

ARTICLE 16B COMMERCIAL DISTRICT REGULATIONS
COLUMBIA COUNTY OFF-STREET PARKING AND ZONING REGULATIONS

16-26 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts indicated, whenever a zoning lot is divided by a boundary between districts, the regulations governing the use of the zoning lot shall be determined by the regulations of the district in which the majority of the zoning lot is located.

16-27 Waiver for Certain Small Zoning Lots

In the districts indicated, when such districts are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100, R-101, R-102, R-103, R-104, R-105, R-106, R-107, R-108, R-109, R-110, R-111, R-112, R-113, R-114, R-115, R-116, R-117, R-118, R-119, R-120, R-121, R-122, R-123, R-124, R-125, R-126, R-127, R-128, R-129, R-130, R-131, R-132, R-133, R-134, R-135, R-136, R-137, R-138, R-139, R-140, R-141, R-142, R-143, R-144, R-145, R-146, R-147, R-148, R-149, R-150, R-151, R-152, R-153, R-154, R-155, R-156, R-157, R-158, R-159, R-160, R-161, R-162, R-163, R-164, R-165, R-166, R-167, R-168, R-169, R-170, R-171, R-172, R-173, R-174, R-175, R-176, R-177, R-178, R-179, R-180, R-181, R-182, R-183, R-184, R-185, R-186, R-187, R-188, R-189, R-190, R-191, R-192, R-193, R-194, R-195, R-196, R-197, R-198, R-199, R-200, R-201, R-202, R-203, R-204, R-205, R-206, R-207, R-208, R-209, R-210, R-211, R-212, R-213, R-214, R-215, R-216, R-217, R-218, R-219, R-220, R-221, R-222, R-223, R-224, R-225, R-226, R-227, R-228, R-229, R-230, R-231, R-232, R-233, R-234, R-235, R-236, R-237, R-238, R-239, R-240, R-241, R-242, R-243, R-244, R-245, R-246, R-247, R-248, R-249, R-250, R-251, R-252, R-253, R-254, R-255, R-256, R-257, R-258, R-259, R-260, R-261, R-262, R-263, R-264, R-265, R-266, R-267, R-268, R-269, R-270, R-271, R-272, R-273, R-274, R-275, R-276, R-277, R-278, R-279, R-280, R-281, R-282, R-283, R-284, R-285, R-286, R-287, R-288, R-289, R-290, R-291, R-292, R-293, R-294, R-295, R-296, R-297, R-298, R-299, R-300, R-301, R-302, R-303, R-304, R-305, R-306, R-307, R-308, R-309, R-310, R-311, R-312, R-313, R-314, R-315, R-316, R-317, R-318, R-319, R-320, R-321, R-322, R-323, R-324, R-325, R-326, R-327, R-328, R-329, R-330, R-331, R-332, R-333, R-334, R-335, R-336, R-337, R-338, R-339, R-340, R-341, R-342, R-343, R-344, R-345, R-346, R-347, R-348, R-349, R-350, R-351, R-352, R-353, R-354, R-355, R-356, R-357, R-358, R-359, R-360, R-361, R-362, R-363, R-364, R-365, R-366, R-367, R-368, R-369, R-370, R-371, R-372, R-373, R-374, R-375, R-376, R-377, R-378, R-379, R-380, R-381, R-382, R-383, R-384, R-385, R-386, R-387, R-388, R-389, R-390, R-391, R-392, R-393, R-394, R-395, R-396, R-397, R-398, R-399, R-400, R-401, R-402, R-403, R-404, R-405, R-406, R-407, R-408, R-409, R-410, R-411, R-412, R-413, R-414, R-415, R-416, R-417, R-418, R-419, R-420, R-421, R-422, R-423, R-424, R-425, R-426, R-427, R-428, R-429, R-430, R-431, R-432, R-433, R-434, R-435, R-436, R-437, R-438, R-439, R-440, R-441, R-442, R-443, R-444, R-445, R-446, R-447, R-448, R-449, R-450, R-451, R-452, R-453, R-454, R-455, R-456, R-457, R-458, R-459, R-460, R-461, R-462, R-463, R-464, R-465, R-466, R-467, R-468, R-469, R-470, R-471, R-472, R-473, R-474, R-475, R-476, R-477, R-478, R-479, R-480, R-481, R-482, R-483, R-484, R-485, R-486, R-487, R-488, R-489, R-490, R-491, R-492, R-493, R-494, R-495, R-496, R-497, R-498, R-499, R-500, R-501, R-502, R-503, R-504, R-505, R-506, R-507, R-508, R-509, R-510, R-511, R-512, R-513, R-514, R-515, R-516, R-517, R-518, R-519, R-520, R-521, R-522, R-523, R-524, R-525, R-526, R-527, R-528, R-529, R-530, R-531, R-532, R-533, R-534, R-535, R-536, R-537, R-538, R-539, R-540, R-541, R-542, R-543, R-544, R-545, R-546, R-547, R-548, R-549, R-550, R-551, R-552, R-553, R-554, R-555, R-556, R-557, R-558, R-559, R-560, R-561, R-562, R-563, R-564, R-565, R-566, R-567, R-568, R-569, R-570, R-571, R-572, R-573, R-574, R-575, R-576, R-577, R-578, R-579, R-580, R-581, R-582, R-583, R-584, R-585, R-586, R-587, R-588, R-589, R-590, R-591, R-592, R-593, R-594, R-595, R-596, R-597, R-598, R-599, R-600, R-601, R-602, R-603, R-604, R-605, R-606, R-607, R-608, R-609, R-610, R-611, R-612, R-613, R-614, R-615, R-616, R-617, R-618, R-619, R-620, R-621, R-622, R-623, R-624, R-625, R-626, R-627, R-628, R-629, R-630, R-631, R-632, R-633, R-634, R-635, R-636, R-637, R-638, R-639, R-640, R-641, R-642, R-643, R-644, R-645, R-646, R-647, R-648, R-649, R-650, R-651, R-652, R-653, R-654, R-655, R-656, R-657, R-658, R-659, R-660, R-661, R-662, R-663, R-664, R-665, R-666, R-667, R-668, R-669, R-670, R-671, R-672, R-673, R-674, R-675, R-676, R-677, R-678, R-679, R-680, R-681, R-682, R-683, R-684, R-685, R-686, R-687, R-688, R-689, R-690, R-691, R-692, R-693, R-694, R-695, R-696, R-697, R-698, R-699, R-700, R-701, R-702, R-703, R-704, R-705, R-706, R-707, R-708, R-709, R-710, R-711, R-712, R-713, R-714, R-715, R-716, R-717, R-718, R-719, R-720, R-721, R-722, R-723, R-724, R-725, R-726, R-727, R-728, R-729, R-730, R-731, R-732, R-733, R-734, R-735, R-736, R-737, R-738, R-739, R-740, R-741, R-742, R-743, R-744, R-745, R-746, R-747, R-748, R-749, R-750, R-751, R-752, R-753, R-754, R-755, R-756, R-757, R-758, R-759, R-760, R-761, R-762, R-763, R-764, R-765, R-766, R-767, R-768, R-769, R-770, R-771, R-772, R-773, R-774, R-775, R-776, R-777, R-778, R-779, R-780, R-781, R-782, R-783, R-784, R-785, R-786, R-787, R-788, R-789, R-790, R-791, R-792, R-793, R-794, R-795, R-796, R-797, R-798, R-799, R-800, R-801, R-802, R-803, R-804, R-805, R-806, R-807, R-808, R-809, R-810, R-811, R-812, R-813, R-814, R-815, R-816, R-817, R-818, R-819, R-820, R-821, R-822, R-823, R-824, R-825, R-826, R-827, R-828, R-829, R-830, R-831, R-832, R-833, R-834, R-835, R-836, R-837, R-838, R-839, R-840, R-841, R-842, R-843, R-844, R-845, R-846, R-847, R-848, R-849, R-850, R-851, R-852, R-853, R-854, R-855, R-856, R-857, R-858, R-859, R-860, R-861, R-862, R-863, R-864, R-865, R-866, R-867, R-868, R-869, R-870, R-871, R-872, R-873, R-874, R-875, R-876, R-877, R-878, R-879, R-880, R-881, R-882, R-883, R-884, R-885, R-886, R-887, R-888, R-889, R-890, R-891, R-892, R-893, R-894, R-895, R-896, R-897, R-898, R-899, R-900, R-901, R-902, R-903, R-904, R-905, R-906, R-907, R-908, R-909, R-910, R-911, R-912, R-913, R-914, R-915, R-916, R-917, R-918, R-919, R-920, R-921, R-922, R-923, R-924, R-925, R-926, R-927, R-928, R-929, R-930, R-931, R-932, R-933, R-934, R-935, R-936, R-937, R-938, R-939, R-940, R-941, R-942, R-943, R-944, R-945, R-946, R-947, R-948, R-949, R-950, R-951, R-952, R-953, R-954, R-955, R-956, R-957, R-958, R-959, R-960, R-961, R-962, R-963, R-964, R-965, R-966, R-967, R-968, R-969, R-970, R-971, R-972, R-973, R-974, R-975, R-976, R-977, R-978, R-979, R-980, R-981, R-982, R-983, R-984, R-985, R-986, R-987, R-988, R-989, R-990, R-991, R-992, R-993, R-994, R-995, R-996, R-997, R-998, R-999, R-1000.

16-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

In the districts indicated, when group parking facilities are provided, the number of required off-street parking spaces for each dwelling unit shall be determined by the following table:

Number of Dwelling Units	Required Off-Street Parking Spaces
1-4	1
5-9	2
10-14	3
15-19	4
20-24	5
25-29	6
30-34	7
35-39	8
40-44	9
45-49	10
50-54	11
55-59	12
60-64	13
65-69	14
70-74	15
75-79	16
80-84	17
85-89	18
90-94	19
95-99	20
100-104	21
105-109	22
110-114	23
115-119	24
120-124	25
125-129	26
130-134	27
135-139	28
140-144	29
145-149	30
150-154	31
155-159	32
160-164	33
165-169	34
170-174	35
175-179	36
180-184	37
185-189	38
190-194	39
195-199	40
200-204	41
205-209	42
210-214	43
215-219	44
220-224	45
225-229	46
230-234	47
235-239	48
240-244	49
245-249	50
250-254	51
255-259	52
260-264	53
265-269	54
270-274	55
275-279	56
280-284	57
285-289	58
290-294	59
295-299	60
300-304	61
305-309	62
310-314	63
315-319	64
320-324	65
325-329	66
330-334	67
335-339	68
340-344	69
345-349	70
350-354	71
355-359	72
360-364	73
365-369	74
370-374	75
375-379	76
380-384	77
385-389	78
390-394	79
395-399	80
400-404	81
405-409	82
410-414	83
415-419	84
420-424	85
425-429	86
430-434	87
435-439	88
440-444	89
445-449	90
450-454	91
455-459	92
460-464	93
465-469	94
470-474	95
475-479	96
480-484	97
485-489	98
490-494	99
495-499	100

16-32 Requirements Where Individual Parking Facilities Are Provided

In the districts indicated, when individual parking facilities are provided, the number of required off-street parking spaces for each dwelling unit shall be determined by the following table:

Number of Dwelling Units	Required Off-Street Parking Spaces
1-4	1
5-9	2
10-14	3
15-19	4
20-24	5
25-29	6
30-34	7
35-39	8
40-44	9
45-49	10
50-54	11
55-59	12
60-64	13
65-69	14
70-74	15
75-79	16
80-84	17
85-89	18
90-94	19
95-99	20
100-104	21
105-109	22
110-114	23
115-119	24
120-124	25
125-129	26
130-134	27
135-139	28
140-144	29
145-149	30
150-154	31
155-159	32
160-164	33
165-169	34
170-174	35
175-179	36
180-184	37
185-189	38
190-194	39
195-199	40
200-204	41
205-209	42
210-214	43
215-219	44
220-224	45
225-229	46
230-234	47
235-239	48
240-244	49
245-249	50
250-254	51
255-259	52
260-264	53
265-269	54
270-274	55
275-279	56
280-284	57
285-289	58
290-294	59
295-299	60
300-304	61
305-309	62
310-314	63
315-319	64
320-324	65
325-329	66
330-334	67
335-339	68
340-344	69
345-349	70
350-354	71
355-359	72
360-364	73
365-369	74
370-374	75
375-379	76
380-384	77
385-389	78
390-394	79
395-399	80
400-404	81
405-409	82
410-414	83
415-419	84
420-424	85
425-429	86
430-434	87
435-439	88
440-444	89
445-449	90
450-454	91
455-459	92
460-464	93
465-469	94
470-474	95
475-479	96
480-484	97
485-489	98
490-494	99
495-499	100

16-33 Requirements Where Group Parking Facilities Are Provided

In the districts indicated, when group parking facilities are provided, the number of required off-street parking spaces for each dwelling unit shall be determined by the following table:

Number of Dwelling Units	Required Off-Street Parking Spaces
1-4	1
5-9	2
10-14	3
15-19	4
20-24	5
25-29	6
30-34	7
35-39	8
40-44	9
45-49	10
50-54	11
55-59	12
60-64	13
65-69	14
70-74	15
75-79	16
80-84	17
85-89	18
90-94	19
95-99	20
100-104	21
105-109	22
110-114	23
115-119	24
120-124	25
125-129	26
130-134	27
135-139	28
140-144	29
145-149	30
150-154	31
155-159	32
160-164	33
165-169	34
170-174	35
175-179	36
180-184	37
185-189	38
190-194	39
195-199	40
200-204	41
205-209	42
210-214	43
215-219	44
220-224	45
225-229	46
230-234	47
235-239	48
240-244	49
245-249	50
250-254	51
255-259	5



Introduction to Zoning

Zoning establishes an orderly pattern of development across neighborhoods, and the city as a whole, by identifying what is permissible on a piece of property. It is a law which organizes how land may be used, enacted pursuant to State authorizing legislation and, in New York City, the City Charter. Zoning is not planning itself, but is often one of its results; it is a tool that often accompanies, and effectively implements, a well-considered plan. Zoning regulations in New York City are contained within the Zoning Resolution.

Under New York City's Zoning Resolution, land throughout the City is divided into districts, or "zones," where similar rules are in effect. Zoning regulations are assigned based on consideration of relevant land use issues, rather than other factors such as property ownership or financial considerations. By virtue of the legal authority that establishes it, zoning is a set of

limits on the use of land, rather than a set of affirmative requirements for a property owner to use a property in a particular way.

New York City zoning regulations originally stated which *uses* could be conducted on a given piece of property, and placed limits on how a building could be shaped, or its *bulk*. Today, zoning continues to regulate land use under a more expansive concept of use and bulk provisions to encompass issues such as off-street parking, affordable housing, walkability, public space, sustainability and climate change resiliency.

New York City's Zoning Resolution became effective in 1961, replacing an earlier Resolution dating from 1916. It has been amended many times since 1961, reflecting the changing needs and priorities of the city.

Zoning History

Zoning has had a relatively short history, yet it plays a prominent role in the shaping of the city. It sets limitations on the size and use of buildings, where they may be located and the density of the city's diverse neighborhoods. Along with the City's power to budget, tax and acquire and manage property, zoning is a key tool for carrying out planning policy. New York City has been a pioneer in the field of zoning since it enacted the nation's first comprehensive zoning ordinance in 1916.

The Call for Reforms pre-1916

For much of New York's early history, there were few formal limitations on what property owners were able to construct on their property. In the late 19th century population growth and technological changes began to change this equation, as fires and other disasters gave rise to fire code and early construction codes. Housing shortages, caused by a rapid expansion of the city's economy and an influx of new immigrants, created a market for tenements built to the greatest bulk achievable and to minimal standards. As early as the 1860s and 1870s, New Yorkers began to express health and safety concerns stemming from overcrowding, with reformers focused particularly on the living conditions in teeming precincts like the Lower East Side. In response, the state legislature took the first step to establish housing standards by enacting a series of health and safety-oriented restrictions on residential buildings, culminating in the Tenement House Act of 1901.

Concurrently, New York City was becoming the foremost business center of the country and expanding companies needed office space. With the introduction of steel frame construction techniques and improved elevators, technical constraints that had limited building height vanished. The Manhattan skyline was beginning to assume its distinctive form.

In 1915, when the 42-story Equitable Building was erected in Lower Manhattan, the need for consistent controls on the height and form of buildings became clear. Rising without setbacks to its full height of 538 feet, the Equitable Building cast a seven-acre shadow over neighboring buildings, prompting anxiety about the effects if this building were replicated throughout the area, and setting the stage for reform.

Unregulated development had other ramifications that caused alarm. With the growth of industry, warehouses and factories began to encroach upon the fashionable stores along Ladies' Mile, creating concerns from the department stores of Fifth Avenue. This rapid change amplified concerns about the potential disruptive side effects of development. It added urgency to the calls of reformers for zoning restrictions separating uses and for new and more effective height and setback controls for all buildings.

The 1916 Zoning Resolution

The groundbreaking Zoning Resolution of 1916 consisted of a 14-page text and three sets of maps designating use, height and area for all portions of the city. Though a relatively simple document mainly looking to limit the most egregious land use outcomes, it made the first step to control the size and shape of all buildings in the city and to designate residential and commercial areas that excluded what were seen as incompatible uses. It fostered the iconic tall, slender towers and tiered "wedding cake" buildings that came to epitomize the city's central business districts and, coupled with other state legislation such as the Tenement Law and the 1929 Multiple Dwelling Law, yielded the familiar three- to six-story residential buildings found in much of the city. The new ordinance became a model for urban communities throughout the United States, as other growing cities found that New York's problems were not unique.

The 1916 Zoning Resolution guided development during the city's building boom of the 1920s, which was by far the most rapid expansion the city has seen. While many small changes were made to the document after 1916 to reflect changing development patterns in some neighborhoods, its overall structure remained relatively intact for many decades. In the 1930s, the *City Planning Commission (CPC)* and the *Department of City Planning (DCP)* were created and tasked with planning for the entire city, which included ensuring that the Resolution was in keeping with the city's current and future needs. They instituted many zoning changes through the 1940s that addressed, for the first time, issues previously unaddressed by the 1916 Resolution such as building signage, truck loading, low-rise garden apartments and the rapid rise of automobile usage in the city.

Outgrowing the 1916 Zoning Resolution

By mid-century, however, many of the underlying planning principles of the 1916 document had not stood the test of time. If, for example, the city had been built out to the full density permitted in the 1950s, it could have contained an estimated 55 million people, far beyond its realistic capacity. New theories were capturing the imaginations of planners and government leaders: Le Corbusier's "tower-in-the-park" model, where tall towers surrounded by open space would replace the varied context of existing blocks, became more prevalent as planners and the public sought more greenery within the city. The remaining vacant areas on the city's edges needed to be developed at densities that recognized the new, automobile-oriented lifestyle that made areas far from the subway accessible. By the 1950s, it was evident that the original 1916 framework needed to be completely reconsidered and replaced with a new and more detailed zoning resolution.

Introduction to Zoning



Top Left: Street scene from the Lower East Side in the late 19th century.

Top Middle: The Equitable Building, completed in 1915.

Top Right: Typical “wedding cake” buildings constructed under the 1916 Zoning Resolution.

Middle Left: The Seagram Building, completed in 1958.

Bottom Left: Queensview cooperative homes, first opened in 1950.

The overarching vision the drafters of this new plan held was a dramatic departure from the traditional form of New York City, reflecting a sense that the city itself was becoming obsolete and needed to compete with popular characteristics of development elsewhere in the United States. In general, uses would be separated to limit conflicts between them. Residents would increasingly access jobs, schools and shopping areas by automobile. Medium and high density residential neighborhoods would see tower-in-the-park developments with light and air guaranteed by wide swaths of open space at their edges. Lower density areas on the edges of the city would see single- and two-family homes as well as single-story manufacturing, office and retail buildings. In most instances, permitted densities would be far lower than what had previously been permitted, reflecting the idea that zoning should more closely reflect a plan for the city. Even the office towers permitted in high density commercial areas like Midtown were intended to be smaller than existing buildings so as to limit congestion, though they were given greater design flexibility than the “wedding cake” form dictated by earlier regulations. These new rules were also intended to make zoning approvals simpler, swifter and more comprehensible.

The 1961 Zoning Resolution

To accommodate this vision, the 1961 Zoning Resolution introduced a number of zoning concepts, many of which are still with us today. It created three types of zoning districts – *Residence*, *Commercial* and *Manufacturing Districts* – and split them further into individual types that each had different combinations of *use*, *bulk* and parking regulations. It defined hundreds of uses, and prescribed *zoning districts* in which they could occur. Significantly, it restricted residential uses in Manufacturing Districts, in contrast to the 1916 Resolution’s allowance of any use in areas where manufacturing was permitted. The 1961 Resolution introduced the concept of *floor area ratio* for all districts to better control the size of buildings,

and included *incentive zoning* tools that allowed extra floor area for developments that provided public open spaces. Automobile parking requirements, which had been established for new housing in 1950, were also incorporated citywide for all uses. After lengthy study and public debate, the current Zoning Resolution was enacted and took effect on December 15, 1961.

Zoning Since 1961

Although it was based upon the leading planning theories of the day, and was a marked improvement over the 1916 Resolution as a planning tool, aspects of the 1961 Zoning Resolution quickly revealed certain shortcomings. The emphasis on open space for light and air sometimes resulted in towers that disrupted the fabric of their surroundings and open spaces (created by incentive zoning provisions) that were not always useful or attractive. Despite its focus on open space, the Resolution gave little consideration to the relationship between buildings and adjacent public spaces like sidewalks. While created with the laudable goal of making flexible regulations that did not require frequent modification, the 1961 Resolution missed some of the complexity and variability that defines the city. For example, the proposed separation of manufacturing uses from residences did not accommodate the existing intermingling of housing and industry in the city’s formerly “unrestricted” mixed-use neighborhoods. The small palette of zoning districts sometimes led to new buildings that did not match their surroundings. Additionally, while the Resolution focused on adapting the city to the automobile, it did not provide for a harmonious relationship with the diversity of other transportation modes that pass through the city.

Fortunately, the Resolution was designed with mechanisms that facilitated change, and has proven to be remarkably flexible. While still forming the basis for today’s zoning rules, the 1961 Zoning Resolution has undergone a continuous evolution. Hundreds of zoning

changes – both big and small – have expanded the Resolution’s size and scope. Some of these have corrected issues or oversights in the original Resolution, while others have addressed new challenges not imagined by the drafters of the 1961 Resolution.

Zoning has been reshaped over time to better embody smart growth and sustainability principles while also addressing a range of goals as diverse as the city’s neighborhoods. In a city where housing is often in short supply, new opportunities for housing development for residents at a range of incomes have been created in areas with good transit connections and other infrastructure that can support increased density. Conversely, in outlying and auto-dependent lower density areas distant from mass transit and other services, zoning has been modified to limit growth.

Zoning regulations have also become more focused on “contextual” development to help ensure that new buildings contribute both to the fabric of the city’s neighborhoods and the overall pedestrian experience. Contextual zoning rules have been refined and expanded to be more compatible with buildings constructed under pre-1961 regulations, while still maintaining flexibility for architectural creativity.

While zoning does not regulate the specific design of buildings, the regulations increasingly address how new developments interact with the sidewalk, other public spaces and surrounding buildings. These rules have come to be generally referred to as *streetscape* regulations, and have included new requirements for elements such as ground floor commercial space, street trees and parking lot landscaping, as well as new and more stringent regulations for public spaces.

Since 1961, the number of zoning districts has more than doubled to address the varied conditions in the city's neighborhoods, and *special purpose districts* have been introduced throughout the city that modify the underlying zoning district rules to meet specific planning goals for the area. These have ranged from planning new neighborhoods like Hunters Point South in Queens, enhancing Central Business Districts such as Midtown, or protecting environmentally sensitive areas in Staten Island (see Chapter 7). In addition, to address areas of the city that are not intended to be planned as a district but share common characteristics, the Resolution has incorporated special rules that apply in certain areas (see Chapter 6). These have been utilized to address myriad goals, such as ensuring public access to the city's waterfront, and facilitating storm recovery after Hurricane Sandy.

Several new zoning tools have also been created to respond to particular conditions and trends. The Zoning Resolution has been changed to help preserve landmarked buildings like Grand Central Terminal, and promote economic diversity and affordability in neighborhoods where residential growth is planned. *Incentive zoning* has expanded far beyond its initial focus on public open space to meet new policy goals such as improving subway stations, promoting energy efficient buildings and bringing healthy food to underserved neighborhoods.

The Zoning Resolution is a blueprint for the development of the city. It seeks to be both consistent, to provide predictability and fairness, and flexible to address the advances in technology, changing neighborhoods and land use patterns and emerging planning and design philosophies that combine to make New York one of the great cities of the world. The Resolution will continue to change and evolve, as the city confronts new challenges and opportunities, to shape the city and ensure a better future for all New Yorkers. Cities never stand still, nor should zoning.



Top Left: Infill building using the 1961 Zoning Resolution's Height Factor regulations.

Top Right: Recent construction under the Quality Housing Program, adopted in 1987.

Bottom Left: Lower density contextual zoning, adopted in 1989.

Bottom Right: Special West Chelsea District, an example of the many Special Purpose Districts created since 1961.

Zoning Basics

Zoning Districts

Under the Zoning Resolution, the map of New York City is generally apportioned into three basic zoning district categories: Residence (R), Commercial (C) and Manufacturing (M), which are further divided into a range of individual zoning districts, denoted by different number and letter combinations. In general, the higher the number immediately following the first letter (R, C or M), the higher the density or intensity of land use permitted.

- **Residence Districts** are characterized by a range of housing types, from detached single-family homes in R1 Districts to residential skyscrapers in R10 Districts.
- **Commercial Districts** are characterized by a range of business activities, from neighborhood retail and services in C1 Districts, to regional commercial areas with department stores and movie theaters in C4 Districts and potentially noxious activities such as gas stations and car repair in C8 Districts. Some C1 and C2 Districts are depicted on the zoning map with a hatch pattern, indicating Commercial District overlays, which are a type of Commercial District mapped on local commercial streets in Residence Districts that accommodate neighborhood-oriented retail and services.
- **Manufacturing Districts** are characterized by a wide range of industrial and commercial activities, including light manufacturing in M1 Districts and heavy manufacturing in M3 Districts.

A district's first letter and number combination is often accompanied by a numerical suffix that indicates additional variations in permitted uses, bulk or parking requirements. M1 Districts, for example, comprise M1-1, M1-2, M1-3, M1-4, M1-5 and M1-6 Districts. Generally, suffixes with lower numbers indicate lower scaled development and higher parking requirements while higher number suffixes indicate larger buildings with

lower parking requirements which are typically mapped in more central areas or areas with better public transit access.

An A, B, D or X letter suffix at the end of a Residence or Commercial District designation (or a -1 suffix in R3 and R4 Districts) denotes an alternate version of the district that is applied in areas where it is considered appropriate that new buildings have a form and scale comparable to either the predominant building type in the area or to specific building types desired in the future. Districts that end with these letter suffixes are referred to as **contextual districts**, while those without a letter suffix are **non-contextual districts**.

These many zoning districts support the character of a wide range of different neighborhoods, from the low residential scale of Jamaica Estates in Queens, to the high-rise dynamism of Midtown and Lower Manhattan; from the frenetic carnival atmosphere of Coney Island to the industrial hum along Newtown Creek.

Zoning districts are mapped to reflect existing conditions, as well as desired future conditions, and can be a tool to achieve specific planning goals. In some instances zoning is intended to chart a new future for a neighborhood, reflecting a specific plan, coordinated with public investments and the availability of transit and local services. In other cases, zoning is calibrated to reflect the existing built context of a particular area and ensure that future development will be compatible with this context. The same district may achieve different goals, depending on where it is mapped – one neighborhood's growth district may be another's preservation district.

Zoning Text and Zoning Maps

The Zoning Resolution contains two parts: the **zoning maps**, showing the zoning district designation for every location in the city, and the zoning text, which describes

the specific zoning regulations that apply within these districts. The Department of City Planning is responsible for the drafting and dissemination of the Resolution, and providing staff assistance to the **City Planning Commission (CPC)**, which is responsible for planning for the orderly growth, improvement, and future development of the city. The CPC and City Council review amendments to both the text and maps of the Resolution, which are also reviewed by the public and other elected officials through a City Charter-mandated process. This process is described further in Chapter 8.

To determine the specific zoning district for a property, one can consult the zoning index map – found either on DCP's website or in the printed version right before the individual zoning maps – to determine which zoning map to refer to. The entire city has been subdivided into 35 section maps which are further divided into 126 separate "a," "b," "c" and "d" zoning maps.

As an alternative reference source, one can also consult DCP's online interactive Zoning and Land Use Application (ZoLa) at www.nyc.gov/zola. Here, one can type in their address or borough, block and lot number (BBL) and the application automatically determines what the zoning district is. However, the zoning map in the Resolution remains the source of the official zoning designation.

Both of these sources will specify the basic zoning district designation, as well as whether the location lies within a **special purpose district**, in which the rules that generally apply for the zoning district have been modified to reflect a plan for the area.

To determine the specific rules that apply in a particular zoning district, one needs to consult the zoning text. The current text is divided into 14 Articles, with the first seven

forming the general rules, often called the “underlying rules,” and the last seven containing special purpose districts.

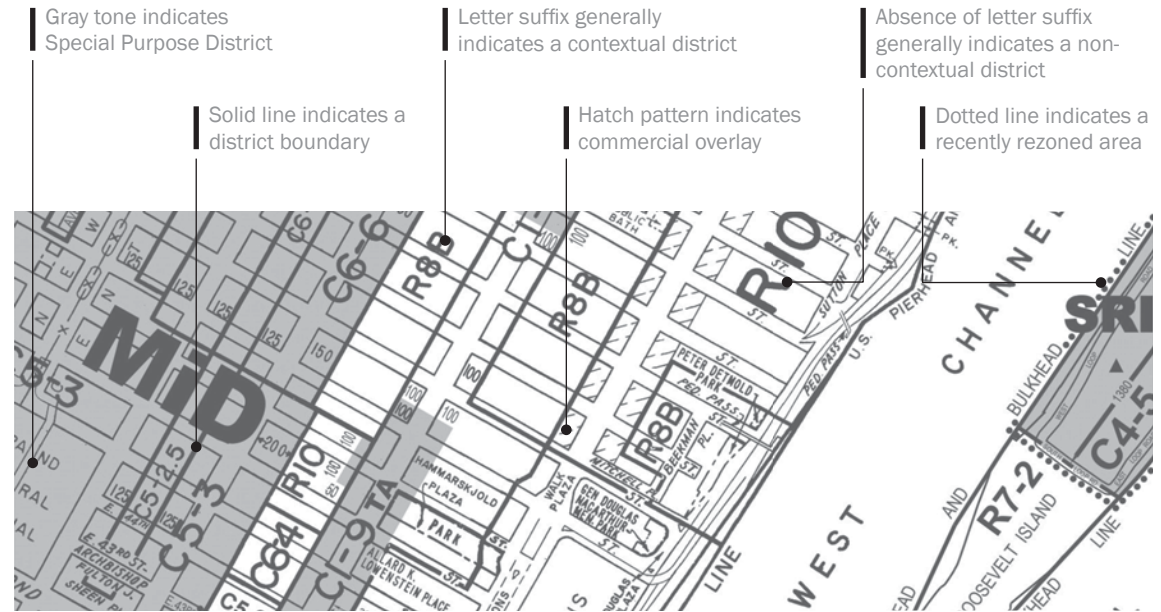
Most of the underlying rules are set forth in articles devoted to the basic zoning district categories – Article II is devoted to Residence Districts, Article III to Commercial Districts and Article IV to Manufacturing Districts. The remainder of the underlying rules apply more generally, and include definitions, administrative procedures, special rules that modify or supersede the underlying rules over larger geographies, and rules for existing buildings or uses that pre-date the current zoning designation and do not adhere to its current rules.

- Article I: General Provisions
- Article II: Residence District Regulations
- Article III: Commercial District Regulations
- Article IV: Manufacturing District Regulations
- Article V: Non-conforming Uses and Non-complying Buildings
- Article VI: Special Regulations Applicable to Certain Areas
- Article VII: Administration

Within each Article, the regulations in the zoning text are broken down into Chapters and Sections. The Chapters divide up the regulations into *use* regulations, which determine the range of activities permitted on a parcel; *bulk* regulations, which govern the size and shape of a development; *parking* regulations, which stipulate minimum and maximum amounts of parking spaces; and *streetscape* regulations, which govern the relationship between a property and the adjoining public street.

Specific sections spell out the specific rules for each set of regulations. The first two digits of a section indicate the article and chapter, while the remaining two or three digits indicate the specific section. For example, Section

Zoning Map Basics



Zoning Text Basics

Number indicates Article three, Chapter five, Section 311

Indicates districts to which the rules in this Section are applicable

Date created or last revised

Italicized words are defined terms, generally found in ZR 12-10

35-311 (3/22/16)
Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

35-312 (10/17/07)
Existing public amenities for which floor area bonuses have been received

(a) *Elimination or reduction in size of non-bonus open area on a zoning lot containing a bonused amenity*

In all districts, any existing open area for which a floor area bonus has not been utilized that occupies the same zoning lot as an existing publicly accessible

C1 C2

†In C1 and C2 Districts mapped within R6 Districts, without a letter suffix, and in R7-1 Districts, the provi-

33-122 indicates that the provision is within Article III, Chapter 3. Most sections of the zoning text have the same basic structure, beginning with the date it was created or last amended (specifically, the date it was passed by City Council), the section number, section title and, often, a list of zoning districts to which the section's rules apply. The body of the section follows this, detailing the particular zoning rules. Any words that are italicized denote a defined term that can be found in either Section 12-10 or a supplemental definition section of the chapter being read. (In the current online version of the Zoning Resolution, defined terms are bookended by the “#” symbol.)

Special Rules

Special purpose districts modify or supplement the underlying use, bulk, parking or streetscape provisions. They are created to address specific conditions and planning objectives that cannot be achieved through the more generally applicable rules (see Chapter 7). On the zoning map, special purpose districts are always shown in grey-tone. In the Resolution, individual chapters in Articles VIII through XIV each specify the regulations for a different special purpose district.

In addition to special purpose districts, certain types of areas with unique features warrant special zoning rules such as *waterfront areas* along the shoreline and areas around the city's airports. Special zoning rules have also been established to advance planning objectives through a variety of special incentives, allowances or requirements. Incentives include additional floor area in exchange for the provision of *public plazas*, certain types of affordable housing or *FRESH food stores*. Allowances include provisions to let restaurants provide *sidewalk cafes* and facilitate conversions of older buildings, while requirements have been put in place to limit growth in *lower density growth management areas* and to mitigate certain environmental conditions through what are known as *(E) designations*. Areas subject to these special

rules, which modify or supplement underlying use, bulk, parking or streetscape provisions, are generally not shown on the zoning maps but their applicability is described in the relevant chapters of Articles I or VI, or in other sections of the Resolution (see Chapter 6).

The boundaries of all special purpose districts and many areas subject to special rules can also be found by consulting ZoLa at www.nyc.gov/zola.

What Zoning Does Not Regulate

The ability for municipalities to zone is enabled by State governments that, in turn, are empowered to create this legislation by the United States and State Constitutions and applicable case law. Because local government is subsidiary to higher forms of government, case law and statutes, it must defer where a proposed zoning action might conflict with any of these constraints on its authority.

New York State authorized municipalities to adopt zoning legislation through enabling legislation in 1913. This legislation determines the limits to what local zoning ordinances can regulate. Many issues that come up in land use discussions are not authorized to be addressed through zoning, such as wage and labor regulations or the taking of private property without compensation.

Properties controlled by the Federal government and used for Federal purposes do not have to follow the local zoning code, and the State has authority to override local zoning for specifically enumerated purposes. For instance, the Metropolitan Transportation Authority (MTA) can override zoning on its property for transportation purposes. There are other instances where other State or Federal laws preempt the City's authority to regulate through zoning. For instance, the City cannot regulate the hours of operation of establishments serving alcohol, which are governed by the State Liquor Authority.

Zoning applies primarily to parceled property — it does not apply to public *streets* (which typically include both the road and the sidewalk), *public parks* or to the open waters in the rivers or the harbor beyond the *pierhead line*. The Department of Transportation, for example, regulates streets, the Department of Parks and Recreation governs city parks, and the U.S. Army Corps of Engineers and the Coast Guard regulate navigable waterways. The MTA regulates construction and operation of the mass transit system, and the Port Authority of New York and New Jersey has authority over ports and airports as well as road, rail and bus facilities linking to New Jersey. Interstate railroads are regulated by the U.S. Department of Transportation. Nevertheless, even though zoning does not regulate public lands or infrastructure, it is very responsive to it. The proximity of parks and availability of mass transit are always considered in mapping different zoning designations.

The Zoning Resolution generally attempts to establish a harmonious relationship amongst *buildings*, but it does not dictate construction techniques, architectural styles, or particular design materials (beyond some limited requirements for ground floor levels on some retail streets). While the Resolution promotes the most desirable use of land and building construction to protect the value of properties (and thereby the City's tax revenues), it does not govern the health or safety of building occupants or public safety stemming from how well buildings are constructed. Other City laws, including the Construction Codes and the Housing Maintenance Code address health and safety related to building construction. Additionally, even though many zoning regulations concern themselves with developments, zoning rules do not initiate or require construction.

Finally, zoning is not the only land use regulation affecting different properties. The Landmarks Preservation Commission designates both individual Historic

Landmark buildings and entire Historic Districts to ensure that their historic value is retained. The Federal Aviation Administration restricts the heights of buildings near airport flight paths. The Environmental Protection Agency and the New York State Department of Environmental Conservation administer a range of environmental regulations. Buildings must satisfy the requirements of building code, fire code, sewer code, and other local regulations. Certain businesses must receive licenses from other agencies like the Department of Consumer Affairs or the Department of Health and Mental Hygiene.

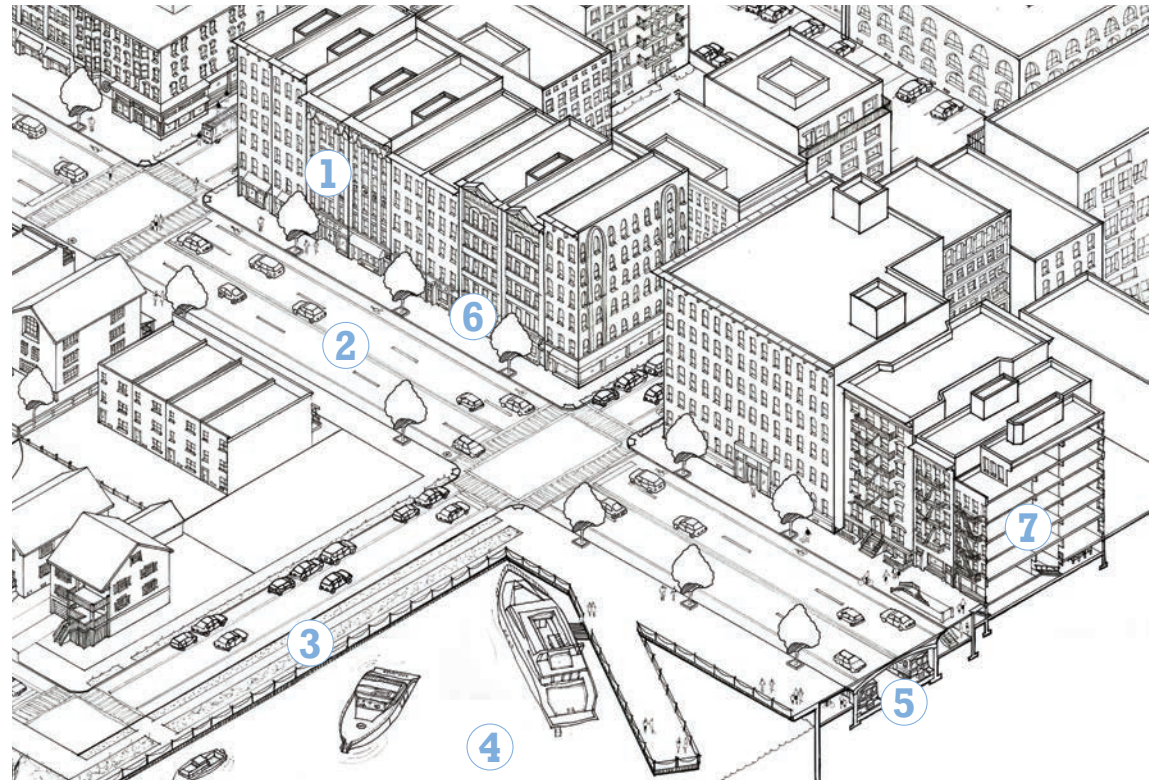
In general, the requirements of each set of regulations must be satisfied. Just because the Zoning Resolution permits something does not give an owner the right to violate a different City, State, or Federal law. Where other City laws conflict with zoning, in general, the more restrictive provision applies.

Developments and Existing Buildings

Zoning regulations apply to nearly every piece of privately owned real property in the city. The way in which they apply depends on whether a new *building* is being constructed, an existing building is being enlarged, reconfigured, or converted to a different use, or the land is simply being used for an open use.

The Zoning Resolution applies most comprehensively to the construction of a new building, which, in zoning parlance, is referred to as a *development*. At the time of construction, the architect or engineer filing permits must ensure that a building complies with all of the various zoning regulations applicable to the property. These include the *uses* that may be conducted within the building; the size and shape or *bulk* of the building itself; the amount of parking that is required or permitted to be provided; and a palette of *streetscape* measures that may be required. Each of these regulations is determined by the zoning district in which the building is to be located.

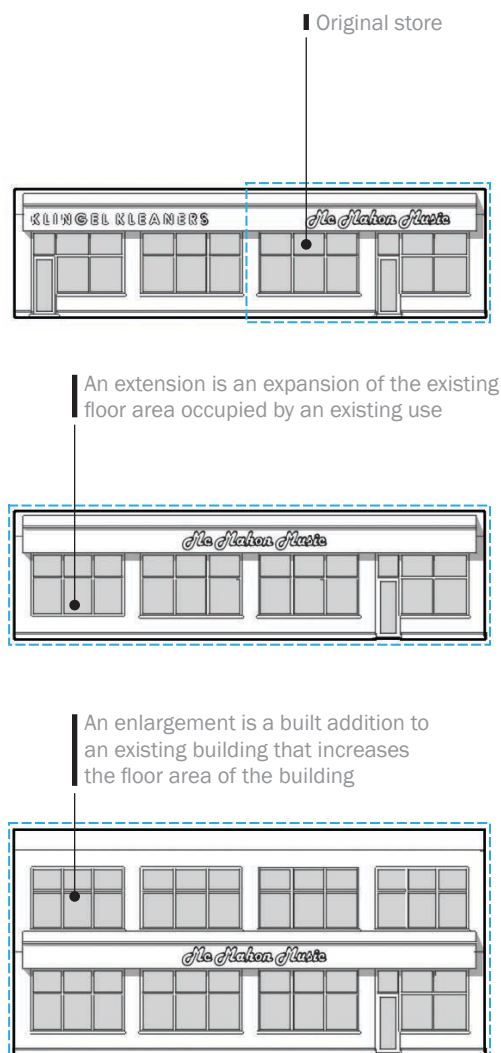
Other Agencies and Land Use Regulations



Zoning is one of many types of land use regulations. Many other agencies have regulations that govern different aspects of the built environment of the City.

1. The Landmarks Preservation Commission (LPC) regulates Landmarked Buildings and Historic Districts.
2. The Department of Transportation (DOT) regulates streets.
3. The Department of Parks and Recreation (DPR) governs city parks.
4. The U.S. Army Corps of Engineers and the Coast Guard regulate navigable waterways.
5. The Metropolitan Transportation Authority (MTA) regulates construction of the mass-transit system.
6. The State Liquor Authority regulates hours of operation for bars.
7. The Department of Buildings (DOB) regulates building construction and alterations.

Extensions versus Enlargements



Zoning regulations also apply to existing buildings. Rather than demolish buildings whose original function and configuration have become obsolete, owners often make changes to their building over time. They may change the uses within one district type (such as from warehouse to office, i.e., from a commercial use to another commercial use), carry out a *conversion* of a space from one district type to another (e.g., from manufacturing to residential), an *extension* of one use into another space, or an *enlargement* of the building through an addition. In each of these cases, the alteration or new construction must comply with zoning.

Some existing buildings were constructed before zoning regulations existed, while others were constructed legally under the zoning provisions in effect at the time, but the regulations have since changed. Existing buildings or uses that do not comply with zoning are typically classified as either *non-complying* buildings or *non-conforming* uses, depending on their failure to comply with bulk or use regulations, respectively.

Recognizing that it would be extremely punitive to require owners to lop off parts of their buildings, or cease certain activities within buildings whenever regulations change, the Zoning Resolution generally allows these conditions to continue – a concept known as “grandfathering” – as long as the amount or degree of non-compliance or non-conformance is not increased. Over time, if uses change, and buildings are renovated, improvements are generally expected to bring a building and its uses into greater zoning compliance and/or conformance. The Resolution places more emphasis on facilitating the eventual disappearance of non-conforming uses than on correcting non-complying buildings, as converting the uses in a building is typically easier than changing its physical shape.

Finally, zoning regulations extend beyond buildings and their uses, as they also apply to *zoning lots* without buildings. Open uses, or those that are conducted outside a building, are also governed by the regulations for the particular zoning district in which they are located.

Zoning Lot Basics

In zoning terminology, a parcel of privately owned property is classified as a *zoning lot*. This is the unit around which nearly all zoning regulations are constructed.

While a zoning lot and a *tax lot* are often coterminous (sharing the same boundaries), a zoning lot can also be comprised of two or more tax lots within a block. A row of townhouses constructed at the same time, for example, may occupy several separate tax lots within a single zoning lot. Similarly, a multi-family building on a single zoning lot may contain separate condominium units, each constituting a separate tax lot. Zoning lots may be subdivided into two or more zoning lots, while two or more adjoining zoning lots on the same block may be merged, provided that all resulting zoning lots still comply with all applicable zoning regulations.

Zoning lots are divided into three basic types:

- A *corner lot* is any zoning lot that is within 100 feet of the point of intersection of two or more streets
- A *through lot* is any zoning lot that touches two generally parallel streets and is not a corner lot
- An *interior lot* is any zoning lot that is neither a corner lot nor a through lot

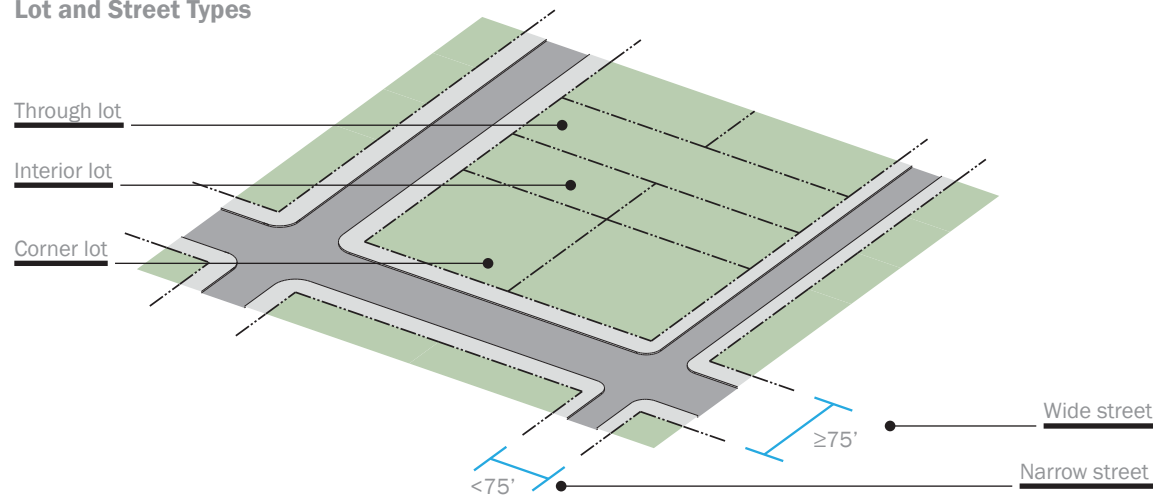
Larger lots may have portions that consist of different lot types. For example, the first 100 feet of a large lot at an intersection of two streets is considered a corner lot portion, while the remaining portion is either an interior

or through lot portion, depending on its configuration. This is important, as bulk regulations will often differ for each part.

In addition, there are three different types of **zoning lot lines** that can bound each zoning lot – front, side and rear lot lines – often synonymous with the property lines of the parcel. These all work in relation to a street which, for zoning purposes, includes both the street bed and the adjoining sidewalks. The **front lot line** is alongside the street (typically along the sidewalk), and is also known as the **street line**. Each **side lot line** intersects and is generally perpendicular to the front lot line. **Rear lot lines** are generally parallel to front lot lines and at no point can they intersect with the street line. Because of the way these definitions are fashioned, not every zoning lot has every type of lot line. Corner lots and through lots, for example, are often comprised entirely of only side and front lot lines.

Finally, the **block** on which the zoning lot is located will be bounded by **streets**, rail road rights-of-way, parks or **pierhead lines**. The width of the street that adjoins a particular zoning lot can also affect its bulk regulations, as there is more sensitivity to preserving light and air on narrower streets. For zoning purposes, streets of 75 feet or greater in width are considered **wide streets**, while streets less than 75 feet wide are considered **narrow streets**.

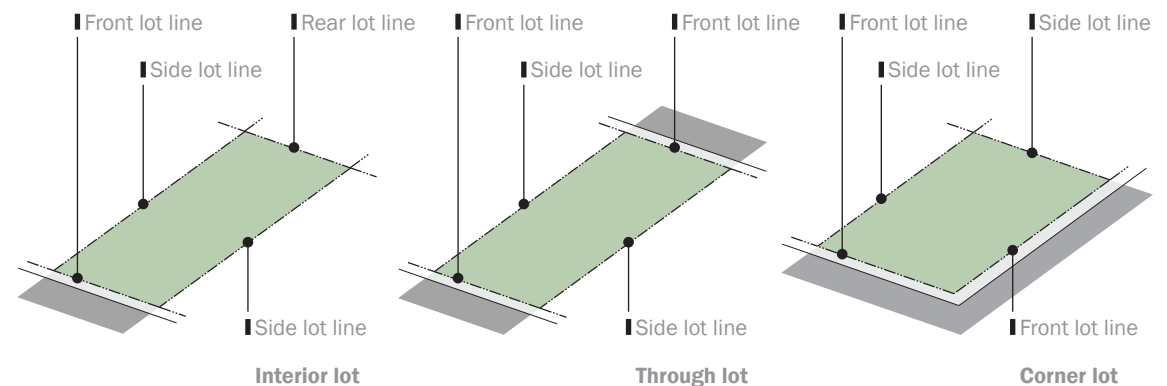
Lot and Street Types



Zoning lots are divided into three basic types. A corner lot is any zoning lot that is within 100 feet of the point of intersection of two or more streets. A through lot is any zoning lot that touches two generally parallel streets and is not a corner lot. An interior lot is any zoning lot that is neither a corner lot nor a through lot.

For zoning purposes, streets of 75 feet or greater in width are considered wide streets, while streets less than 75 feet wide are considered narrow streets.

Lot Lines



There are three different types of zoning lot lines that can bound each zoning lot – front, side and rear lot lines. The front lot line is along the street. Side lot lines intersect, and are generally perpendicular to, the front lot line, whereas rear lot lines are generally parallel to, and cannot intersect, the front lot line. Not every lot type has every type of lot line.

Permitted Uses

On any given piece of property, the Zoning Resolution establishes a set of permitted uses viewed as compatible with other uses in the area. Some uses may be considered incompatible for environmental reasons – for instance, a power plant or other heavy industrial use located close to residences – or for other reasons, such as traffic generation or the effect on the surrounding business environment. Zoning establishes limitations on the uses that can occur on a property – whether in a building or on the land itself – that are intended to avoid conflicts but also to promote virtuous relationships among uses, such as the proximity of shopping and services to residences.

Use Groups

In the Zoning Resolution, all permissible uses have been categorized into four broad use categories: residential, community facility, commercial and manufacturing. An apartment building contains *residential uses*, a hospital or school is a *community facility use*, an office tower or a shopping mall are *commercial uses* and a concrete plant is a *manufacturing use*. A building in a Commercial District that contains residences along with either a commercial use, such as a ground floor restaurant, or a community facility use, like a doctor's office, is a *mixed building*.

All of the permitted types of uses in the Zoning Resolution are further divided into 18 *Use Groups*, which are clustered into these four broad categories:

- *Residential* – Use Groups 1 and 2
- *Community facility* – Use Groups 3 and 4
- *Commercial* – Use Groups 5 through 16
- *Manufacturing* – Use Groups 17 and 18

In general, the higher the use group, the more commercial or industrial the character of the activity is. Use Group 1 is limited to single-family detached homes, while Use Group 18 includes heavy industrial activities such as those that involve hazardous materials or have significant emissions.

All zoning districts permit some combination of these use groups, and more than just the categories denoted by the district name. Residence Districts permit community facility uses in addition to residential uses; most Commercial Districts also permit residential and community facility uses; and Manufacturing Districts also permit many commercial uses and some community facility uses.

Uses considered to be in conflict with the purpose of the district are prohibited or restricted. Commercial and manufacturing use groups are not permitted use groups in Residence Districts, and residential use groups are generally not permitted in Manufacturing Districts. Use regulations are set forth in Chapter 2 of Articles II, III and IV of the Zoning Resolution, and as a convenience, are summarized in a list in Appendix A at the back of the Resolution.

Supplemental Use Provisions

In addition to designating permissible uses, the Zoning Resolution establishes supplemental use regulations that typically apply in Commercial and Manufacturing Districts.

Enclosure regulations require that commercial and manufacturing uses be contained within buildings, unless specifically allowed by the use regulations ([ZR 32-41, 42-41](#)). In Manufacturing Districts, screening requirements apply to open material storage ([ZR 42-42](#)).

Limitations on the stories occupied by commercial uses apply in most Commercial Districts. In mixed buildings in Commercial Districts, commercial uses must be located below any residential use. Additionally, in lower-intensity C1, C2 or C3 Districts, the number of floors that commercial uses can occupy is restricted ([ZR 32-421](#)).

Finally, in some zoning districts, the uses on the ground floor are restricted in order to contribute to the streetscape of the area. These regulations are further discussed in the streetscape section.

Non-conforming Uses

Many neighborhoods in the city have undergone zoning changes since they were first developed, and the Resolution includes several measures to accommodate pre-existing uses as neighborhoods evolve. Uses that were established prior to a zoning change, and are no longer permitted by the current district regulations, are classified as *non-conforming uses*.

Instances of non-conformance are quite common throughout the city: some Manufacturing Districts contain residences that were built in an earlier era of unrestricted land use, and some Residence Districts contain corner stores or other commercial uses that were built prior to 1961. Pursuant to Article V, Chapter 2 of the Resolution, non-conforming uses can remain as grandfathered uses, or may be changed, but generally only to uses that maintain, reduce or eliminate the degree of non-conformance. A corner store in a Residence District, for example, could change to another kind of local store, or to a another use that is permitted in a Residence District, like a doctor's office, but not to a car repair service, which, as a semi-industrial use, would bring the space further away from conformance.

In general, if a non-conforming use is discontinued, and the space it occupied remains vacant for more than two years, the non-conforming status lapses, and only permitted uses may be re-established in its place.

Permitted Use Groups

	Residential		Community Facility		Retail and Commercial										General Service	Manufacturing		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Residence Districts																		
R1 R2	●		●	●														
R3 – R10	●	●	●	●														
Commercial Districts																		
C1	●	●	●	●	●	●												
C2	●	●	●	●	●	●	●	●	●					●				
C3	●	●	●	●										●				
C4	●	●	●	●	●	●		●	●	●		●						
C5	●	●	●	●	●	●		●	●	●	●							
C6	●	●	●	●	●	●	●	●	●	●	●	●						
C7							●	●	●	●		●	●		●			
C8				●	●	●	●	●	●	●	●	●	●	●		●		
Manufacturing Districts																		
M1				●	●	●	●	●	●	●	●	●	●	●		●	●	
M2						●	●	●	●	●	●	●	●	●		●	●	
M3							●	●	●	●	●	●	●	●		●	●	●

Use Group 1 – Single-family detached residences (ZR 22-11)

Use Group 2 – All other types of residences (ZR 22-12)

Use Group 3 – Community facilities that serve educational needs, such as schools, libraries, or museums, and other essential services with sleeping accommodations, such as nursing homes and residential facilities for special needs populations (ZR 22-13)

Use Group 4 – Community facilities that provide recreational, religious, or health services, such as houses of worship, hospitals, or medical offices, and other essential services without sleeping accommodations (ZR 22-14)

Use Group 5 – Hotels (ZR 32-14)

Use Group 6 – Retail and service establishments that serve local shopping needs, such as food and small clothing stores, beauty parlors and dry cleaners, as well as offices (ZR 32-15)

Use Group 7 – Home maintenance and repair services, such as plumbing and electrical shops which serve nearby residential areas (ZR 32-16)

Use Group 8 – Amusement establishments such as movie theaters and small bowling alleys, service uses such as appliance repair shops, as well as car rental and public parking facilities (ZR 32-17)

Use Group 9 – Business and other services, such as printers or caterers (ZR 32-18)

Use Group 10 – Large retail establishments that serve a large area, such as department stores and appliance stores (ZR 32-19)

Use Group 11 – Custom manufacturing activities such as for jewelry or clothing (ZR 32-20)

Use Group 12 – Large entertainment facilities that draw large numbers of people such as arenas and indoor skating rinks (ZR 32-21)

Use Group 13 – Low coverage or open amusement uses, such as golf driving ranges, and children’s small amusement parks, camps (ZR 32-22)

Use Group 14 – Facilities for boating and related activities which are suitable in waterfront recreation areas (ZR 32-23)

Use Group 15 – Large commercial amusement establishments, including typical amusement park attractions such as Ferris wheels and roller coasters (ZR 32-24)

Use Group 16 – Automotive and semi-industrial uses, such as automotive repair, gas stations, custom woodworking and welding shops (ZR 32-25)

Use Group 17 – Light industrial uses that can normally conform to high performance standards, such as appliance manufacturing or contractor yards (ZR 42-14)

Use Group 18 – Heavy industrial uses, such as cement plants, meat or fish preparation, and junk yards (ZR 42-15)

Permitted Bulk

The size and shape of a building are controlled by provisions collectively referred to as *bulk* regulations. These rules set forth the amount of development that can take place on a property, the amount of open area that needs to be provided and any restrictions on building height or proximity to a lot line. In some instances, bulk regulations include other physical controls, such as the *density of dwelling units* (or number of apartment units) in a residential building.

Bulk regulations often change based on the uses that occupy the building. In Commercial Districts, for example, different rules apply depending on whether a building contains only *commercial* and/or *community facility uses*, only *residential uses* or a mixture of uses. For *mixed buildings*, the residential bulk regulations are typically assigned to the residential portion of a building, and the commercial or community facility bulk regulations are applied to the commercial or community facility portion (ZR 24-16, 35-10). In *commercial overlay districts*, the residential rules that apply are those of the Residence District under the overlay (ZR 35-22). In other Commercial Districts, a *residential district equivalent* is established to indicate which residential provisions to apply (ZR 35-23). A C6-3 District, for example, has a residential equivalent of an R9 District, so the R9 District bulk regulations apply to the residential portion of a mixed building in that district.

Bulk regulations for Residence Districts are set forth in Article II, Chapters 3 and 4 of the Zoning Resolution; for Commercial Districts in Article III, Chapters 3, 4 and 5; and for Manufacturing Districts in Article IV, Chapter 3. Articles with multiple bulk chapters have different regulations for different building use compositions. Each chapter is typically structured with a similar subdivision of sections, ranging from *floor area*, to *yards* to height and setback.

Floor Area Ratio

Floor area ratio (FAR) is one of the principal bulk regulations controlling the size of buildings, determining how much floor area can be located on a zoning lot. Each use within a zoning district has an FAR which, when multiplied by the area of the zoning lot, produces the maximum amount of floor area allowed. On a 10,000 square foot lot, for example, if the permitted uses had a maximum FAR of 1.0, the floor area on the zoning lot could not exceed 10,000 square feet (1 FAR x 10,000). This floor area can be configured in different ways, in conjunction with the other bulk regulations that shape buildings.

Within a given district, different uses often have different maximum FARs. In a mixed building, the maximum FAR for the zoning lot is the highest FAR of a use located on it. In a C2-1 commercial overlay district mapped over an R4 Residence District, for example, the maximum commercial FAR is 1.0, the maximum community facility FAR is 2.0, and the maximum residential FAR is 0.9. If all three uses are provided in the building, one does not add up all the individual FARs to arrive at a maximum FAR of 3.9. The maximum FAR is the highest provided, 2.0 in this instance, and each use must still follow its respective maximum FAR, meaning, that the residential FAR cannot exceed 0.9 and the commercial FAR cannot exceed 1.0.

Certain portions of a building are excluded from floor area calculations, so the gross square footage of a building generally exceeds the zoning floor area. For instance, if a commercial tower built all of its permitted 15 FAR on a 20,000 square foot lot, even though the zoning square footage could not exceed 300,000 square feet (20,000 x 15), the actual gross square footage may be upwards of 350,000 square feet. The additional space may include *cellar* space, elevator or stair bulkheads, mechanical space and space for loading berths or parking. The definition of floor area in the Zoning Resolution describes what portions of a

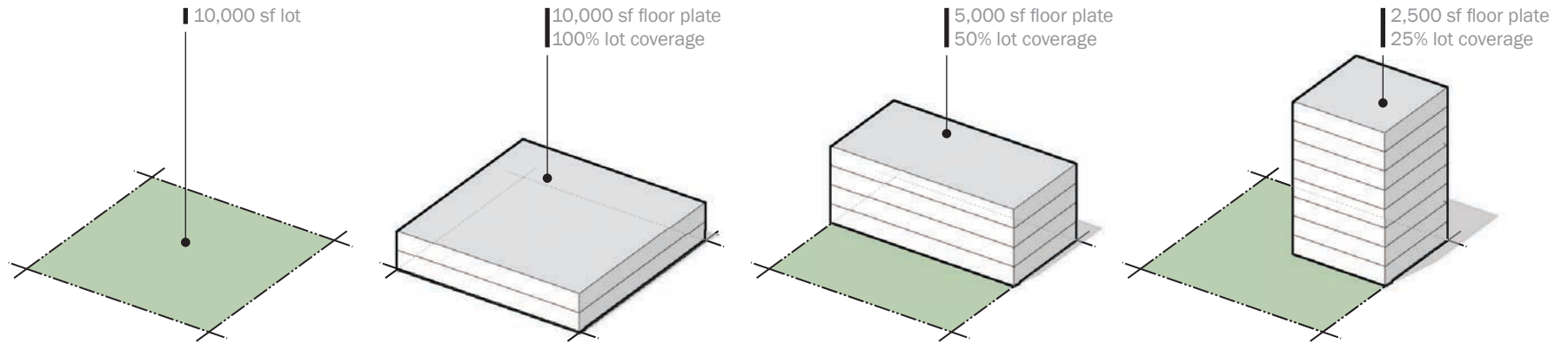
building do and do not count as floor area (ZR 12-10). These floor area calculations can vary according to both the zoning district and the type of building. They have generally been created to recognize space necessary for functional purposes or to enable the achievement of specific policy goals. To promote energy-efficient design, for instance, a portion of thick exterior walls is permitted to be deducted from floor area calculations.

Open Areas

The Zoning Resolution often requires a portion of the zoning lot to remain open to the sky, in the form of either *yards*, *courts*, *lot coverage*, or *open space* percentages or ratios. The amount and type of open area that is required varies by *zoning district*, building use and the permitted intensity of the use. In general, *residential uses* have more extensive yard and open area requirements than *commercial* or *manufacturing uses*, even at comparable levels of *density* or intensity, and lower density Residence Districts typically require more generous amounts of open area than their higher density counterparts, to support a particular neighborhood character.

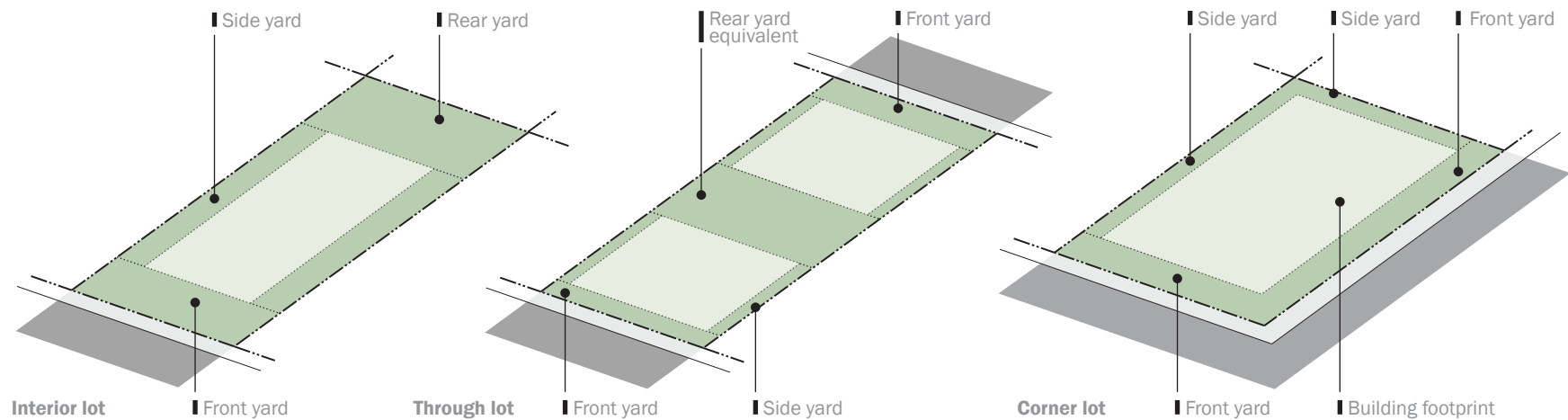
In zoning terminology, *yards* are a type of required open volume alongside a property line that restricts where a building can be located on the zoning lot. There are three types of yards that correspond to, and are measured from, the three types of lot lines: a *front yard* adjoins a front lot line; a *rear yard* is next to a rear lot line; and a *side yard* extends along a *side lot line*, between any required rear or front yards. Lower density Residence Districts typically require all three types of yards, while higher density Residence, Commercial, and Manufacturing Districts generally only require rear yards, or no yards at all. Since *interior lots* are the only lot type with a rear yard line, they are the only type of lot where a rear yard is required. *Through lots* often require an alternative to a rear yard, called a *rear yard equivalent* (which equates to the depth of two rear yards, back to back), while *corner lots*, because

Floor Area Ratio



Each use within a zoning district has a floor area ratio (FAR), which, when multiplied by the area of the zoning lot produces the maximum amount of floor area allowed. On a 10,000 square foot lot, for example, if the permitted uses have a maximum FAR of 2.0, the floor area of the zoning lot cannot exceed 20,000 square feet. This floor area can be configured in many different ways, subject to other bulk regulations.

Lot and Yard Types



There are three basic yard types — front yards, side yards and rear yards — that generally correspond to, and border, the three respective lot line types. Through lots often require a rear yard equivalent instead of a rear yards as they have no rear lot lines.

they only have side and front lot lines, only require side or front yards (where applicable). Yards sometimes are provided at ground level and sometimes only at a higher level. In this sense, a zoning “rear yard” may differ from what is commonly called a “back yard”.

In addition to yard regulations, for residential buildings and some *community facility* buildings, the overall amount of open area on the lot may also be controlled, in the form of either a maximum *lot coverage* or a minimum amount of *open space*, depending on the building type and the zoning district. Lot coverage rules dictate the maximum percentage of the zoning lot that can be covered by a building, while open space rules establish the minimum amount of open space that needs to be provided, either as a percentage of the zoning lot or as an *open space ratio* of the floor area being provided (ZR 23-10, 24-11).

To ensure necessary light and air, residences in multi-family buildings must have *legally required windows*, which are windows that provide light and air (and emergency egress) by opening onto a street, yard or a *court*. If an open area is not required in the form of a yard (as often happens on a corner lot), an *outer court* or an *inner court* must exist for any units that do not face the street. As with yards, courts have minimum dimensions and sizes (ZR 23-80).

Height and Setback

After the required amount of open area on the lot has been assigned, height and setback regulations, which vary by zoning district and use, are applied to determine the potential maximum volume, or *building envelope*, for all of the zoning lot’s permitted *floor area*. Many height and setback regulations also vary depending on whether the building is on a *narrow* or *wide street*, to enable light and air to reach the street.

Most *non-contextual districts* permit a wide variety of building forms through regulations governing the *sky exposure plane* — an imaginary sloping plane that begins at a certain height above the *street line* and behind which the building must be located. Because the slope of the sky exposure plane rises inward from the street, the further a building is set back from the street, the taller it can be. Both the slope of the sky exposure plane and the height at which it starts are determined by the zoning district and by whether the adjacent street is wide or narrow (ZR 23-64, 24-52, 33-43). Generally, sky exposure planes begin at a higher point above the street as district density increases, and the slope of the plane is steeper on wide streets than narrow. In the highest density non-contextual districts, where skyscrapers dominate the skyline, towers are permitted to pierce the sky exposure plane (ZR 23-65, 24-54, 33-45).

Height and setback limits in *contextual districts* prioritize consistency in building form and limit overall building heights. In low density contextual districts, residences are often subject to height and setback controls designed to mimic the quintessential, pitched-roof housing types found in many older neighborhoods (ZR 23-63). In medium and high density districts, two height maximums — a maximum *base height*, above which a *setback* is required, and a maximum overall height (ZR 23-66, 35-65) — are set forth to maintain or establish a consistency with pre-1961 buildings. The required setback distances, and sometimes the permitted base and overall heights themselves, differ depending on whether a building is located on a narrow or wide street.

Height regulations are measured from a horizontal plane, or “reference plane”. Most contextual districts use *base planes* as the point from which heights are measured, while non-contextual districts following sky exposure

plane regulations use the *street line* or *curb level*. In areas subject to coastal flooding, the reference plane rises to the *flood-resistant construction elevation* as a safety measure.

Other Residential Rules

Buildings that contain *residential uses* are subject to additional *bulk* rules to safeguard the quality of the residential environment. To prevent overcrowding, *density* regulations establish the maximum number of *dwelling units* that can be situated on a zoning lot (ZR 23-20). To ensure reasonable lot sizes, especially in lower density districts, regulations specify minimum *lot width* and *lot areas* (ZR 23-30). Finally, minimum distances are established between the legally required windows in a housing unit and the side or rear lot lines of the zoning lot and between any other buildings on the zoning lot (ZR 23-70, 23-80).

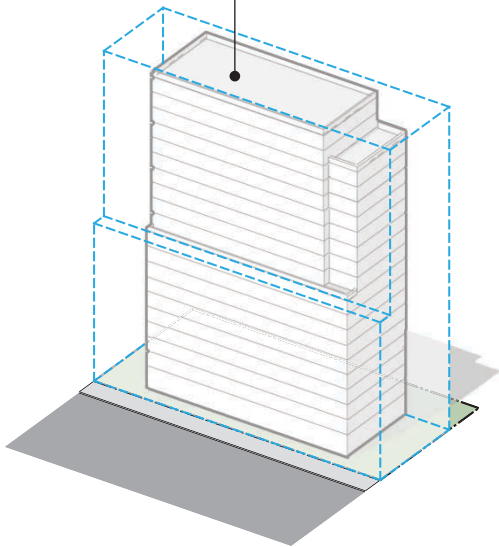
Non-complying Buildings

Buildings can have a very long lifespan, and in many neighborhoods the vast majority of buildings pre-date the 1961 Zoning Resolution itself, let alone more recent zoning changes. It is common for these older buildings not to comply with one or more aspects of the current bulk regulations for the zoning district. Buildings that exceed the current height, encroach into required yards, or exceed the permitted floor area ratio all are examples of *non-complying buildings*.

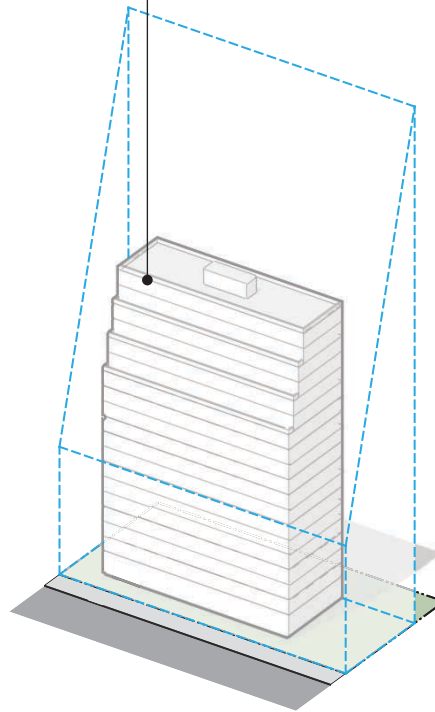
The Resolution anticipated non-compliance, and Article V, Chapter 4 provides grandfathered status to these buildings — the non-compliance can remain as long as it is not increased.

Basic Envelope Types

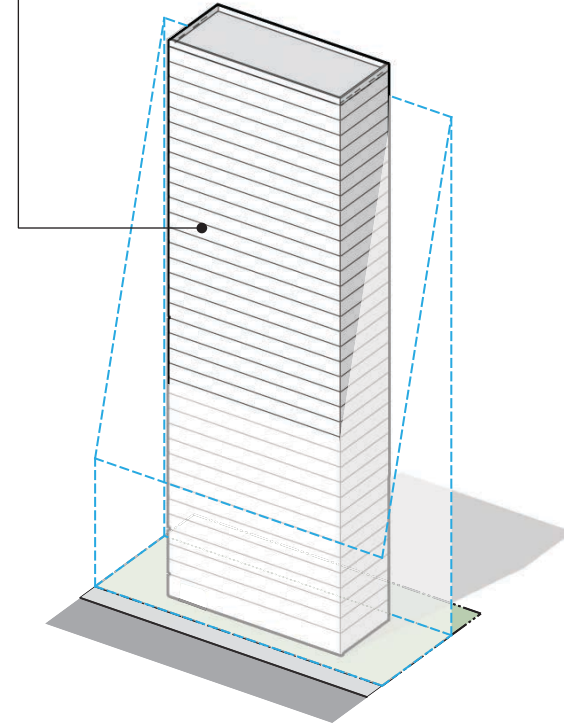
Contextual districts typically have fixed building heights to ensure predictable building forms



Non-contextual districts utilize sky exposure planes, which require bulk to be behind a diagonally sloping plane



The highest density districts often permit **towers** to exceed the general height restrictions, so long as the lot coverage is limited to a maximum percentage



Building in a contextual district



Building in a non-contextual district



Building using tower regulations

Parking and Loading

While the original 1916 Zoning Resolution did not contain any provisions pertaining to required or permitted parking, over time parking regulations have incrementally been added. These originally included regulations governing vehicular parking and loading berths to dock the trucks that bring inventory or supplies to and from *commercial, manufacturing* and some *community facility uses*. Over time, off-street parking regulations have been extended to include bicycle parking and a number of *streetscape* regulations that specify the permitted location of spaces. They have also been reduced or eliminated in some instances to reflect best practices for smart growth and housing affordability. These regulations are further discussed in the streetscape section.

Vehicular Parking

Parking regulations specify the minimum number of off-street parking spaces required to support a particular use (known as *accessory* parking spaces), and also the maximum number of spaces permitted. Some zoning districts also allow *public parking garages* and *public parking lots* that are not intended to support a specific use, but can address a range of needs and users for parking in a particular area.

Residential buildings typically establish a parking requirement as a percentage of dwelling units. A 50 percent parking requirement for a 100-unit building, for example, would mean a requirement of 50 parking spaces. In transit-rich areas such as the *Manhattan Core* and parts of Long Island City, provision of parking spaces is optional, and limits are placed on the maximum number of parking spaces provided. Accessory residential parking requirements typically decrease as density increases and in locations closer to the core of the city. A person living or working in a central, transit-accessible location is less likely to own or use a car than a person living or working in eastern Queens, so the parking regulations reflect this.

Accessory parking regulations for non-residential uses also consider proximity to Central Business Districts, but these also attempt to reflect the varying rates of parking demand that different commercial, community facility and manufacturing uses generate. A department store at a distance from transit in the Bronx, for example, would generate a greater need for private vehicle parking than a warehouse in the same area, and so the parking requirements aim to respond to different parking needs accordingly.

Commercial uses are grouped into nine *Parking Requirement Categories* (PRC), based on characteristics of each use ([ZR 36-21](#)). Commercial, community facility and manufacturing uses are typically assigned a parking ratio for a particular use or PRC, which is then multiplied by the size of the use to determine the required amount of accessory parking for that particular use. A 10,000 square foot retail space in a zoning district with a 1:400 parking ratio for that use, for example, would be required to provide 25 parking spaces (10,000 divided by 400). Different districts are assigned different ratios – the suffix of the district (along with the PRC for commercial uses) indicates whether the parking requirement will be high or low. A C1-1 overlay, for instance, will have a much higher parking requirement than a C1-4 District.

Buildings that contain multiple uses will have different parking requirements for each use category. The total number of parking spaces required is calculated by determining each requirement independently, and then adding the individual requirements together.

The Resolution allows for both reductions and waivers of parking requirements in some zoning districts – for small zoning lots or for when the number of required parking spaces is small. Like the requirements themselves, reduction and waiver thresholds depend on the district – some low density districts do not permit waivers at all,

while greater allowances exist to reduce or waive parking requirements as permitted density increases. In addition, in some areas with good access to public transportation designated in the Resolution, such as the *Transit Zone*, there are additional ways to reduce parking requirements.

Bicycle Parking and Loading Berths

In addition to regulating vehicular parking, the Zoning Resolution contains requirements for bicycle parking and loading berths.

Multi-family residential buildings require an amount of secure, enclosed bike parking for half of the dwelling units, while commercial and community facility uses require bike parking for employees, with the amount calculated by applying a ratio to the size of their floor space ([ZR 36-711](#)). These requirements may be waived for small buildings.

The Resolution also requires many commercial and manufacturing uses to provide off-street loading berths to accommodate trucks delivering or distributing goods. The number of berths required depends on the use, zoning district and size of the establishment ([ZR 36-60, 44-50](#)).

Streetscape

Since 1961, informed by the contributions of Jane Jacobs and other urbanists, planners in New York City have increasingly recognized the importance of how *buildings* interact with public areas like the sidewalk, and the Zoning Resolution has evolved to reflect this.

Vibrant commercial corridors are often the lifeblood of neighborhoods and in New York City the ground floor of the building will often “hug” the sidewalk so that large, transparent show windows displaying retail wares, and frequent store entrances, are readily accessible to passersby. Residential streets, on the other hand, can provide for a degree of separation from the noise, crowds and traffic of the city, and have different physical qualities underpinning their success, such as street trees continuously lining the block, building facades maintaining a relatively uniform separation from the sidewalk and architectural articulation that adds visual interest. For both types of conditions, the *streetscape*, or design quality of the street, plays a pivotal role in providing an enjoyable environment for both pedestrians and occupants of the adjoining buildings.

Streetscape regulations have no dedicated chapter in the Resolution, and so are often located within the Chapters governing use, bulk or parking.

Ground Floor Use Regulations

In some Commercial Districts, ground floor use regulations require uses along the sidewalk to consist primarily of neighborhood retail and service uses. Buildings must also provide transparency, generally in the form of shop windows, so they are inviting to those walking by. Collectively, these rules help to prevent large expanses of blank walls, residential lobbies or apartments at ground level, which can disrupt the continuity of a commercial corridor dependent on pedestrian activity. Ground floor requirements are sometimes required by a particular zoning district, but more commonly are

Streetscape Regulations



A series of streetscape allowances and requirements help ensure new buildings contribute to their neighborhoods.

1. Ground floor use regulations may require certain uses and minimum levels of transparency for windows.
2. Qualifying ground floor regulations allow additional building height in exchange for taller ground floors.
3. Street wall regulations establish the relationship between the building facade and the sidewalk.
4. Articulation allowances add visual interest to a facade.
5. Sign rules allow businesses to direct attention to their stores.
6. Planting rules include street tree planting and, potentially, other planting in front of a building.
7. Parking location rules restrict parking from being located in front of a building and can require spaces to be screened or buffered from the sidewalk (or “wrapped”) by other uses.

Signage Types



An accessory sign directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the same zoning lot.



An advertising sign directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered on a different zoning lot.



An illuminated sign uses artificial light or reflected light from an artificial source.

included as part of a *special purpose district* (see Chapter 7), as part of special rules for certain areas (see Chapter 6), or as supplemental requirements for *qualifying ground floors* for certain *Quality Housing buildings* (ZR 23-662, 35-652).

Street Wall Rules

Many contextual districts prescribe where the *street wall* of a *building* may be located in relation to the sidewalk or neighboring buildings. Sometimes these rules require new buildings to “line up” with the existing buildings on either side, while at other times the rules specify how close to the *street* a building must be located. Generally, residential rules try to ensure that buildings are close enough to the street to establish a sense of enclosure, but not so close so as to erode a sense of privacy for building occupants. Commercial rules, on the other hand, try to ensure that buildings are as close to the street as possible so ground floor retail and service uses enliven the pedestrian experience. Collectively, these street wall location rules help establish or maintain consistency along a block-front.

Articulation allowances complement these street wall location rules by allowing portions of the building’s wall to project forward or to be recessed beyond the locations prescribed, accommodating varied facades reminiscent of the city’s older building stock. Other bulk regulations allow for architectural features such as *dormers* and *balconies*, subject to size limitations.

Signs

When an owner or tenant wants to provide signage on a lot, whether affixed to a building or on a sign pole, it is regulated by the Zoning Resolution. For the purposes of zoning, signage is characterized as a use regulation, and all *signs* are classified as either *accessory* or *advertising*, depending on whether the sign is promoting a business, product or service that is located on the zoning lot (accessory), or not (advertising). Within each district,

the Resolution lays out which type is permitted, along with whether or not they can be *illuminated* or *flashing*, and what their size and location can be on the lot. In general, only very limited accessory signage is permitted in Residence Districts, while Commercial Districts and Manufacturing Districts have more generous allowances. Advertising signs are limited to Manufacturing Districts and a few Commercial Districts. Certain areas of the city, such as Times Square and Coney Island, have special signage rules that add to their distinct character.

Planting Rules

Street trees and planted areas are required in many zoning districts. Trees must be planted at regular intervals along the sidewalk in front of the entire zoning lot for most new developments and significant enlargements in all zoning districts. Additionally, for residential buildings, open areas in front of a building may be required to be planted with grass or other vegetation.

Parking Design Requirements

Parking-related rules have been created to help make the provision of off-street parking spaces less disruptive to both pedestrians and on-street parkers. Curb cut limitations restrict the width, frequency and location of curb cuts for driveways and entrances to larger parking facilities. Parking location rules require that any parking spaces be screened from the street, while screening and buffering rules provide separation from the exhaust, lights and noise associated with parking garages and lots. In areas with ground floor use requirements, off-street parking spaces typically must not be visible from the street, so are often required to be surrounded by – or “wrapped” with – these ground floor uses. *Bioswale* requirements for certain parking lots accessory to commercial and community facility uses serve the same aesthetic purpose of screening parking, but also serve an environmental function by managing storm water run-off.

Other Zoning Fundamentals

As-of-right versus Discretionary

In general, when a building is being developed, enlarged or otherwise altered within the existing zoning regulations, construction can proceed *as-of-right* by filing for building permits at the *Department of Buildings*. If modifications to zoning regulations are needed in order to proceed, either in the form of special permissions set forth in the Zoning Resolution or amendments to the applicable regulations themselves, this will require a governmental planning body to use its judgment about the merits of the permission requested, which occurs through a public review process. For this reason, the application procedures that change the baseline zoning rules or grant other permissions are called *discretionary actions*.

Special Permits

Sometimes the Zoning Resolution allows predefined modifications to the as-of-right use, bulk or parking regulations at the discretion of a planning body so the merits of the proposal can be considered by the general public, a group of expert planners, as well as (in some instances) elected officials. A proposed land use may be appropriate, but may require review to evaluate the specific characteristics of the project or its context before it is allowed. The most common review processes are *special permits* granted by either the *City Planning Commission (CPC)* or the *Board of Standards and Appeals (BSA)*. Each has a slightly different public review process, set forth in the City Charter. The Resolution specifies the special permits that are available to modify the underlying regulations, the extent of the permitted modifications, what criteria, or “findings,” need to be met in order to be granted the permit, and which agency has discretion to grant or deny the application. Special permits involving larger planning decisions are generally issued by the CPC and are subject to a more extensive process than BSA special permits which address generally narrower land use considerations. When a special permit is granted by the CPC or BSA, it is granting permission for specific zoning

waivers or modifications requested by the application for a specific development to occur. However, the body granting the permit may sometimes incorporate relevant conditions and safeguards in its approvals to ensure that the resulting project does not have adverse effects on the surrounding area.

Because these discretionary actions are all site-specific, applicants are most often private property owners or developers.

Zoning Amendments

Zoning regulations are regularly updated to reflect the changing needs and priorities of the city and its neighborhoods. However, instances arise where a development is not permitted by current zoning even though it would advance sound planning objectives in a manner consistent with the broad purpose and form of the Zoning Resolution. If there is no special permit available under the current zoning that would enable the project to occur, the development team may pursue an amendment to the Zoning Resolution itself. Amendments are of two types, depending on whether the changes are being made to the Resolution’s maps or text. Zoning map amendments and zoning text amendments each have different processes.

A *zoning map amendment* entails changing the zoning designation for an area, whether a relatively small one or an entire neighborhood. An example would be changing the zoning district for a block near a subway station to allow additional housing to be built. Zoning districts must be drawn based on land use planning considerations, such as the location or configuration of lots and the type of development considered appropriate in its respective area. Zoning boundaries based solely on ownership and lacking any underlying land use rationale may be considered “spot zoning,” which is impermissible.

A zoning text amendment can introduce new rules or amend existing rules. The creation of the *FRESH food store* program, which established floor area incentives for the development of grocery stores selling fresh and healthy produce in underserved neighborhoods, is an example of a zoning text amendment. A zoning text amendment may also create a new special permit, enabling new rules to be accessed through a discretionary review process.

Sometimes both text and map changes are needed, as when a new *special purpose district* is written into the zoning text and designated on the zoning map or when a zoning map change occurs and the Mandatory Inclusionary Housing program is applied within the rezoned area.

Under Section 201 of the City Charter any taxpayer, Community Board, Borough Board, Borough President, the Mayor, or the land use committee of the City Council (if two-thirds of the committee members approve) can apply for a zoning amendment. However, for site-specific changes, the property owner must agree to the application. The most common applicants for zoning amendments are the Department of City Planning, other public agencies and private property owners. In 2017, 39 zoning map amendments and 47 zoning text amendments were adopted; some affected a small area while others modified zoning rules throughout the city.

Variances

As a matter of law, zoning must allow relief if applying the regulations of the Zoning Resolution would result in practical difficulties or unnecessary hardship for a property owner because of factors such as site irregularities. In these instances, an applicant can seek zoning relief through a *variance* at the BSA.

While zoning regulations seek to accommodate common conditions they cannot possibly contemplate every single site irregularity created by a range of issues, such as intersecting street grids, rail infrastructure, underground streams or large rock outcrops. If the Resolution offered no relief for property holders impacted by obstacles such as these, the ordinance could be subject to constitutional challenges. However, in order to be considered for a variance, the conditions that create the irregularity cannot be self-created — a property owner cannot subdivide a lot in a manner that makes development difficult and then petition for a variance to modify the zoning based on this difficulty.

DCP and DOB

While the Department of City Planning, in conjunction with the CPC, oversees the preparation and incorporation of zoning changes into the Zoning Resolution, the Department of Buildings (DOB) is the agency tasked by the City Charter with administering and enforcing the Resolution. For practical reasons, the review and enforcement of compliance with both the Zoning Resolution and Construction Codes is conducted by DOB. As part of this process, DOB is responsible for interpreting how the zoning regulations apply to a particular property. In rare instances, an interpretation of the zoning may be appealed to the BSA.

Once a development team is ready to begin construction, the architect or engineer will file the building plans at DOB to obtain a building permit, and DOB staff will review the application to ensure that the proposal complies with the relevant regulations of the Zoning Resolution and other regulations, including the Construction Codes, Fire Code, and Energy Code. The Construction Codes set standards for the design, construction, alteration and maintenance of buildings for the health, safety and welfare of its occupants, and include the Building Code, the Fuel and Gas Code, the Mechanical Code and the Plumbing Code. Once DOB

determines that the proposed building complies with all the applicable regulations, they will issue a building permit and the developer can commence construction.

When a building has completed construction, the owner can obtain a certificate of occupancy (CO or “C of O”) from DOB denoting the intended use of each floor of the building. Only when all work is completely finished on every floor can a final CO be obtained. COs must be amended for changes of use, egress or occupancy type.

Odds and Ends

Split Lots

Sometimes a zoning district boundary will divide a *zoning lot* into different *zoning districts*. This type of property is known as a *split lot*. Split lots generally fall into one of two categories, depending on how the zoning lot is divided.

Where the boundary divides a pre-existing zoning lot into two unequal portions, so that the proportion of one district versus the other is relatively small, the “*25-foot rule*” may be applied, which allows for the rules governing the zoning district mapped in larger proportion to be applied over the entire lot (ZR 77-11).

In other cases, the zoning regulations for each district are generally applied to the portion of the lot mapped within that district (ZR 77-02, 77-03), with a few modifications. For example, there are special floor area ratio (FAR) regulations that allow the generation of a “blended FAR,” or weighted average, and for modest redistribution of floor area across the boundary (ZR 77-22). A zoning lot, 60 percent of which is located within an R7X District and 40 percent in an R6A District, would multiply the FARs for the respective district by the percentage of the lot in each portion to determine a blended FAR. In this case, the blended FAR for the entire zoning lot would be 4.2 ((60% x 5.0) + (40% x 3.0) = 3.0+1.2). The maximum permitted

floor area on each portion of the zoning lot would either be the FAR permitted for the district or the blended FAR, whichever is higher. This would allow the R6A portion to absorb a little bit of the FAR from the R7X portion, but not vice versa.

Mergers and Development Transfers

When the actual built *floor area* on a *zoning lot* is less than the permitted floor area, the property owner cannot lawfully be simply deprived of the remaining development rights. To reflect the nature of these property rights without encouraging the demolition of underbuilt buildings, these unused development rights may be used in another *development* or *enlargement*.

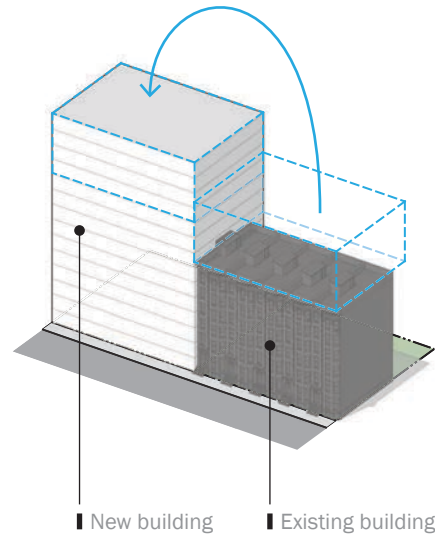
A common way for these unused development rights to be utilized is through a *zoning lot merger*. This involves the joining of two or more adjacent zoning lots into a larger new zoning lot. Mergers are very common, and as long as the new zoning lot meets the definitional requirements for a zoning lot (ZR 12-10), such as having 10 feet of contiguous boundary between adjoining tax lots, they are permitted. The owners of the respective tax lots codify this transaction by entering into a Zoning Lot Development Agreement (ZLDA), which is recorded against each of the properties. A merged lot becomes subject to all provisions of zoning as a single zoning lot.

Zoning lot mergers are separate and distinct from a “transfer of development rights,” which involves transferring unused development rights from one zoning lot to another through certain special mechanisms defined to address specific planning objectives. There are typically limits placed on the amount of transfer that occur to any one site.

The most prevalent type of transfer involves shifting the unused rights from a landmarked building (the “generating site”) to a “receiving site,” a separate zoning

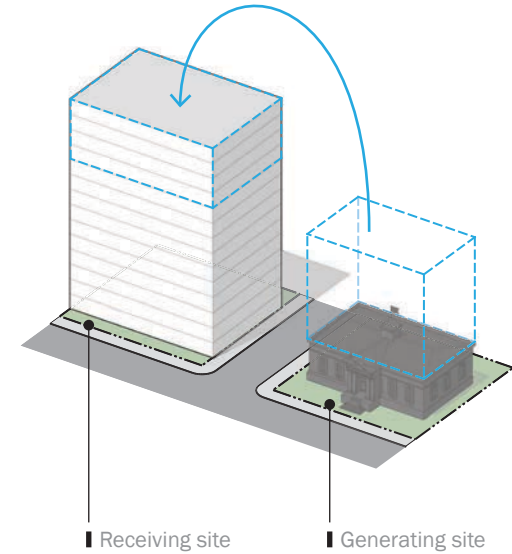
lot that is in close proximity to the landmark — either next to, across the street from or diagonally across an intersection from it. This allowance is available, by special permit of the City Planning Commission, in most districts (ZR 74-79) and is described in more detail in Chapter 6. A few *special purpose districts* utilize unique transfer of development rights mechanisms to achieve broader policy goals, including the Special Midtown District, the Special West Chelsea District, the Special Lower Manhattan District and the Special Sheepshead Bay District. In the Special Midtown District, some subdistricts have differing provisions that broaden the eligible receiving sites of transferred floor area. For example, the Theater Subdistrict allows transfers from specific theaters around Times Square to other sites within the subdistrict (ZR 81-744). The Special West Chelsea District allows zoning lots under or adjacent to the High Line, within the High Line Transfer Corridor, to transfer development rights to facilitate views from the High Line park itself (ZR 98-30).

Zoning Lot Merger



A zoning lot merger is the joining of two or more adjacent zoning lots into one new zoning lot. Unused development rights may be shifted from one lot to another, as-of-right, as long as the merged lot complies with all bulk regulations.

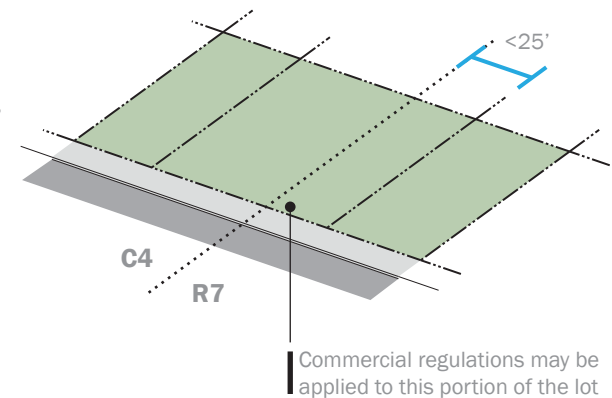
Transfer of Development Rights



A transfer of development rights (TDR) allows for the transfer of unused development rights from one zoning lot to another through certain special mechanisms defined to address specific planning objectives.

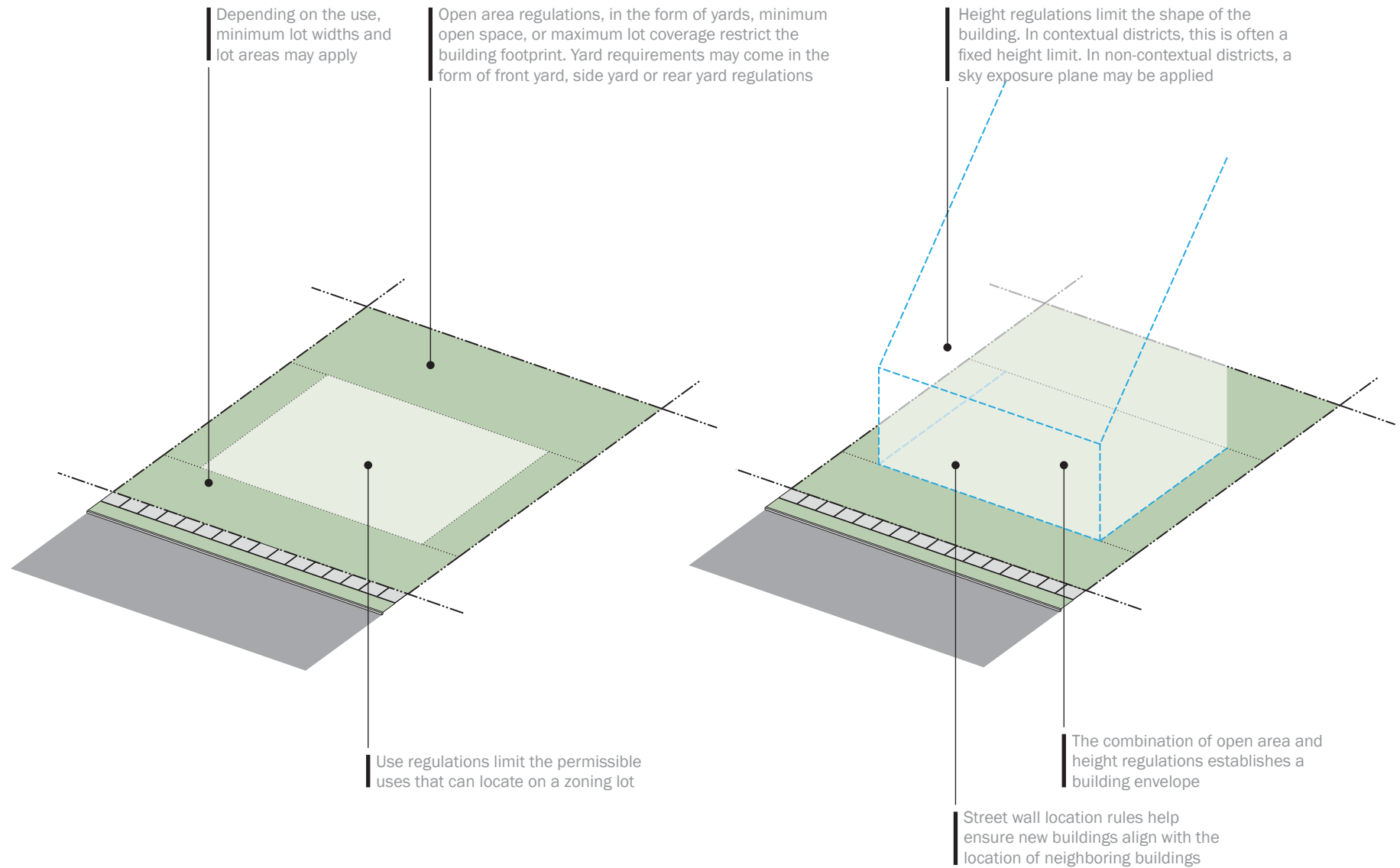
25 Foot Rule

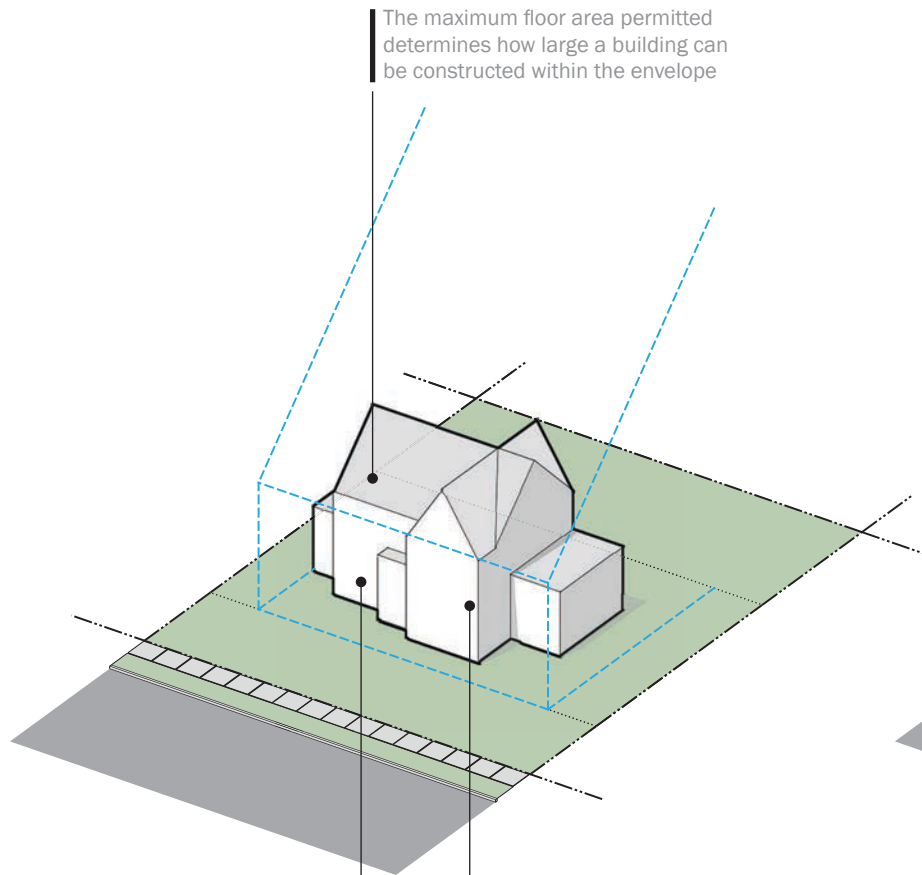
Where a zoning district boundary divides a zoning lot so that the entirety of the smaller portion is within 25 feet of the district boundary, the 25-foot rule may be applied, which permits the use or bulk rules of the larger portion to be applied over the entire zoning lot.



Putting it All Together

Use, bulk, parking and streetscape regulations layer on each other to help shape what is permissible through zoning on each property.

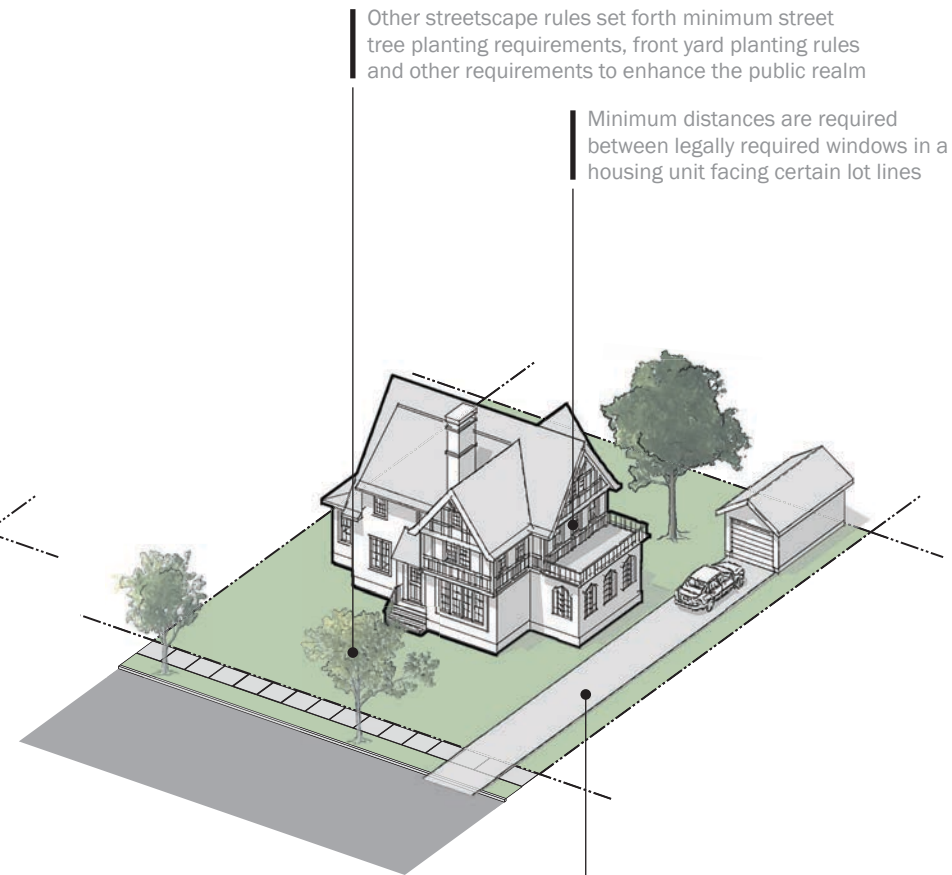




The maximum floor area permitted determines how large a building can be constructed within the envelope

Articulation allowances and permitted obstructions allow many of the architectural features associated with common building types – from decks and porches to bay windows, balconies and dormers

In buildings containing residences, regulations dictate the maximum number of dwelling units that can be provided



Other streetscape rules set forth minimum street tree planting requirements, front yard planting rules and other requirements to enhance the public realm

Minimum distances are required between legally required windows in a housing unit facing certain lot lines

Parking regulations stipulate the amount of vehicle parking that is permitted, and how much is required