

**PROPOSED
SPECIAL INDUSTRY CITY (IC) DISTRICT
TEXT AMENDMENT**

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I - GENERAL PROVISIONS

Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12

Establishment of Districts

* * *

11-122

Districts established

Establishment of the Special Hunts Point District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Hunts Point District# is hereby established.

Establishment of the Special Industry City District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 9, the #Special Industry City District# is hereby established.

Establishment of the Special Inwood District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 2, the #Special Inwood District# is hereby established.

* * *

Chapter 2 - Construction of Language and Definitions

* * *

12-10

Definitions

* * *

Special Hunts Point District

The “Special Hunts Point District” is a Special Purpose District designated by the letters “HP” in which special regulations set forth in Article X, Chapter 8, apply.

Special Industry City District

The “Special Industry City District” is a Special Purpose District designated by the letters “IC” in which special regulations set forth in Article XII, Chapter 9, apply.

Special Inwood District

The “Special Inwood District” is a Special Purpose District designated by the letters “IN” in which special regulations set forth in Article XIV, Chapter 2, apply.

* * *

Chapter 4 – Sidewalk Cafe Regulations

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

| | | |
|----------|--------------------------|----------------------------|
| Brooklyn | #Enclosed Sidewalk Cafe# | #Unenclosed Sidewalk Cafe# |
|----------|--------------------------|----------------------------|

* * *

| | | |
|---|-----------|------------|
| Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant) | No | Yes |
| <u>Industry City District</u> | <u>No</u> | <u>Yes</u> |
| Mixed Use District-8 (Greenpoint-Williamsburg) | Yes | Yes |

* * *

ARTICLE VI – SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 – Special Regulations Applying in the Waterfront Area

* * *

62-13

Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4, shall control.

* * *

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Industry City District#

#Special Inwood District#

#Special St. George District#

* * *

ARTICLE XII - SPECIAL PURPOSE DISTRICTS

* * *

Chapter 9 - Special Industry City District

129-00

GENERAL PURPOSES

The “Special Industry City District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to facilitate and guide compatible businesses and organizations to foster a sustainable business environment by allowing a range of industrial, commercial and community facility uses;
- (b) to create a local and regional employment, institutional and retail center within a well-considered site plan;
- (c) to strengthen connections to the upland neighborhood of Sunset Park;
- (d) to support a pedestrian-friendly environment through the creation of an active and inviting public realm, and the pedestrian orientation of ground floor use;
- (e) to preserve, protect and enhance the built form and character of the existing industrial and manufacturing district;
- (f) to promote the most desirable use of land within the district, thus conserving the value of land and buildings, and thereby protect the City’s tax revenues.

129-01

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Industry City District# and in accordance with the provisions of this Chapter, the regulations of the Special District shall apply.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, 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), the provisions of Article VI, Chapter 4, shall control.

129-02

Applicability of Article VI, Chapter 2

In the event that #zoning lots# within an application for a special permit pursuant to Section 129-21 (Special Permit for Use and Bulk Modifications) are partially located within #waterfront blocks# and partially within non-#waterfront blocks#, all #zoning lots# within the application are to be considered non-#waterfront blocks#, and the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply.

129-10

SPECIAL REGULATIONS

129-11

Special Use Regulations

The #use# regulations of the underlying districts are modified by the provisions of this Section.

For #developments#, #enlargements#, #conversions# or changes of #use# established after [date of adoption] that are subject to performance standards, the M1 District performance standards of Section 42-20, inclusive, shall apply.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after [date of adoption], the performance standards for an M1 District shall apply to such #extended#, #enlarged# or reconstructed portion of such #use# or #building or other structure#.

129-12

Special Off-Street Parking Regulations

For #developments#, #enlargements#, #conversions#, or changes of #use# in M1-2 Districts that are the subject of a special permit granted by the City Planning Commission pursuant to Section 129-21 (Special Permit for Use and Bulk Modifications), the underlying off-street parking regulations of an M2-4 District shall apply.

129-13

Other Regulations

Except where modified by special permit of the City Planning Commission pursuant to Section 129-21, the remaining #use# and #parking# regulations of the underlying districts shall apply, in addition to all #bulk# regulations of the underlying districts.

129-20

SPECIAL PERMITS

129-21

Special Permit for Use and Bulk Modifications

For #developments#, #enlargements#, #conversions#, or changes of #use# involving one or more #zoning lots#, but planned as a unit, that comprise in total an area of at least 1.5 acres, where all zoning lots are located wholly within the #Special Industry City District#, the City Planning Commission may allow, by special permit, the modifications listed in paragraph (a) of this Section provided that the Commission determines that the findings in paragraph (b) are met. Application requirements are set forth in paragraph (c) and additional requirements are set forth in paragraph (d) that apply subsequent to the approval of an application.

(a) Permitted modifications

The Commission may permit the following modifications to the underlying #use# and #bulk# regulations, subject to any applicable conditions.

(1) Use Modifications

The Commission may permit:

- (i) the following #uses# from Use Group 3A: #schools#, with no living or sleeping accommodations. Colleges or universities, including professional schools, libraries, museums and non-commercial art galleries, in total, limited to an aggregate #floor area# of 625,000 square feet;
- (ii) #transient hotels#, as listed in Use Groups 5 and 7A;
- (iii) all #uses# listed in Use Groups 6A, 6C, 7B, 8B, 9A, 10A, 12B and 14A, regardless of whether permitted as-of-right in the underlying district, provided that:
 - (a) all retail and service establishment #uses# shall be limited to an aggregate #floor area# of 900,000 square feet;
 - (b) if the amount of aggregate #floor area# for such #uses# exceeds 120,000 square feet, all additional retail and service establishment #uses# shall provide parking at the rate of one space per 500 square feet of #development#, #enlargement# or change of #use#; and
 - (c) art, music, dancing or theatrical studios in Use Group 9A and depositories for storage of office records, microfilm or computer tapes, or for data processing, photographic or motion picture production studios and radio or television

studios in Use Group 10A shall be exempt when calculating aggregate retail and service #floor area#;

- (iv) #physical culture or health establishments#, including gymnasiums. For the purposes of applying the underlying regulations, a #physical culture or health establishment# shall be considered a Use Group 9A #use#; and
- (v) modifications to the performance standards for distilleries, as listed in Use Group 18A as an alcoholic beverage manufacturing establishment, as follows. In lieu of Sections 42-272 (Classifications) and 42-275 (Regulations applying to Class III materials or products), all distilleries established by this Special Permit, and the Class III materials they manufacture, store, handle and use, shall be subject to the design, installation, operation and maintenance requirements of the New York City Fire Code and rules, including occupancy group restrictions, floor restrictions, storage limitations, and facility and equipment requirements. An application demonstrating compliance with the New York City Fire Code and rules shall be made to the Fire Department for approval. No distilleries shall be permitted to open or receive a certificate of occupancy by the Department of Buildings and no existing distilleries shall be allowed to expand except with Fire Department approval.

(2) Bulk Modifications

The Commission may permit modifications to all underlying #bulk# regulations other than the permitted #floor area ratio#.

(b) Findings

To grant a special permit, the Commission shall find that:

- (1) any modifications will aid in achieving the general purposes and intent of the Special District;
- (2) for #uses# modifications:
 - (i) such proposed #uses# are compatible with existing #uses# and are appropriate for the location;
 - (ii) such #uses# will be located so as to draw a minimum of vehicular traffic to and through local #streets#
 - (iii) access to public #streets# from such #uses# is designed to maximize pedestrian safety and minimize vehicle and pedestrian conflicts;
 - (iv) such #uses# will not impair the essential character or future use or development of the surrounding area.
 - (v) for #uses# in Use Group 3A:
 - a. an adequate separation from air, noise, traffic and other adverse effects is achieved to minimize the potential conflicts from

surrounding industrial uses. For #schools#, such separation shall be achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and

b. in selecting the site for such uses, due consideration has been given to the proximity and adequacy of mass transit facilities;

c. for #schools#, the movement of traffic through the #street# on which the #school# is located will be controlled so as to protect children going to and from the #school#. The Commission shall refer the application to the Department of Transportation for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site; and

(vi) for #transient hotels# in Use Group 5 or 7A:

a. an adequate separation from air, noise, traffic and other adverse effects is achieved to minimize the potential conflicts from surrounding industrial #uses#; and

b. such #use# is appropriate to the needs of business in the #Special Industry City District# and will not impair the essential character or future #use# or #development# of the surrounding area; and

(3) for #bulk# modifications, the Commission shall find that:

(i) the proposed modifications facilitate a good site plan that enhances the streetscape and promotes a harmonious relationship in scale and design with existing #buildings# and the essential character within the #Special Industry City District#;

(ii) such proposed modifications will not unduly obstruct access to light and air of adjoining properties or public #streets#; and

(iii) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#.

(c) Application requirements

An application to the Commission for the grant of this special permit shall include a site plan showing the boundaries and the proposed location of all #buildings or other structures# on each #zoning lot#. Any #development#, #enlargement#, #conversion# or change of #use# shall be on a tract of land which is under the sole control of the applicant(s) as in single fee ownership or in alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS), or as holders of a written option to purchase at the time of application for this special permit. Such site plans shall provide zoning calculations and proposed #use#, bulk, parking, and loading for each #zoning lot# portion. Alternate site plans may be provided for approval by the Commission, which clearly identify all portions in common ownership (single fee

ownership or alternate ownership arrangements according to the #zoning lot # definition in Section 12-10 (DEFINITIONS)) and all portions not in common ownership at the time of application for this special permit. Such plans may include #zoning lots# within the boundaries of the special district which are not under the sole control of the applicant(s) as fee owners or holders of a written option to purchase at the time of application for this special permit.

(d) Additional restrictions and requirements

Subsequent to the approval of an application for a special permit pursuant to this Section, the following shall apply, where applicable:

- (1) Prior to issuing a building permit facilitated by this special permit for a #development#, #enlargement#, #conversion# or change of #use# on a #zoning lot# or portion of a #zoning lot# that was not under the sole control of the applicant(s) at the time of application for this special permit, as represented in an alternate site plan, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that confirms such #zoning lot# or portion thereof is, at the time of application for such building permit, under the sole control of the applicant(s) as single fee owners or alternate ownership arrangements according to the #zoning lot # definition in Section 12-10 (DEFINITIONS), or as holders of a written option to purchase.
- (2) Where a #building# contains a #use# permitted in Use Groups 3A, 5 or 7A through this special permit, such #uses# may locate in a #building#, or share a common wall with a #building#, containing #commercial uses#, or #manufacturing uses#, other than those listed in Use Group 18, upon certification by a licensed architect or engineer to the Department of Buildings that any such #use# listed in Use Group 16 or 17:
 - (i) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
 - (ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.
- (3) The maximum number of permitted parking spaces in an #accessory group parking facility# pursuant to Section 44-12 (Maximum Size of Accessory Group Parking Facilities) may be increased to 500 spaces if the Commissioner of Buildings determines that each such facility:
 - (i) has separate vehicular entrances and exits, located not less than 25 feet apart;
 - (ii) is located on a street not less than 60 feet wide and has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the use, whichever amount is greater.

- (4) #Accessory# off-street parking may be located on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided that they are located within the boundary of the special permit application.
- (5) For the purposes of applying 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) to any special permit granted under this Section including a future certification pursuant to paragraph (d)(1) of this Section, substantial construction shall, in addition to having the meaning set forth in Section 11-42, also mean the issuance by the Department of Buildings of a temporary or permanent certificate of occupancy, or an equivalent, for any use not permitted by the underlying district regulations.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *