Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-00 - GENERAL PURPOSES

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LAST AMENDED
8/15/2024

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;

(d) to promote water-dependent uses that provide a substantial environmental benefit; and

(e) 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
12/5/2024

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

Area of no disturbance

An “area of no disturbance” is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

Area of no land alteration

An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

Area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated open space#; #building# envelopes; required #building# setbacks within proposed

#zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

Arterial

An "arterial" is a #street# listed in Section 107-24 (Special Regulations for Arterials or Railroad Rights of Way) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

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#.

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#, #designated open space# and the #waterfront esplanade#.

Plan review site

A “plan review site” is any #zoning lot# that contains one or more acres, where there is a proposed #development, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

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 permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, whether or not a permit is required from the Department of Buildings or other public agencies.

Tree credit

A “tree credit” is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

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
11/2/2023

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.

Property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt intended to support best management practices of stormwater.

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

LAST AMENDED
11/2/2023

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development#, #enlargement#, or #site alteration# shall include a survey map, prepared by a licensed land surveyor and dated no more than two years prior to the date of filing an application, showing:

(a) existing topography at two foot contour intervals;

(b) the location of all existing #buildings or other structures# and the location of all proposed #buildings or other structures#;

(c) the location of individual existing trees of six inch caliper or more;

(d) the location of any elements of the #open space network# on or adjacent to the #zoning lot#; and

(e) the location of any #areas of no land alteration#, streams, and natural watercourses;

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.

107-04 - Applications to the City Planning Commission Prior to November 2, 2023

LAST AMENDED
8/15/2024

(a) Applications for authorization or special permit which were adopted prior to November 2, 2023, may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(b) Applications for certification granted by the Commission prior to November 2, 2023, may be continued pursuant to the regulations in effect on the date that such certification was granted.

107-06 - District Plan (Appendix A)

LAST AMENDED
11/2/2023

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #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.

107-08 - Future Subdivision of Certain Plan Review Sites

LAST AMENDED
11/2/2023

Any subdivision of a #plan review site# that is proposed to take place within the Special District shall be filed with the Department of City Planning, and the Chairperson of the City Planning Commission shall certify that subdivision of such #plan review site#:

(a) does not contain, or have frontage along, any District Plan Element listed in Section 107-20 (DISTRICT PLAN ELEMENTS), inclusive;

(b) does not contain an #area of no land alteration#;

(c) does not exceed the rate of two #tree credits# per 1,000 square feet of lot area; and

(d) does not have a violation for tree removal without prior permission or approval and no trees have been removed since November 2, 2023, unless permitted pursuant to Section 107-312 (Regulations within plan review sites).

In the case of a subdivision which does not comply with the above conditions, subdivision of such #plan review site# shall not be permitted unless authorized by the Commission pursuant to Section 107-64 (Future Subdivision of Certain Plan Review Sites).

The subdivision plan for the #plan review site# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application).

For the purpose of applying the provisions of this Section, a subdivision includes the reconfiguration of a #zoning lot# in a manner that would reduce the area of such #zoning lot#.

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.