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Title: Resolution approving the decision of the City Planning Commission on Application No. N 030468 ZRX, an amendment to the text of the Zoning Resolution regarding Article XI, Chapter 2 (Special City Island District), The Bronx (L.U. No. 484).

Sponsors: Melinda R. Katz

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/30

Date	Ver.	Action By	Action	Result
9/30/2003	*	Committee on Land Use	Approved by Committee	
9/30/2003	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1072

Resolution approving the decision of the City Planning Commission on Application No. N 030468 ZRX, an amendment to the text of the Zoning Resolution regarding Article XI, Chapter 2 (Special City Island District), The Bronx (L.U. No. 484).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 15, 2003 its decision dated September 10, 2003 (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 030468 ZRX) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 030467 ZMQ (L.U. No. 485), an amendment to the Zoning Map;

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 23, 2003;

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 May 19, 2003 (CEQR No. 03DCP067X);

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 in underline 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 XI - Special Purpose Districts

Chapter 2
Special City Island District

* * *

112-07
Special Use Regulations

Within the Special District, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section.

* * *

112-074
Ground floor use restrictions on certain blocks

For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only #non-residential uses# shall be permitted on the ground floor level or within five feet of #curb level#, except for #residential lobbies#.

112-074 075
Uses permitted in M1 Districts

* * *

112-10
SPECIAL HEIGHT BULK REGULATIONS

In order to preserve the unique character of the Special District and to protect the views of and to the water, new #developments# or #enlargements# within Areas A or B shall be subject to both the height and setback regulations of Section 23-631 and a maximum height of 35 feet. However, the City Planning Commission, by special permit after public notice and hearing, may permit, within Area A, modifications of the height restriction set forth in this Section or in Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts); and, in Area B, the Commission may authorize modifications of the regulations set forth in Section 23-631 subject to a maximum building height of 35 feet. As a condition for such modification, the Commission shall find that:

- (a) the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.
- (b) the modification of the building height permits better site planning and distribution of #open space#; and
- (c) the height of the new #development# or #enlargement# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-101
Special open space, lot coverage and floor area ratio regulations

In R3A Districts, and in C1 and C2 Districts mapped within R3A Districts, and in C3 Districts, the provisions of Section 23-141 (In R1, R2, R3, R4 and R5 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for a #residential use# shall be .50. Such #floor area ratio# may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 7 inches in vertical distance for each foot of horizontal distance. In addition, the permitted #floor area# of a #single- or #two-family detached# or #semi-detached residence developed# after (effective date of amendment) may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12(f)(Permitted

Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent, and the minimum required #open space# shall be 35 percent.

112-102

Special floor area regulations for mixed buildings

In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, not more than one #story# of #commercial use# may be provided in such #buildings#, and such #story# shall be excluded from the definition of #floor area#.

112-103

Special height and setback regulations

The underlying height and setback regulations shall apply, except that no new #development# or #enlargement# shall exceed a height limit of 35 feet, and the height of all #buildings or other structures# shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections 112-106 or 112-107.

112-104

Special transparency requirements along City Island Avenue

For #buildings# with ground floor #commercial# or #community facility uses# fronting upon City Island Avenue, the provisions of this Section shall apply to any #streetwall# of such #building# facing City Island Avenue. At least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level#, or to the ceiling of the ground floor, whichever is less, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point of any transparency that is provided to satisfy this requirement shall not be higher than two feet six inches above #curb level#.

In addition, solid security gates that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall be prohibited. All security gates installed after (effective date of amendment) shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

112-105

Authorization for multiple buildings on a single zoning lot

On #zoning lots# of 25,000 square feet or more, the City Planning Commission may authorize modifications to the provisions of Section 23-711 (Standard minimum distance between buildings), provided:

- (a) such modifications reduce the required distance between a #building wall# containing a #legally required window# and any other building wall to not less than 20 feet;
- (b) such modifications reduce the required distance between two #building walls#, neither of which contains a legally required window, to not less than 13 feet, and
- (c) at least 50 percent of the #zoning lot# not covered by #buildings# has a minimum dimension of 12 feet and is not used for driveways, #private streets# or parking spaces.

The Commission shall find that such modifications enhance the quality of the open spaces on the #zoning lot# and results in an improved site plan. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

112-106

Authorization for modification of height and setback regulations

The City Planning Commission may authorize, within Area B, as shown on the map in Appendix A, modifications of the underlying height and setback regulations provided the Commission finds that:

- (a) the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.
- (b) the modification of the building height permits better site planning and distribution of #open space#; and
- (c) the height of the new #development# or #enlargement# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-107
Special permit for modification of height and setback regulations

The City Planning Commission may permit, within Area A, as shown on the map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.
- (b) the modification of the building height permits better site planning and distribution of #open space#; and
- (c) the height of the new #development# or #enlargement# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

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112-12
Special Parking Regulations

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112-12 112-121
Accessory parking for commercial uses

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112-121 112-122
Accessory parking and floor area requirements for eating or drinking establishments

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For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for Churches or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-#street# parking spaces are required, all such parking spaces shall be waived.

112-122 112-123
Reservoir space requirements for eating and drinking establishments

All #developments, extensions, enlargements# or changes of #use# involving an eating or drinking establishment with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-123
Screening requirements for parking facilities accessory to commercial uses

All new or any #enlargement# of off-street parking facilities with 10 spaces or more which are #accessory# to #commercial uses# shall be screened in accordance with the provisions of this Section from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, in accordance with the provisions of this Section by either:

- (a) A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open; or
- (b) A strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

Along City Island Avenue, the above requirement is modified as follows: a wall or barrier or uniformly painted fence of fire-resistant material at

least four feet high but not more than eight feet above finished grade. Such wall, barrier, or fence must be 100 percent opaque up to a height of four feet above the #curb level# of City Island Avenue adjoining the #accessory# parking lot and not more than 25 percent opaque above four feet. Walls along City Island Avenue, existing on March 6, 1986, which are 100 percent opaque for more than 2 and 1/2 feet, but less than 4 feet above the #curb level# of City Island Avenue adjoining an #accessory# parking lot shall be deemed to meet the 100 percent opacity requirements of this Section;

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

Within one year of March 6, 1986, all existing off-street parking facilities with 10 spaces or more which are #accessory# to #commercial uses# shall be screened in accordance with the provisions of this Section and a site plan and documented evidence of compliance shall be filed with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-124

Screening and tree planting requirements for all parking lots with 10 or more spaces

All new or #enlarged# parking lots with 10 or more spaces shall comply with the provisions of this section.

(a) Screening requirements

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least 5 feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet. In addition, fences not higher than four feet, with a surface area at least 50 percent open shall be permitted, except that chain link fences shall not be allowed. All permitted fences shall be located behind landscaped areas when viewed from the street.

(b) Tree planting requirements

One tree with a minimum caliper of three inches at time of planting shall be provided for every 10 parking spaces. Fractions equal to or greater than three-quarters of a tree shall be counted as an additional tree. All such trees shall be planted at approximately equal intervals and located in planting beds at least six feet square, either adjacent to planting strips required pursuant to paragraph (a) of this Section or in planting islands within the parking lot. A raised curb at least six inches in height shall separate all planting beds from the paved surface of the parking lot. All trees shall be planted in accordance with the standards of the Department of Parks and Recreation, and replaced when necessary.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

112-125

Location of parking spaces along City Island Avenue

No parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

* * *

112-14

Special Requirements for Waterfront Access

Except in R1 and R2 Districts, for #residential developments# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, have a minimum depth of 50 feet measured from the #shoreline#, and contain at least 25 linear feet of seating. Building entrances may not front upon

such sitting area.

Such sitting area shall be accessible by means of either a direct connection to a public sidewalk, or a publicly traversable way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such publicly traversable way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three inch caliper for every 25 feet of length of such traversable way, and a paved sidewalk of at least 6 feet in width, or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads# as set forth in Article 2 Chapter 6.

Such public access areas shall comply with the provisions of Section 62-14 (Requirements for Recordation), 62-624 (Maintenance and operation of waterfront public access areas), 62-671 (Guardrails, gates and other protective barriers), 62-672 (Seating), and 62-674 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

APPENDIX A
Special City Island District - Height Areas

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 30, 2003, on file in this office.

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City Clerk, Clerk of The Council