

ORDINANCE AMENDING SECTIONS 331-117, *APPROVAL REQUIRED*; ADDING 331-117.1, *ARCHITECTURAL REVIEW OF SITE PLANS AND MAJOR SUBDIVISIONS BY PROFESSIONAL ARCHITECTS REQUIRED*; AMENDING SECTIONS 331-118, *PROCEDURES*; AND 331-119, *SUBMISSIONS REQUIRED FOR APPROVAL*; OF CHAPTER 331, *ZONING*, OF THE NEW ROCHELLE CITY CODE.

BE IT ORDAINED by the City of New Rochelle as follows:

Section 1. Section 331-117, *Approval Required*, Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended to read as follows:

A. Site plan approval is required prior to the issuance of a building permit for the construction or enlargement of any principal use, other than a one- or two-family dwelling, where such dwelling is permitted by right and **the** grade is not changed by more than four feet at any point on the site, and prior to the issuance of a certificate of occupancy for any change of use or occupancy which would result in an increase in the requirement for off-street parking or loading spaces and for any parking lot created or altered in accordance with the provisions of Article XIV of this chapter. The Planning Board shall be the approving agency for all site plan applications. **Fees for site plan applications shall be in accordance with Chapter 133, Fees.**

B. The approved site plan, and any conditions attached thereto, shall be complied with prior to the issuance of the certificate of occupancy. Continued compliance with all such conditions shall be a requirement of the continued validity of the certificate of occupancy. Site plan revisions, other than minor adjustments approved by the Commissioner of Development upon recommendation by the Building Official, shall be subject to the same approval procedure and requirements as the initial site plan. **The Planning Board shall be notified of any amendments authorized by the Commissioner of Development or by the Building Official.**

Section 2. Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended by adding Section 331-117.1, *Architectural Review of Site Plans and Major Subdivisions by Professional Architects Required*.

**§ 331-117.1. Architectural Review of Site Plans and Major Subdivisions by Professional Architects Required.**

**A. The Planning Board is authorized to deny site plan applications if the proposed building's form, massing, and exterior façade is incompatible with the immediate area and neighborhood area surrounding the site, in accordance with Goals F and N, as stated in Article I, Purpose, of this Code. The City hereby finds that monotonous similarity, striking dissimilarity, visual discord or inappropriateness, and visually offensive, incompatible, or other poor quality of design in the exterior appearance of buildings or structures can adversely affect the desirability of the immediate area and neighboring areas, impair the use of property, impact the stability in value of both improved and unimproved property in such areas, prevent the most appropriate development, and contribute to the diminution of the taxable value of property in such areas and their ability to support municipal services provided therefor.**

**B. It is the purpose of this section to preserve and promote distinctive community character and appearance and to conserve property values throughout the City, to enhance the attractiveness of residential and business areas, which are the economic mainstays of the community, by providing procedures for a professional architectural review of certain buildings and structures henceforth erected, reconstructed, or altered and thereby to:**

- (1) Encourage good qualities and appearances of the exterior design of buildings and structures;**
- (2) Relate such design and appearances to the sites and surroundings of buildings and structures;**
- (3) Demonstrate originality and resourcefulness in building design and appearances which are considered appropriate to the sites and surroundings; and**
- (4) Prevent such design and appearances as are considered inappropriate and detrimental to the visual environment.**

**C. It is the intent of the City to ensure high standards, and consistent criteria, for the design of commercial, industrial, municipal, recreational and certain residential buildings and structures**

**D. It is the intent of this section to create an Professional Architectural Review Committee (PARC) within the Department of Development to assist and serve as an adjunct to the Planning Board in its review of the architectural features and physical details of applications brought before it.**

**E. The PARC shall recommend approval, approval with conditions, or disapproval of any complete site plan or Major Subdivision application referred to it by the Planning Board Clerk with respect to building elevations, façade design, and urban design elements. For**

site plan application or Major Subdivision application, entailing less than 60,000 sq. ft. of new construction or addition, two (2) PARC licensed architects shall make a joint recommendation to the Planning Board with respect to building elevations, façade design, and urban design elements. For site plan application or Major Subdivision application, entailing 60,000 sq. ft. or more of new construction or addition, all recommendations shall be voted on by a majority of three (3) PARC licensed architects. For Major Subdivisions, containing three (3) or more dwelling units, the PARC licensed architects shall make recommendation to the Planning Board after the applicant has submitted the required information identified in Section A361-12 (M), Preliminary Layout and Data, of the Land Development Regulations. The fee for PARC review shall be paid by the applicant at the time of site plan or Major Subdivision application, which fee shall be in addition to the regular fees for site plan or Major Subdivision approval. Such fees are set forth in Chapter 133, Fees.

The PARC shall, within thirty days of receipt of the required submittal package, provide written documentation of recommendations made for each application, and keep a copy in the official application files kept by the Planning Board.

F. Determining factors for recommendation of approval or approval with conditions. The PARC shall recommend approval, or approval with conditions, of a site plan and/or Major Subdivision application submitted for its review by the Planning Board Clerk with respect to building elevations, façade design, and urban design elements, provided that the project, in the opinion of the PARC, substantially satisfies the following conditions:

- (1) Encourages good qualities and appearances of the exterior design of buildings and structures;
- (2) Relates such design and appearances to the sites and surroundings of buildings and structures;
- (3) Demonstrates originality and resourcefulness in building design and appearances, which are considered appropriate to the sites and surroundings; and
- (4) Prevents such design and appearances which are considered inappropriate and detrimental to the visual environment.

G. Determining factors for recommendation of disapproval. The PARC may recommend disapproval of any application, provided that findings are made that the building or structure for which the permit was requested, if constructed, erected, altered, or demolished as indicated, would result in one or more of the harmful effects set forth by reason of:

- (1) Monotonous similarity to any other building or structure located, or proposed to be located, in the vicinity of the site of the building or structure

**for which a building permit is requested, with respect to one or more of the following features of exterior design and appearance:**

- (a) **Substantially identical facade;**
  - (b) **Substantially identical size and arrangement of doors, windows, porticos, porches, or garages, or other openings or breaks of extensions in the facade, including reverse arrangements; or**
  - (c) **Other substantially identical features, such as, but not limited to, roof line and height, widths and lengths of elements of the building design, and exterior materials and treatments.**
- (2) **Striking dissimilarity, visual discord or inappropriateness with respect to other buildings or structures located, or proposed to be located, in the vicinity of the site of the building or structure for which a building permit is requested, with respect to one or more of the following features of exterior design and appearance:**
- (a) **Facade;**
  - (b) **Size and appearance of doors, windows, porticos, porches or garages or other openings or breaks or extensions in the facade; of**
  - (c) **Other significant design features, such as, but not limited to: height, widths and lengths of design elements, exterior materials and treatments, roof structures, lighting posts and fixtures, exposed mechanical equipment, storage areas, and other physical features.**
- (3) **Visually incompatible or other poor qualities of exterior design, including, but not limited to: considerations of the compatibility or discord of colors, or incompatibility of the proposed building or structure with the terrain on which it is to be located, including, but not limited to, excessive divergence of the height or levels of any part of the building or structure from the grade of the terrain.**

**H. Plans recommended for approval, approval with conditions, or disapproval. Upon recommendation of approval, approval with conditions, or disapproval by the PARC, the site plan or Major Subdivision shall be forwarded to the Planning Board, accompanied by a written explanation of the reasons for the PARC recommendation. The Planning Board, shall, in its own discretion, and with the authority granted to it by this Code, make a determination to approve, approve with conditions, or deny the site plan or Major Subdivision application submitted.**

Section 3. Section 331-118, *Procedures*, of Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended to read as follows:

§ 331-118, *Procedures*.

A. Prior to the filing of an application for site plan approval, the developer **or designated representative** shall meet in person with the Commissioner of Development, or designated representative, to discuss the proposed site plan, so that the necessary steps may be undertaken with a clear understanding of the Board's attitude and requirements in matter of site development.

B. A site plan and accompanying documents, as specified in § 331-119, shall be prepared by the developer **or designated representative** in accordance with the general requirements and design standards specified in §331-120.

C. The Commissioner of Development, **or designated representative**, shall review the site plan and accompanying documents to ascertain their conformity with the Zoning Code and meet with the developer or designated representative with regard to changes deemed advisable and the kind and extent of improvements to be made **and with regard to the need for applying to the Zoning Board of Appeals prior to submitting official application to the Department of Development.**

F. Prior to granting any approvals relative to the proposed application, the Planning Board shall conduct a review and determination in accordance with Article 8 of the New York State Environmental Quality Review Act (SEQRA). Approval of the site plan by the Board shall become final only upon the determination by the **signature of the Planning Board Chairperson, or designated representative, confirming** [senior planner] that the plans submitted are in full compliance with SEQRA findings, all requirements and conditions of the Board in connection with said approval, of the Zoning Chapter and of all other applicable codes and ordinances.

Section 4. Section 331-119, *Submissions Required for Approval*, of Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended to read as follows:

§ 331-19. Submissions Required for Approval.

The following documents shall be submitted to the Board for site plan approval:

A. Site plan requirements. Site plan, legibly drawn in and reproduced in sheets not exceeding 30 inches by 40 inches, at a scale not smaller than 20 feet to the inch shall be submitted **a minimum of 16 [11]** days prior to the meeting. A long form environmental assessment form (EAF) or draft environmental impact statement shall accompany the plans. The plans shall include the following:

- (1) Proposed project name, date, North point, scale, name and address of owner, developer, engineer, architect and site planner (including seal of professional preparing site plan), **tax** block and lot number or numbers and name of the City and county in which the site is located.

- (2) A vicinity map, at a scale not less than 100 feet to an inch, showing **tax lot lines and** the buildings on each of the contiguous lots.
- (3) Boundaries of the property, easements, watercourses, marshes, flood zones, rock outcrops, wooded areas, single trees with a diameter of [~~six~~] **eight inches or more, measured at 54 inches above grade [or more], topographic conditions and elevations** and other significant existing features on, or within 100 feet of the property to be developed.
- (6) The location, size and design of all existing and proposed water mains, sanitary sewerage lines, valves, hydrants and storm drainage systems or other such utility facilities, including connections to any existing such facilities. A drainage report prepared by a licensed, professional civil engineer who designed the drainage system and supervised soil percolation tests shall also be submitted for site plans involving dry wells[,], bio-filter retention basins, and other drainage facilities that utilize on-site retention or detention systems. **The report shall meet the requirements of the NYS DEC General Permit for Stormwater discharge, particularly if site disturbance is one acre or greater in area. An Engineering report prepared by a licensed professional engineer demonstrating that the existing sanitary and water supply systems have capacity to accommodate the project demands shall be submitted.**
- (12) Preliminary architectural plans showing at least three **different exterior façade elevations of the proposed [structure] building [and] with such architectural plan showing in detail specifications of materials and colors to be used on the exterior façade elevations, at a scale of no less than 1/8<sup>th</sup> inch to one foot, in a format acceptable to the Department of Development .**
- (13) An analysis, with photographs, demonstrating that the proposed construction is harmonious and compatible architecturally with the neighborhood.**
- (1[3]4).The location, design and proposed screening of outdoor storage areas, including proposed provisions for storage and refuse collection, **electric and communication equipment and all planned structures, including outdoor electric generators and fuel storage tanks.**
- (1[4]5). Description of measures planned to assure proper erosion and sedimentation control, both during and after construction, with reference to Westchester County's Best Management Practices Manual for Construction Related Activities, Standards and Specifications. **A plan showing the phasing of construction, limits of site disturbance, construction access and storing of material and equipment shall be provided at a scale of no less than 1" = 100'.**

(1[5]6. Location, type, and size of all security grilles or similar security grates or devices, and the type and hours of operation of internal lighting security, after close of business, if applicable.

(1[6]7. Landscape plan, including the following:

(b) Tree survey **by a licensed land surveyor, architect, landscape architect, or engineer** showing **the species and number of** all existing trees with a caliper of eight inches or greater and measured 54 inches above grade, **within twenty (20) feet of the area proposed to be disturbed by the project, including disturbances related to grade changes and changes in drainage, and any other eight inch diameter tree(s) outside the aforementioned area, which are proposed to be removed** ;

(d) Existing vegetation, **including trees**, to be saved;

(e) Methods and details for protecting existing vegetation, **including trees**, during construction;

**[f) Locations and labels for all proposed plants;]**

**[(g)f) Plant lists or schedules with the botanical and common name, quantity, spacing and size of all required and proposed [landscape material] vegetation, including trees;**

**[h) Plant list and tables showing the required and proposed quantities of plant materials to be planted;]**

**[(i)g) Locations and description of other landscape improvements, such as earth berms, walls, fences, screen, sculptures, fountains; and**

**[(j)h) Planting and installation details as necessary to ensure conformance with all required standards.**

Section 5. This ordinance shall apply to all Site Plan and Major Subdivision applications which have not been subject to public hearing before the Planning Board prior to adoption of this ordinance.

Matter in **[brackets]** deleted.

Matter **underlined** added.