

ORDINANCE AMENDING SECTIONS 331-2, *DEFINITIONS*; 331-38, *RMF-0.4 MULTI-FAMILY RESIDENCE DISTRICT*, 331-39, *RMF-0.5, MULTIFAMILY RESIDENCE DISTRICT*; 331-40, *RMF-0.7, MULTIFAMILY RESIDENCE DISTRICT*; 331-41, *RMF-1.0, MULTIFAMILY RESIDENCE DISTRICT*; 331-42, *RMF-1.3, MULTIFAMILY RESIDENCE DISTRICT*; 331-43, *RMF-2.0, MULTIFAMILY RESIDENCE DISTRICT*; 331-44, *RMF-SC-4.0, MULTIFAMILY SENIOR CITIZEN RESIDENCE DISTRICT*; 331-80, *PUD-AH PLANNED UNIT DEVELOPMENT AFFORDABLE HOUSING FLOATING ZONE*; ADDING SECTION 331-113.5, *ATTACHED DWELLING UNITS IN RMF ZONED DISTRICTS*; AND AMENDING SECTION 331-126, *SCHEDULE OF OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS*, OF CHAPTER 331, *ZONING*, OF THE NEW ROCHELLE CITY CODE.

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

Section 1. Section 331-2, *Definitions*, of Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended to read as follows:

§ 331-2. Definitions.

DWELLING, MULTIFAMILY — A **[dwelling] building** containing three or more dwelling units, or a part of a mixed use building containing three or more dwelling units **on a single building lot, where the dwelling units in such building shall not each have separate entrances to the outside but shall be accessed by common entrance(s) and common interior corridor(s), elevator(s), or vestibule(s).**

DWELLING, ONE-FAMILY — A **detached** dwelling containing only one principal dwelling unit.

**[DWELLING TOWNHOUSE – A one family dwelling attached in a row of two or more such units in which each unit has its own front and rear access to the outside, each unit is separated from any other unit by one or more vertical common fire resistant walls, and no unit is located over another unit.]**

DWELLING UNIT, ATTACHED — **Three or more [A] dwelling units on one building lot where at least two dwelling units share [sharing] one or more common side or rear walls [with another dwelling unit or units] on such building lot, with each of such three or more dwelling units [, but] occupying the entire volume within its respective portion of the building(s) from the lowest level to the roof, and having its own separate entrance or entrances to the outside. [This type of dwelling unit is also sometimes known as a “townhouse” or “row house.”]**

**MAJOR SUBDIVISION – The division of any tract into three or more lots, in accordance with Chapter A361.**

**ROOF—The exterior top covering of a building.**

Section 2. Section 331-38 (A) and (C), *RMF-0.4, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-38. RMF-0.4 Multifamily Residence District.

See 331-28A (9) and (10).

A. Permitted principal uses.

(1) One-family dwellings **[and attached dwelling units, not to exceed four dwelling units per lot]**.

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

**(10) Attached dwelling units, not to exceed four dwelling units per lot and not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 3. Section 331-39 (A) and (C), *RMF-0.5, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-39. RMF-0.5, Multifamily Residence District.

See § 331-28A (10).

A. Permitted principal uses.

(1) One-family dwellings **[and attached dwelling units]**.

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

**(10) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 4. Section 331-40 (A) and (C), *RMF-0.7, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-40. RMF-0.7, Multifamily Residence District.

See § 331-28A (10).

A. Permitted principal uses.

(1) One-family dwellings [**and attached dwelling units**].

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

**(11) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 5. Section 331-41 (A) and (C), *RMF-1.0, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-41. RMF-1.0, Multifamily Residence District.

See § 331-28A (10).

A. Permitted principal uses.

(1) One-family dwellings [**and attached dwelling units**].

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

**(11) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 6. Section 331-42 (A) and (C), *RMF-1.3, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-42. RMF-1.3, Multifamily Residence District.

See § 331-28A (10).

A. Permitted principal uses.

(1) One-family dwellings [**and attached dwelling units**].

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

**(12) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 7. Section 331-43 (A) and (C), *RMF-2.0, Multifamily Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-43. RMF-2.0, Multifamily Residence District.

See § 331-28A (10).

A. Permitted principal uses.

(1) One-family dwellings [**and attached dwelling units**].

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

**(14) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 8. Section 331-44 (A) and (C), *RMF-SC-4.0, Multifamily Senior Citizen Residence District*, of Chapter 331, *Zoning*, of the New Rochelle City Code, is hereby amended to read as follows:

§ 331-44. RMF-SC-4.0, Multifamily Senior Citizen Residence District.

See § 331-28A (10) and (11).

A. Permitted principal uses.

(1) One-family dwellings [**and attached dwelling units**].

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

**(7) Attached dwelling units, not to exceed two attached dwelling units in a building, as regulated by Section 331-113.5.**

Section 9. Section 331-80 (E), *PUD-AH Planned Unit Development – Affordable Housing Floating Zone*, of Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended to read as follows:

§ 331-80. PUD-AH Planned Unit Development – Affordable Housing Floating Zone.

E. PUD-AH District Use and Bulk Standards.

- (1) Permitted principal uses.
  - (a) One-family dwellings and attached [(townhouse)] dwelling units.
  - (b) Two-family [attached and detached] dwelling units.

Section 10. Chapter 331, *Zoning*, of the New Rochelle City Code is hereby amended by adding Section 331-113.5, *Attached Dwelling Units in RMF Zoned Districts*.

§ 331-113.5. Attached Dwelling Units in RMF Zoned Districts.

**The Planning Board shall approve a special permit for Attached Dwelling Units, where allowed as special permit uses in RMF-zoned districts, provided the following standards and conditions are met:**

**A. The Attached Dwelling Units closest to the front yard, shall be designed and built, so that the principal front entry to such Attached Dwelling Units shall face the street adjacent to the front yard.**

**B. The Attached Dwelling Units shall be designed and built, so that the principal front entry to any dwelling shall not be higher than four (4) feet above grade at the point of entry and, where feasible and in accordance with Section 331-117.1, the Attached Dwelling Units shall have the appearance of a single residence.**

**C. The Attached Dwelling Unit, if it has a rear or side exit, balcony, patio, porch, deck, or similar outdoor recreation area adjacent to a side or rear yard, shall be set back from the side and/or rear property line by a minimum of 30 feet. If the Attached Dwelling Unit has no exits, balconies, patios, porches, decks, or similar outdoor recreation area adjacent to a side yard, the minimum side yard setback shall be 8 feet with a minimum combined yard of 20 feet for all RMF zoned districts where Attached Dwelling Units are permitted.**

**D. Notwithstanding the requirements contained in the Schedule of Dimensional Regulations for Residence Districts, the minimum Lot Area Per Dwelling Unit for Attached Dwelling Units shall be 3,500 sq. ft. per unit for the first two units and 3,500 sq. ft. for each additional unit in the RMF-0.4, RMF-0.5 and RMF-0.7 zoned districts and the maximum amount of Impervious Surface Coverage permitted shall be 60 %. The minimum Lot Area Per Dwelling Unit for Attached Dwelling Unit shall be 3,500 sq. ft. per unit for the first two units and 2,500 sq. ft. for each additional unit in the RMF-1.0, RMF-1.3 and RMF-2.0 zoned districts and the maximum amount of Impervious Surface Coverage permitted shall be 65 %. In all of the RMF zoned districts where attached dwelling units are permitted, the maximum height of the building containing such Attached Dwelling Units shall be 35 feet.**

**E. The minimum distance between buildings on the same lot shall be as required in Section 331-13.D.**

**F. The Attached Dwelling Units shall be architecturally compatible in form, massing and exterior façade with the immediate area and the neighborhood area surrounding the site and shall be subject to Architectural Review of Site Plans by Licensed Professional Architects, in accordance with Section 331-117.1.**

**G. Any access to an attic, when such attic is unimproved and excluded from floor area calculations, shall be made through a pull down staircase.**

**H. If required by the Planning Board, the applicant shall submit a report from a New York State licensed traffic engineer with respect to any projected traffic and/or parking impacts on the surrounding neighborhood, and the Planning Board may hire its own traffic engineer to review the report submitted by the applicant at the applicant's sole expense.**

**I. Notwithstanding the Special Permit Use limitations contained in the RMF Residential Districts, which limitations restrict the number of dwellings to two Attached Dwelling Units in a building, if, in the opinion of the Planning Board, the configuration or topography of the site would make it difficult or impossible to design all buildings with no more than two Attached Dwelling Units in that building, the Planning Board may waive the two Attached Dwelling Units restriction. However, the Planning Board shall not grant such a waiver unless the development fully complies with all other applicable zoning requirements, and the Planning Board shall not permit any more than three Attached Dwelling Units in a building.**

Section 11. Section 331-126, *Schedule of Off-Street Parking and Loading Space Requirements*, of Chapter 331, *Zoning*, of the New Rochelle Zoning Code, is hereby amended to read as follows:

Off-Street Parking and Loading Space Requirements

Use	Minimum Number of Parking Spaces	Minimum Number of Loading Spaces
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Residential

<b><u>Attached</u></b> Dwelling unit[s], Townhouse	In other than the PUD-AH District: 1.5 per dwelling unit, Plus 0.5 per bedroom In the PUD-AH District: 1 per Dwelling unit
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Matter in [brackets] omitted.

Matter **underlined** added.



ORDINANCE DELETING SECTION A361-10, *TOWNHOUSE RESIDENCES*, AND AMENDING SECTION A361-13, *PRELIMINARY LAYOUT AND DATA*, OF CHAPTER A361, *LAND DEVELOPMENT*, OF THE CODE OF THE CITY OF NEW ROCHELLE.

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

Section 1. Section A361-10, *Townhouse Residences*, of Chapter A361, *Land Development*, of the Code of the City of New Rochelle, is hereby deleted.

Section 2. Section A361-12, *Preliminary Layout and Data*, of Chapter A361, *Land Development*, of the Code of the City of New Rochelle, is hereby amended to read as follows:

§ A 361-12. Preliminary Layout and Data.

A preliminary layout shall be submitted for conditional approval, legibly drawn and reproduced in sheets not exceeding 30 x 40 inches, at a scale not smaller than 100 feet to the inch and shall be submitted in eight copies [11] **at least fifteen (15)** days prior to the meeting. A long form Environmental Assessment Form (EAF) or a draft environmental impact statement shall accompany the plans. **The preliminary layout and final plat shall have a note stating “Development within the subdivided area shall only be permitted in accordance with all plans, including supporting documents, submitted with the final subdivision application approved by, and on file with the Planning Board of the City of New Rochelle, including any Site Plan submitted at that time. Future amendment of the approved site plan shall be subject to the procedural requirements for amending site plans and in accordance with Section 331-124.”**

The plans shall include:

A. Proposed subdivision name, acreage, date, North point, scale, name and address of owner, subdivider and engineer or surveyor, lot and block number or numbers of the tract being subdivided and name of City and [c] County in which the subdivision is located.

C. Boundaries of the property, easements, building lines, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of eight inches or more, **measured at**



**54 inches above grade, topographic conditions and elevations** and other significant existing features on, [or] **and [adjacent to] within 100 feet of [,]** the property to be subdivided.

D. Width and location of any streets existing or shown on the Official Map [**and Master Plan**] within, or adjacent to, the property to be subdivided.

E. Location of existing **and proposed** sewers, water mains, culverts, drains and manholes on the property, with pipe sizes, grades and direction of flow.

L. Zoning districts within, and adjacent to, the property to be subdivided.

**M. Façade elevations (at least three sides) of the dwellings and of any other buildings proposed to be constructed with the subdivision, such as recreation buildings and gate houses, so as to satisfy the requirements of Section 331-117.21, Architectural Review of Site Plans and Major Subdivisions by Professional Architects Required.**

**N. Calculations of the amount of floor area proposed to be built on each proposed building lot.**

Section 3. This ordinance shall apply to all 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.