

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

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 12, 2013, 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 VARIOUS SECTIONS OF CHAPTER 331, ZONING, OF THE NEW ROCHELLE ZONING CODE.

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.

BLUE ROOF SYSTEMS

A blue roof is a roof or part thereof designed which is explicitly intended to store water, typically rainfall.

COLLEGE RELATED USE

Uses customarily accessory to a college or university including classrooms, laboratories, administrative offices and residential halls and/or dormitories.

DORMITORY

See definition for RESIDENCE HALL

FLOOR AREA (GROSS)

The sum of the horizontal area of each story of a building, measured from the exterior faces of exterior walls or, in the case of a common wall separating two buildings, from the center line of such common walls, but excluding 1) unenclosed porches, balconies, raised platforms, roof overhangs, gutters and chimneys; 2) any interior space with less than five feet of vertical clearance; 3) unfinished and nonhabitable space in a basement, attic, or storage area, provided that such unfinished and nonhabitable space, if having windows or exterior doors, shall not have any individual window of a greater area than 5.6 square feet, nor exterior sliding doors, nor other exterior doors qualifying as exits under the New York State Building Code except for bulkhead doors; 4) mechanical spaces; 5) unenclosed parking garages; or carports; 6) enclosed parking garage space in one-family residential districts, except that any such space in excess of 600 square feet shall not be so excluded; [and]7) enclosed

parking garages in other than one-family residential districts; 8) exterior walls that have been expanded with external insulation within the property line[.]; and 9) rooftop greenhouses. If any basement, attic, or storage area has any individual window of a greater area than 5.6 square feet, or exterior sliding doors, or other exterior doors which are not bulkhead doors but which qualify as a safety exit under the New York State Building Code, such area shall be included in the gross floor area calculations. No basement, attic or garage area previously used and/or improved as habitable space shall be converted to storage use for the purposes of this calculation.

GREEN ROOF OR LIVING ROOF SYSTEM

A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Rooftop ponds are another form of green roofs which are used to treat grey water.

HEIGHT OF BUILDING

The vertical distance measured from the mean existing grade to the highest level of the roof surface of roofs, the slope of which is not more than one inch vertical to one foot horizontal, or to the mean height between the eaves and the highest point of the roof if the roof is of any other type. The height of building in a Major Subdivision is proposed to be measured at the design flood elevation required by the New York State Residential Building Code within the Coastal Area. In all other areas of the City, measurement of the Height of Building will be taken from Existing Grade, as defined herein. Green and/or blue roof systems and rooftop greenhouses shall be exempted from building heights.

RESIDENCE HALL

A building or part thereof where group sleeping accommodations are provided in one (1) room, or in a series of closely associated rooms, which may or may not include shared kitchen and/or bathroom facilities for persons not members of the same family group, under joint occupancy and single management, and associated with a college or university as in college dormitories or fraternity houses.

SUN SHADING DEVICE

A device which limits the amount of sunlight entering a building including but not limited to: roll down blinds, shutters, vertical louvers, horizontal louvers, canvas awnings, fixed or moveable.

Section 2. Section 331-12, Nonconformities, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-12. Nonconformities.

D. Reconstruction.

(3) An existing garage accessory to a one- or two-family dwelling may be replaced in the same dimensions as the original structure and in accordance with a plan submitted to and approved by the Building Official. If a non-conforming garage is demolished by order of the Building Official, such garage may be reconstructed at any time in the same footprint and dimensions as the original structure.

Section 3. 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.

(3) Structural projections.

(b) The ordinary projections of window sills, belt courses, chimneys, cornices, eaves, sun-shading devices and other similar architectural features shall not project more than [two feet] thirty inches into any side or rear yard. Any commercial installation of an awning proposed as a sun-shading device shall be subject to section 270-4 (F) and all applicable sub-sections.

Section 4. Section 331-45, Additional Regulations for Residence Districts, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-45. Additional Regulations for Residence Districts.

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:

(2) The emergency energy-generation system shall not be located in any required front yard setback, but [can] cannot be constructed within 10 feet of any rear lot line or within six 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 feet of any wood frame building or structure.

Section 5. § 331-87, Approving Agencies, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-87. Approving Agencies.

B. Planning Board.

(1) The Planning Board shall have authority to approve the following listed special permit uses, in addition to any other specially permitted uses not specifically identified in this section:

(aa) Rooftop greenhouses as regulated as per 113.7.

Section 6. Chapter 331, Zoning, of the Code of the City of the City New Rochelle, is hereby amended by adding the following:

§ 331-113.7 Rooftop Greenhouses.

The Planning Board may approve a special permit for a rooftop greenhouse, provided that any such greenhouse:

- (a) shall not be located in a residential district;
- (b) shall be used primarily for the cultivation of plants;
- (c) shall not be more than 15 feet higher than the existing roof;
- (d) where exceeding building height limits, as set forth in the Code, the greenhouse shall be set back from the perimeter wall of the story immediately below by at least six feet on all sides;
- (e) shall be represented in plans showing:

(1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed building upon which the greenhouse will be located, and access to and from the building to the greenhouse;

(2) the design of the greenhouse which incorporates a rainwater collection and reuse system and;

(3) any portion of the greenhouse dedicated to office or storage space accessory to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse; and

(f) shall not be exempt from building height when such greenhouse is proposed on a lot that abuts a residential district.

Section 7. Section 331-47, DMU Downtown Mixed Use District, of the Code of the City of the City New Rochelle, is hereby amended as follows:

§ 331-47. DMU Downtown Mixed Use District.

A. Permitted principal uses.

(12) College related uses within 1,500 feet of the college and/or university's main administrative building.

Section 8. Section 331-57, DB Downtown Business District, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-57. DB Downtown Business District.

A. Permitted principal uses.

(16) College related uses within 1,500 feet of the college and/or university's main administrative building as regulated by §331-113.1.

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

[(3) Colleges, universities, and private schools as regulated by § 331-113.1.]

Section 9. Section 331-55, C-1M General Commercial Modified District, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-55. C-1M General Commercial Modified District.

(15) College related uses within 1,500 feet of the college and/or university's main administrative building.

Section 10. Section 331-120, General requirements and design standards, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-120. General requirements and design standards.

The following shall be deemed to be minimum requirements and shall not be waived by the Planning Board:

D. Driveways shall not exceed the following grades.

(1) In residential development: 10%

(2) In nonresidential development: [5%] 8%

(3) Within 30 feet of the street right-of-way line, in residential or nonresidential development: 3%

E. Grades of open parking and loading areas shall not exceed [3%] 6%.

Section 11. Section 331-128, Design and layout, of Chapter 331, Zoning, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-128. Design and layout.

(2) Access driveways serving multifamily and nonresidence districts shall be designed in accordance with the following standards:

- (d) They shall also not exceed a grade of 3%, except that a grade of [5%] 8% may be allowed by the Building Official, provided that such grade would be appropriate for the purpose of reducing environmental impact.

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 8, 2013, pursuant to Resolution No. 3.

Bennie F. Giles, III, City Clerk