

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

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

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

## **Article IX - Special Purpose Districts**

### **Chapter 6**

#### **Special Clinton District**

#### **96-00**

#### **GENERAL PURPOSES**

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special Hudson Yards District#;
- (g) to provide amenities, such as street trees, to improve the physical environment;

- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

\* \* \*

**96-10  
PRESERVATION AREA**

\* \* \*

**96-102  
Lot coverage regulations**

\* \* \*

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# ~~or #rooming units#~~ in the #development#.

\* \* \*

**96-105  
Dwelling unit regulations**

- (a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area per dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

\* \* \*

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for a ~~#non-profit residence for the elderly#~~ #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

\* \* \*

**96-107**

**Special regulations for community facility uses**

#Developments#, #enlargements# or #extensions# of #community facility uses# or #conversions# of an existing #building# to a #community facility use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility uses#, provided that the Commission makes the following findings:

\* \* \*

~~This special permit shall be in addition to any special permits required for nursing homes, health related facilities #long term care facilities# and domiciliary care facilities for adults, pursuant to the provisions of Section 74-90.~~

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

\* \* \*

**96-20**

**PERIMETER AREA**

\* \* \*

**96-21**

**Special Regulations for 42nd Street Perimeter Area**

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

\* \* \*

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section ~~23-90~~ 23-154 shall be within the #Special Clinton District#.

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area

ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section ~~23-90-23-154~~, except that any units for which a #floor area# increase has been earned pursuant to Section ~~23-90-23-154~~ shall be within the #Special Clinton District#. For #zoning lots# containing #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

\* \* \*

(c) Retail continuity requirements

For #buildings developed# or portions of #buildings enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between 9th and 12th Avenues:

- (1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and
- (2) ~~at least 50 percent of the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed with transparent material to a height of not less than 16 feet above #curb level#.~~ The lowest point of such glazed area shall not be higher than four feet above #curb level#. in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

\* \* \*

**96-30  
OTHER AREAS**

\* \* \*

**96-31  
Special Regulations in R8 Districts**

\* \* \*

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

- (1) Inclusionary Housing Program
  - (i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as

modified within the Special District.

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-154 (Inclusionary Housing) and Section 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section ~~23-90~~23-154, shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section ~~23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ 23-154.

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to ~~Section 23-952~~ Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

\* \* \*

## 96-32

### Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of ~~Section 23-633 (Street wall location and height and setback regulations in certain districts)~~ Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped

within R9 Districts in Western Subarea C2, the provisions of ~~Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in 23-154 (Inclusionary Housing) and Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section ~~23-90~~ 23-154 shall be located within the #Special Clinton District#.

- (2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section, may modify the provisions of ~~Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ Section 23-154.

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to ~~Section 23-952~~ Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the

#zoning lot#.

\* \* \*

**96-34**

**Special Regulations in Northern Subarea C1**

In Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A, the following special Inclusionary Housing regulations, #use# and special permit regulations shall apply:

- (a) Inclusionary Housing Program

\* \* \*

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-154 (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

\* \* \*

**96-40**

**MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS**

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to ~~Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio)~~ Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modifications), provided the Commission finds that:

\* \* \*

END