

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

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, February 14, 2012, 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 SECTIONS 331-45 (ADDITIONAL REGULATIONS FOR RESIDENCE DISTRICTS), 331-57 (DB DOWNTOWN BUSINESS DISTRICT), AND 331-61 (ADDITIONAL REGULATIONS FOR NONRESIDENCE DISTRICTS), OF THE NEW ROCHELLE ZONING CODE.

WHEREAS, periodically, changes to the Zoning Code are proposed by staff when language is found in an ordinance that is incorrect, redundant, contradictory or unnecessary; and

WHEREAS, staff has identified the following sections of the Zoning Code where changes are necessary; now, therefore,

BE IT ORDAINED by the City of New Rochelle:

Section 1. Chapter 331-45, Additional Regulations for Residence Districts, of the New Rochelle Zoning Code, is hereby amended as follows:

§331-45 (I) Permanent outdoor emergency energy generation systems installation for the exclusive use of a one-family residence located on the property. In view of the small acreage of one-family residential properties in the City of New Rochelle, the following conditions are imposed on the issuance of building permits for the permanent siting of outdoor emergency energy-generation systems. Such building permits shall not be required for portable emergency energy generators:

- (1) Prior to considering approval of a proposed outdoor location for the emergency energy-generation system, the Building Official shall determine that the proposed system cannot reasonably be located within an existing fully enclosed building on the property;
- (2) The emergency energy-generation system shall not be located in any required front yard setback, [side yard setback or rear yard setback of the property] but can be constructed within ten (10) feet of any rear lot line or within six (6) feet of any side lot line. Location in the rear of the residence located on the property shall be preferred so as to minimize visibility of the system from

adjoining properties and the street. No emergency energy generating systems shall be placed within five (5) feet of any wood frame building or structure.

- (3) Preference shall be given to emergency energy-generation systems designed to minimize noise, including but not limited to those which include noise muffler systems;
- (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. Such vegetation shall meet the minimum distancing requirements established by the manufacturer of the emergency energy-generating systems;
- (5) The installer of the emergency energy-generation system shall obtain all required plumbing, electrical and Fire Department permits, if any.

Section 2. Chapter 331-57, DB Downtown Business District, of the New Rochelle Zoning Code, is hereby amended as follows:

§331-57(C)(1) Day Care Centers located on through streets, [only on the second floor and above] above or below the main floor, as regulated by §331-113.6

Section 3. Chapter 331-61, Additional Regulations for Nonresidence Districts, of the New Rochelle Zoning Code, is hereby amended as follows:

§331-61(I) Extended Hours. [A] Any self service or retail establishment, convenience store, carry-out restaurant, [fast-food restaurant,] motor vehicle filling station, or motor vehicle service station, shall be prohibited to operate during extended hours when such facility is located on a lot which is adjacent to a lot which is partially or totally located in a residentially zoned district.

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 January 10, 2012, pursuant to Resolution No. 4.

Bennie F. Giles, III, City Clerk