The New York City Council

Legislation Details (With Text)

File #:	Res 0613-2004	**Version:** *	**Name:**	LU 247 - Zoning, modifying the definition of Street for determining waterfront zoning lot (040481ZRY)	
Type:	Resolution		**Status:**	Adopted	
			In control:	Committee on Land Use	
On agenda:	9/28/2004				
Enactment date:			**Enactment #:**		
Title:	Resolution approving the decision of the City Planning Commission on Application No. N 040481 ZRY, an amendment to the text of the Zoning Resolution relating to Article VI, Chapter 2, concerning the definition of a waterfront block and waterfront zoning lot (L.U. No. 247).				
Sponsors:	Melinda R. Katz, Tony Avella				
Indexes:					
Attachments:	1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/28/04				

Date	Ver.	Action By	Action	Result
9/27/2004	*	Committee on Land Use	Approved by Committee	
9/28/2004	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 613

Resolution approving the decision of the City Planning Commission on Application No. N 040481 ZRY, an amendment to the text of the Zoning Resolution relating to Article VI, Chapter 2, concerning the definition of a waterfront block and waterfront zoning lot (L.U. No. 247).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on August 31, 2004 its decision dated August 25, 2004 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 040481 ZRY) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 040479 ZMX (L.U. No. 245), an amendment to the Zoning Map; N 040480 ZRY (L.U. No. 246), amendments to the text of the Zoning Resolution establishing a new C3A zoning designation; and N 040482 ZRX (L.U. No. 248), amendments to the text of the Zoning Resolution for the Lower Density Growth Management (LDGM) provisions and the Special City Island District;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 21, 2004;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 7, 2004 (CEQR No. 04DCP0S0X);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

_____

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
Matter in Strikeout is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

* * *

Article VI
Special Regulations Applicable to Certain Areas

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-11
Definitions

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

* * *

Waterfront block, waterfront public park or waterfront zoning lot

A "waterfront block", "waterfront public park" or "waterfront zoning lot" is a #block#, #public park# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter,:
(a)   a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;

(b)   a #block# within the #waterfront area# that abuts a #waterfront public park# shall be part of a #waterfront block#. ;   and

(c)   a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

For the purposes of this Chapter, a Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut a #waterfront public park#, shall be deemed outside of the #waterfront block#.

* * *

62-711
Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

(a)   there is no waterfront public access or #visual corridor# requirement for the #development# due to the following:

    (1)   the #development# is exempt pursuant to Sections 62-41 (Requirements for Waterfront Public Access) or 62-42 (Requirements for Visual Corridors); or

    (2)   the waterfront public access or #visual corridor# requirement has been waived pursuant to Section 62-80 (WATERFRONT ACCESS PLANS); or

(b)   a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA); or

(c)   a site plan has been submitted showing compliance with the provisions of Section 62-80; or

(d)   for #developments# listed in Section 62-40, paragraph (a)(1), on a #zoning lot# containing a public access area established prior to October 25, 1993 meeting the terms of Section 62-415, paragraph (c) by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for a period not less than the anticipated life of the new #development#, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of the first paragraph of Section 62-415 (Requirements for supplemental public access areas), paragraph (b), have been submitted; or

(e)   for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-416 (Special regulations for zoning lots that include parks).

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-14 (Requirements for Recordation).

~~No waterfront public access is required for any #development# on a #zoning lot# that is separated from the #shoreline# by a #street#, #public park# or other tract of land constituting the boundary of a #block#.~~

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Development of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

*   *   *

Adopted.

Office of the City Clerk, }
    The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 28, 2004, on file in this office.

           …..
           City Clerk, Clerk of The Council