee In CPA: 1 for every 2 employees</u>	
	<u>Elementary (Grades K-8)</u>	<u>1 for each faculty member, plus 1 per each 3 staff members and 1 per each 30 students</u>	
	<u>Secondary (Grades 9-12)</u>	<u>1 for each faculty member, plus 1 per each 3 staff members and 1 per each 10 students</u>	
<u>Commercial</u>			
	<u>Adult-oriented business</u>	<u>1 per 3 seats or [1 per 100] 6 per 1000 square feet of GFA, whichever is greater</u>	
	<u>Animal hospital</u>	<u>In CPA¹: 1 per [350] 500 square feet of GFA; elsewhere: 1 per [250] 350 square feet of GFA</u>	<u>Greater than 5,000 square feet: 1</u>
	<u>Bank</u>	<u>[1 per 200] 6 per 1000 square feet of GFA [plus 2 per automated teller machine and/or] plus 5 queuing spaces per drive-up window</u>	
	<u>Bar, cabaret and nightclub</u>	<u>1 per 3 seats or [1 per 100] 6 per 1000 square feet of GFA, whichever is greater</u>	
	<u>Clinical laboratory</u>	<u>1 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per 500 square feet of GFA</u>	<u>0 to 5,000 square feet: none; 5,000 to 75,000 square feet or major portion thereof; 1 additional</u>
	<u>Car wash</u>	<u>[10] 6 queuing spaces per bay,</u>	

		<u>plus 0.80 per employee</u>	
	<u>Convenience store</u>	<u>1 per [200] 100 square feet of GFA[,plus 1 per pump island if associated with motor vehicle filling station]</u>	
	<u>Funeral parlor</u>	<u>For assembly rooms: 1 per 100 square feet of GFA or 1 per 3 seats, whichever is greater, plus 1 per commercial vehicle kept on the lot</u>	<u>1 for each hearse</u>
	<u>Hotel</u>	<u>Within the CPA 0.8 per guest room, [plus 1 per employee] plus additional spaces as required for other uses; elsewhere 1 per guest room, plus additional spaces as required for other uses</u>	<u>1 for the first 100 units, plus 1 for each additional 100 units or major portion thereof, plus additional spaces as required for other uses</u>
	<u>Martial arts studio, dance studio and aerobic exercise studio</u>	<u>1 per [200] 150 square feet of GFA</u>	<u>1 to 5,000 square feet: none; 5,000 to 15,000 square feet: 1</u>
	<u>Motor vehicle dealership</u>	<u>Sales: 1 per 300 square feet of GFA; service: 5 for the first service bay and 2 per every service bay thereafter; 1 per 2 employees; one loading space a minimum of 50 feet in length is required.</u>	
	<u>Motor vehicle filling station</u>	<u>1 per pump island, plus 5 per service bay</u>	
	<u>Motor vehicle rental agency</u>	<u>1 per 100 square feet of GFA in addition to spaces required for the storage of vehicles for rent</u>	
	<u>Motor vehicle service and/or body repair facility</u>	<u>5 for the first service bay and 2 for every bay thereafter</u>	
	<u>Office: business, professional, governmental</u>	<u>In CPA¹: 1 per [500] 400 square feet of GFA; elsewhere: 1 per 250 square feet of GFA</u>	<u>0 to 5,000 square feet: none; 5,000 to 75,000 square feet or major portion thereof: 1 additional</u>
	<u>Office: medical/dental</u>	<u>In CPA¹: 1 per 350 square feet of GFA; elsewhere: 1 per 250 square feet of GFA</u>	
	<u>Office: in residence of professional person</u>	<u>2, plus spaces required for residence</u>	
	<u>Restaurant and catering halls</u>	<u>1 per 3 seats or 1 per [200] 150 square feet of GFA whichever is greater</u>	
	<u>Restaurant, carry-out</u>	<u>Same as above</u>	
	<u>Restaurant, fast-food</u>	<u>1 per [50] 80 square feet of GFA</u>	
	<u>Retail laundry or dry cleaner</u>	<u>[3, plus 1 for each 500 square feet of GFA in excess of 1,000 square feet] 2.5 per 1000 square feet of GFA</u>	
	<u>Retail, national brand</u>	<u>In CPA¹: 1 per 400 square feet</u>	<u>0 to 5,000 square feet: none;</u>

	<u>establishment</u>	<u>of GFA; elsewhere 1 per 250 square feet of GFA [and 1 per 1,000 square feet of accessory use]</u>	<u>5,000 to 15,000 square feet: 1; 15,000 to 30,000 square feet: 2; 30,000 to 60,000 square feet: 3; 60,000 to 100,000 square feet: 4; each additional 50,000 square feet or major portion thereof: 1 additional</u>
	<u>Retail, store, shop, and personal service establishments</u>	<u>In CPA¹: 1 per 400 square feet of GFA; elsewhere: 1 per 250 square feet of GFA</u>	<u>0 to 5,000 square feet: none; 5,000 to 15,000 square feet: 1; 15,000 to 30,000 square feet: 2; 30,000 to 60,000 square feet: 3; 60,000 to 100,000 square feet: 4; each additional 50,000 square feet or portion thereof for other than retail use occupying a total of not less than 140,000 square feet of GFA in the DMU District: 1 additional; each additional 100,000 square feet or portion thereof of retail use occupying a total of not less than 140,000 square feet of GFA in the DMU District, as determined by the Planning Board in connection with site plan approval</u>
	<u>Accessory to multifamily residential development</u>	<u>1 per 1,000 square feet of GFA</u>	
	<u>Retail, large-scale</u>	<u>In CPA¹: 1 per 400 square feet of GFA; elsewhere: 1 per 200 square feet of GFA</u>	<u>Same as above</u>
	<u>Retail, membership club</u>	<u>In CPA¹: 1 per 400 square feet of GFA; elsewhere: 1 per 250 square feet of GFA</u>	<u>Same as above</u>
<u>Industrial</u>			
	<u>Light industrial</u>	<u>[1] 0.80 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per 1,000 square feet of GFA</u>	<u>From 0 to 25,000 square feet: 1; from 25,001 to to 40,000 square feet: 2; from 40,001 to 60,000 square feet: 3; from 60,001 to 100,000 square feet: 4; for each additional 50,000 square feet or major portion thereof: 1</u>
	<u>Self-storage facility</u>	<u>1 per [350] 100 storage units</u>	<u>1 per 500 storage units</u>
	<u>Manufacturing, fabrication, finishing or assembling of products</u>	<u>[1] 0.80 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per 1,000 square feet of GFA</u>	<u>Same as above</u>
	<u>Wholesale business, storage, distribution, or warehousing</u>	<u>[1] 0.80 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per [3,000] 2,000 square feet of GFA</u>	<u>Same as above</u>

A. Shared use of parking. The total number of off-street parking and loading spaces required shall be the sum of the requirements for each individual use, except that such total may be reduced in mixed-use districts by the Planning Board where the applicant demonstrates to the satisfaction of the Board that the capacity of the facility will satisfy the purposes of this chapter by reason of variation in the probable time of maximum use by residents, visitors, patrons, deliverers and/or employees as well as use of alternative modes of transportation.

(1) The applicant may submit a Parking Management Plan by using the standards provided in the most recent edition of Shared Parking published by the Urban Land Institute and other supporting nationally and locally recognized standards to demonstrate to the Planning Board the maximum parking demand required for each development. Where two or more uses on the Site or Off-Site locations complying with 331-126A(5) are able to share the same parking spaces because their parking demands occur at different times, the same parking spaces may be counted to satisfy the off-street parking requirements for each use upon the approval of a Parking Management Plan by the Planning Board. Applications for a Parking Management Plan approval shall include:

(d) A legal instrument such as a lease, easement or deed restriction that guarantees the parking will be provided on-site or off-site so long as the associated uses remain, access to the parking for multiple uses according to an approved Parking Management Plan, [the time periods under which each use will have rights to count spaces for purposes of the space requirements under Section 331-126, and restrictions on the hours of operation of each use,] which shall be submitted to the Corporate Counsel of the City for review and approval. No parking spaces to be shared shall be reserved or allotted to any individual.

E. Alternate methods of complying with parking and loading requirements.

(3) Alternate locations. Required off-street parking facilities shall be provided on the same lot with the structure or use which they serve, except as follows:

(a) The Planning Board may allow all or part of the parking spaces required to serve structures or uses to be located on any lot entirely within [250] 500 feet of the structures or uses to be served, provided such parking is a lawful use in the district in which it is to be located and further provided that the Planning Board determines that it is impractical to provide parking on the same lot with the structures or uses being served.

(b) In any H, RMF-SC-4.0, or NA District, the required parking spaces may be provided on any lot within [450] 500 feet of the structures or uses to be served.

(c) Where the Planning Board approves the location of such parking spaces on a lot different from the lot occupied by the structure or use served, the Planning Board shall require a legal instrument, in form and filing satisfactory to the Corporation Counsel, assuring the continued use of said parking spaces in connection with the uses or structures served and recorded in the Westchester County Land Records in the County Clerk's office.

(d) This section shall not apply to off-street parking being addressed through Article XXI of this code.

G. Other Parking Credits.

(1) Non-reserved Parking: For a residential development that has 50 or more parking spaces the applicant is eligible for a parking reduction of up to 10%, if none of the residential spaces are reserved or assigned to any individual. This credit is subject to the approval by the Planning Board based upon a parking study.

[(1)](2) Car Share Parking: For parking facilities of 50 spaces or more (related to any use) the applicant can get a credit of 3 conventional parking spaces for every shared car (e.g. zip car) parked on

site. This credit is subject to a maximum of 15% of total parking requirement and subject to Planning Board Approval based upon parking study.

[G.]H. Parking within the Central Parking Area.

Section 17. Section 331-152, Requirements for Affordable Housing, of Chapter 331, Zoning, of the Code of the City of New Rochelle is hereby amended as follows:

§ 331-152. Requirements for Affordable Housing.

C. Inclusion of Affordable Dwelling Units in Rental Housing.

(8) Local Preference. Affordable units created in projects in New Rochelle shall be allocated in the following order of priority:

- (a) Eligible members of the workforce of New Rochelle (e.g., uniformed City workers, teachers, etc.), who are existing residents of New Rochelle,
- (b) Eligible New Rochelle residents;
- (c) Other eligible members of the workforce of New Rochelle; and
- (d) Other eligible individuals.

D. Inclusion of Affordable Dwelling Units in Purchase Housing.

(8) Local Preference. Affordable units created in projects in New Rochelle shall be allocated in the following order of priority:

- (a) Eligible members of the workforce of New Rochelle (e.g., uniformed City workers, teachers, etc.), who are existing residents of New Rochelle,
- (b) Eligible New Rochelle residents;
- (c) Other eligible members of the workforce of New Rochelle; and
- (d) Other eligible individuals.

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 July 12, 2016, pursuant to Resolution No. 145.

BENNIE F. GILES, III, CITY CLERK