Herkimer-Williams
Zoning Text Amendment

ARTICLE VII
ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

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74-74
Large-scale General Development

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74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large- scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

* * *

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then

the consent or authorization of any owner or party in interest to:

(1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and

(2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest; ~~or~~

(f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership~~.~~; or

(g) partially under State or City ownership, and occupied by an elevated rail line and associated structures, and is located within the boundaries of Community District 5 in the Borough of Brooklyn partially within a C6-4 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

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APPENDIX F
Mandatory Inclusionary Housing Designated Areas and former Inclusionary Housing Designated Areas

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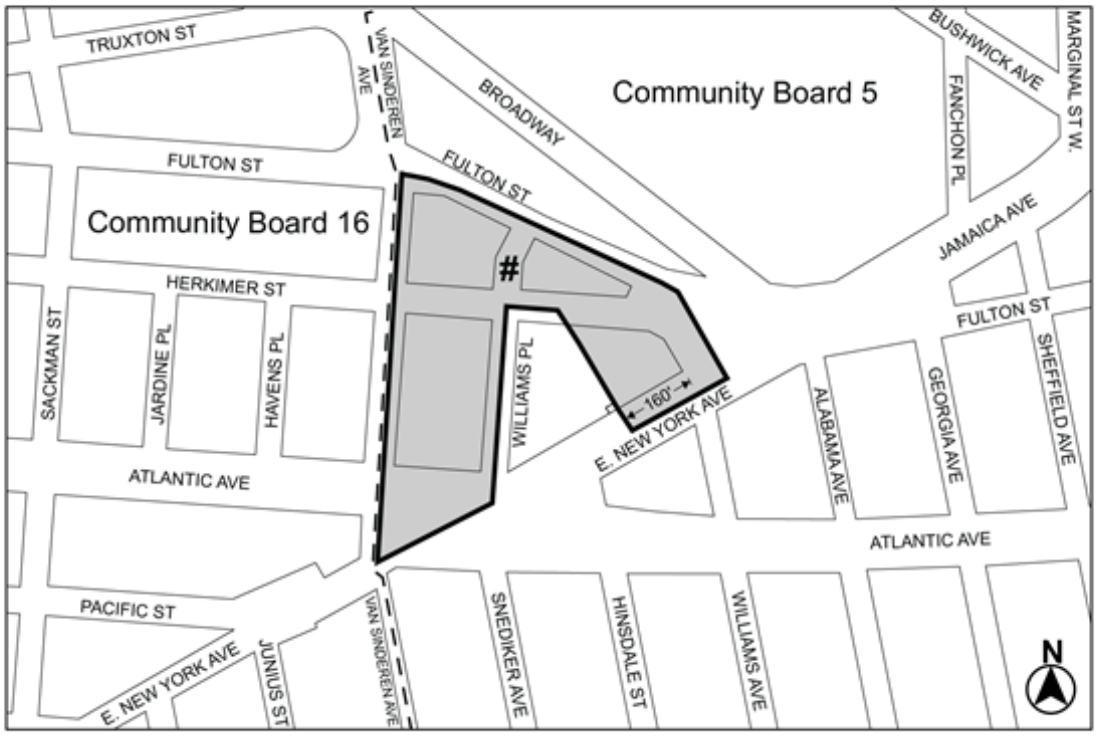
BROOKLYN

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Brooklyn Community District 5

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Map 8 – [date of adoption]



Portion of Community District 5, Brooklyn

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