



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Anita Laremont, Chair

107-00 - GENERAL PURPOSES

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LAST AMENDED
9/11/1975

The "Special South Richmond Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
- (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

107-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Arterial

An "arterial" is a #street# designated as an #arterial# in Section 107-25 (Special Regulations Along Certain Streets or Railroads) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. All such #arterials# are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

To "develop" is to create a #development#.

Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Detached

For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building# #abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building# #abuts# the #street line#.

Drainage scheme

A "drainage scheme" is a plan for a system of storm sewers and/or sanitary sewers intended to serve a #development# which is submitted to the Department of Environmental Protection for review and approval.

Open space network

The "open space network" is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #park streets#, #designated open space# and the #waterfront esplanade#.

Park street

A "park street" is a #street# designated as such in Section 107-25 (Special Regulations Along Certain Streets or Railroads) and whose primary function is to provide connecting links for pedestrians and cyclists between portions of the #open space network# and to which special provisions of this Chapter apply. #Park streets# shall be designated to provide limited vehicular access.

Sewer acceptance

A "sewer acceptance" is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved #drainage scheme# intended to serve a #development#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes land contour work, topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies. A #site alteration# shall include any land operation within #designated open space#.

Waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public use within the open space network along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

107-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purpose of the Special South Richmond Development District, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In flood zones, or for transit-adjacent sites, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In addition to applicability as provided in Section 11-10 (ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS), the provisions of this Chapter shall apply to site alterations or subdivision of zoning lots, except:

- (a) public improvement projects for which preliminary design contracts were approved by the Board of Estimate prior to January 2, 1975, or for which title was vested by the City prior to September 11, 1975; and
- (b) any large-scale development for which an authorization or special permit was granted prior to September 11, 1975. For the purposes of this Chapter, the City Planning Commission may extend such authorization or special permit for a renewable term of one year provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed and that the adoption of this amendment shall not constitute a substantial change of fact.

For all developments located within areas D, F or K as shown on the District Plan (Map 4 in Appendix A), the applicant shall obtain from the Commission a certification indicating that the development complies with the approved South Richmond Development Plan. As a condition for such certification, the Commission shall find that:

- (1) the minimum lot area for any commercial development is at least two acres;
- (2) vehicular access and egress for the development is arranged so that it affords the best means of controlling the flow of traffic generated by such development; and
- (3) due consideration has been given to relate the proposed development to the character of the surrounding area by providing suitable buffering, landscaping and building setbacks.

For such certification, the applicant shall submit to the Commission a site plan and drawings depicting the proposed buildings and location of off-street parking facilities, curb cuts and pedestrian walkways. For residential uses within Area K, the bulk and parking regulations of R3-2 Districts, as modified by this Chapter, shall apply.

107-03 - Requirements for Certification, Authorization or Special Permit Application

LAST AMENDED
9/11/1975

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development# or #site alteration# shall include a survey map prepared by a licensed land surveyor showing existing topography at two foot contour intervals, the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of individual existing trees of six inch caliper or more, the location of any elements of the #open space network# on or adjacent to the #zoning lot#, and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

107-05 - Relationship to Public Improvement Projects

LAST AMENDED
9/11/1975

In all cases, the City Planning Commission shall deny a special permit, authorization or certification application whenever a #development# will interfere with a public improvement project (including, without limitation, housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board.

107-06 - District Plan (Appendix A)

LAST AMENDED
5/22/1986

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #park streets#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-07 - Tree Selection (Appendix B)

LAST AMENDED
9/11/1975

Where planting of trees is required by the provisions of this Chapter, the selection of trees for their planting shall be in accordance with the Tree Selection Table set forth in Appendix B, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-08 - Future Subdivision

LAST AMENDED
2/2/2011

Within the Special District, any #zoning lot# existing on September 11, 1975, may be subdivided into two or more #zoning lots# provided that the existing topography, all individual trees of six inch caliper or more and all land located within a #designated open space#, to the greatest extent possible, are preserved under future #development# options. Any subdivision that is proposed to take place within the Special District after September 11, 1975, shall be filed with the City Planning Commission, and the Commission shall certify that such subdivision complies with the approved South Richmond Plan and the above objective. In the case of a subdivision of a tract of land containing #designated open space#, a site plan indicating the distribution of #bulk# for the individual #zoning lots# shall be submitted to the Commission. Such approved subdivision shall

then be recorded in the land records and indexed against all #zoning lots#. The subdivision plan shall include a survey map indicating existing topography at two foot contour intervals, all individual trees of six inch caliper or more, and the location of #designated open space# within the area. When a #zoning lot# existing on September 11, 1975, is more than five acres and is intended to be subdivided, an area plan of the entire subdivision shall be filed with the Commission. The area plan shall include the proposed vehicular circulation system within the area, #block# and lot layouts and any other information required by the Commission.

107-09 - Applicability of Article VI

LAST AMENDED
5/12/2021

107-091 - Applicability of Article VI, Chapter 2

LAST AMENDED
5/12/2021

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

107-092 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

For #zoning lots# in #flood zones# with #single-# or #two-family# #detached# #residences# utilizing the provisions for #cottage envelope buildings#, as defined in Section 64-11 (Definitions), the provisions of this Chapter pertaining to minimum #lot area#, #lot width#, and minimum sizes of #front yards# and #side yards# shall not apply, and in lieu thereof, the underlying district regulations shall apply for the purposes of determining the applicability of the definition of #cottage envelope buildings#, and the particular amount of relief permitted pursuant to Section 64-33 (Cottage Envelope Buildings), inclusive.