



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **87-73 - Special Vesting Provisions for the South Subdistrict**

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## 87-73 - Special Vesting Provisions for the South Subdistrict

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LAST AMENDED  
12/11/2017

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as modified by the provisions of this Section. For the purpose of this Section, #development# shall be as defined in Section [62-11](#).

- (a) For Parcel 20, a building permit may be issued in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to December 11, 2017, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section [62-811](#) prior to December 11, 2017, a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section [62-811](#). Such building permit shall allow the #development# of a #building# only in accordance with such certified #waterfront public access area# plan.
- (b) For Parcel 19, a building permit may be issued in accordance with the bulk and waterfront public access area regulations that were effective immediately prior to December 11, 2017, where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section [62-811](#) prior to December 11, 2017, provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section [62-611](#), are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to December 11, 2021.

In addition, for such #development#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section [62-53](#) and the provisions of Section [62-60](#), inclusive. However, such provisions may be modified as follows:

- (1) in addition to the permitted obstructions listed in Section [62-611](#), a dead-end fire apparatus access road turnaround shall be permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;
- (2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section [62-62](#) (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section [62-62](#), may be reduced to six feet; and
- (3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section [62-62](#) may be reduced to 35 percent.

As part of an application for certification pursuant to this paragraph, a site plan shall be submitted, along with any other materials necessary to demonstrate compliance with the provisions of this paragraph (b).

All open space certified pursuant to the provisions of this paragraph shall comply with the maintenance and operation requirements of Sections [62-71](#) and [62-72](#).

In addition, a written declaration of restrictions shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx) pursuant to the provisions of Section [62-74](#) (Requirements for Recordation), setting forth obligations of the owner to construct, maintain and provide public access to improvements certified by the Chairperson pursuant to this paragraph. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

In the event that foundations required to be completed prior to December 11, 2021, have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

Where foundations have been completed prior to December 11, 2021, the provisions of Section [11-332](#) (Extension of period to complete construction) may be utilized and such date shall be the effective date for applying such provisions.