





Special Area Rules

Special zoning provisions modify the underlying *Residence*, *Commercial* and *Manufacturing District* rules in broad geographies of the city for a variety of planning reasons. Each typically focuses on a particular planning goal or concern — such as neighborhoods around airports or near the water — but applies to a number of areas across many *zoning districts*. Unlike the *special purpose districts* described in Chapter 7, these are not shown on the *Zoning Map*. Many of these provisions are found either in Article I (General Provisions) or Article VI (Special Regulations Applicable to Certain Areas), while others are interspersed throughout the Zoning Resolution. The descriptions that follow indicate where each of the provisions can be found.

Two of these topics (regulations applying around airports and those for privately owned public spaces) were part of the Zoning Resolution upon its adoption in 1961, while the others have been added over time to address then-current planning priorities. About one-third are applicable in specific areas identified in maps or lists in the Zoning Resolution, such as *Inclusionary Housing* or the *FRESH Program*. Another third only apply in certain zoning districts no matter where the districts are mapped, for example, *infill housing*. The applicability of the remaining provisions is determined by other governmental agencies, such as the Landmarks Preservation Commission for historic districts, or within specified distances of certain places, such as airport runways.

Because a single piece of property may be affected by one or more of these provisions, it is important to understand what these provisions are intended to accomplish, where they are applicable and how they modify the underlying zoning rules. One can consult DCP's online interactive Zoning and Land Use Application (ZoLa) at www.nyc.gov/zola, which includes mapping information for many of the rules described in this chapter.

Applicable Only in Identified Areas

- Lower Density Growth Management
- Off-street Parking
- Inclusionary Housing
- FRESH Program
- Sidewalk Cafes

Applicable in Identified Zoning Districts

- Narrow Buildings
- Privately Owned Public Spaces
- Infill Housing
- Adjacent to Subway Stations
- Large-scale Development

Applicable Based on Other Conditions

- Flood Hazard
- Waterfront
- Historic Districts and Landmark Buildings
- Around Airports

Lower Density Growth Management Areas (LDGMA)

LDGMA Areas



Staten Island LDGMA



The Bronx LDGMA

Special zoning controls were established in 2004 to limit growth in some lower density areas that are far from the city's core, not well-served by mass transit, and have high car ownership rates. In these areas, new *developments* must provide more off-street parking, larger *yards* and more *open space* than would otherwise be required, and certain uses are more limited as to where they can locate. These regulations were first applied to Community Districts 1, 2 and 3 in Staten Island in response to concerns that emerged when the borough experienced rapid housing growth during the 1990s. In 2010, these regulations were extended to Community District 10 in The Bronx, to address similar issues that had arisen there. The various requirements for *LDGMA* are interspersed throughout the Resolution but a list of all of these sections is available in one location ([ZR 23-012](#)).

In these areas, LDGMA zoning controls apply to any development in R1, R2, R3, R4-1, R4A or C3A Districts. They also apply to R4 or R5 Districts accessed by a *private road*, C1, C2 and C4 Districts in Staten Island and R6 and R7-1 Districts in Community District 10 in The Bronx.

In low density districts, residential parking requirements are increased from one space per dwelling unit to 1.5 spaces. A new single-family home would therefore require two off-street parking spaces (0.5 is rounded up to the next whole number), and a two-family house would require three. Required parking spaces are also subject to special locational and design requirements that prohibit parking in *front yards* and special *floor area* incentives are available for in-house or detached garages in some districts. Developments in R6 and R7-1 Districts in Community District 10 in The Bronx are subject to higher parking requirements.

LDGMA rules limit the number of homes that can be built on large lots by requiring 30-foot rear yards for all residences and increasing the minimum distance between

them. Developments on private roads are held to stricter standards than those elsewhere to reduce the amount of housing that can be constructed along them. All *residential uses* are governed by the same yard and parking rules as those for developments on public *streets*.

To support the character of residential and commercial areas, certain uses are subject to special requirements. Medical offices and day care centers are subject to the stricter residential bulk regulations in *Residence Districts*, instead of the more permissive community facility regulations. They are also subject to special minimum lot size requirements to better fit their required parking. These uses are encouraged in *Commercial Districts* through additional *floor area ratio (FAR)* and reduced parking requirements. In Staten Island, where much less land is zoned for commercial use than elsewhere in the city, special rules prohibit residential-only development in Commercial Districts and require any residential or mixed-use development on large sites in C4-1 Districts, which typically contain regional shopping malls and commercial centers, to obtain a *City Planning Commission (CPC) special permit*.

Off-street Parking

Special parking regulations apply in three large geographies based on their respective levels of access to transit.

Manhattan Core

Special *parking* provisions exist in the *Manhattan Core*, the area made up of Manhattan Community Districts 1 through 8 (excluding Governors Island, Roosevelt Island and the area subject to the special Hudson Yards regulations). These regulations were established to limit congestion and pollution in this area, which is better-served by public transit than any other location in North America. The regulations went into effect in 1982, were updated in 2011, and can be found in Article I, Chapter 3 of the Zoning Resolution.

There are no minimum accessory parking requirements for any *development* and there are caps on the amount of accessory parking that can be provided. *Public parking lots* are restricted in areas of Midtown and Lower Manhattan. New public parking facilities and accessory parking facilities requesting additional parking require a CPC special permit and must demonstrate that they are meeting an unmet parking need for residents, employees or visitors (ZR 13-45). All accessory spaces may be made available to the public to satisfy neighborhood parking demand, and all new parking facilities are subject to special layout and design requirements. In addition, the floor area of automated parking facilities is exempted from the development's floor area if located below a height of 40 feet, instead of 23 feet, to account for their space needs.

Long Island City

Special parking requirements were instituted for Long Island City in 1995. They were similar to the then-applicable regulations in the Manhattan Core and were intended to serve a similar purpose. In this area, there are no accessory parking requirements for any development and there are caps on the amount of parking that can

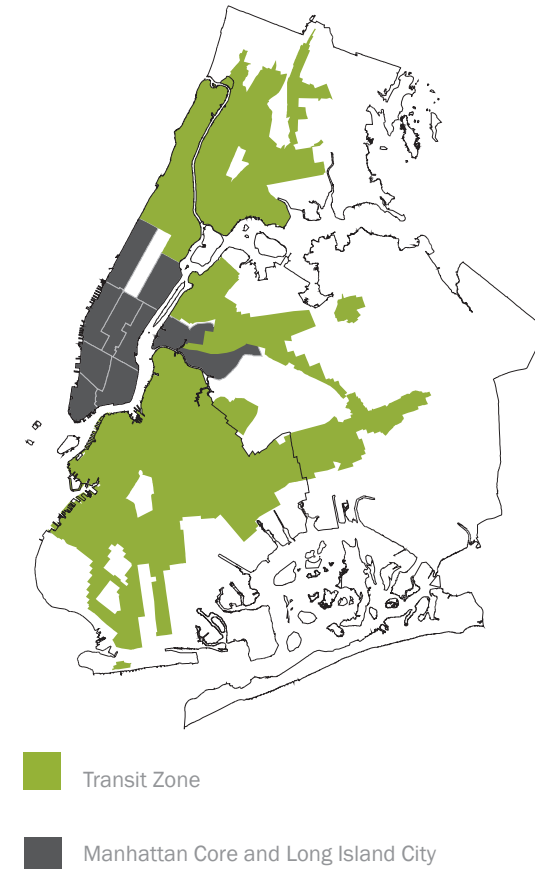
be constructed, though these are less stringent than the limits in the Manhattan Core. In addition, public parking lots require a CPC *authorization* and new public parking facilities or those requesting additional parking above the maximum as-of-right limits require a CPC special permit. These regulations, and the boundary of the area subject to the Long Island City parking regulations, can be found in Article I, Chapter 6.

Transit Zone

In 2016, special parking regulations for various types of affordable housing were applied in areas designated as the *Transit Zone*. These are areas outside the Manhattan Core, generally within one-half mile of a subway station, where auto ownership rates are lower than elsewhere in the city. Requirements for parking were reduced or eliminated in these areas to reduce the unnecessarily high costs of building parking for affordable housing developments. The map of the Transit Zone is located in Appendix I of the Zoning Resolution.

In the Transit Zone, parking is optional for affordable senior housing units that satisfy the requirements of the Inclusionary Housing Program or those that meet the definition of *income-restricted housing unit* (ZR 25-25). Existing affordable senior housing developments are permitted to remove parking spaces they find unnecessary as-of-right and replace them with new buildings or open space, so long as any dwelling units created are income-restricted. Other existing affordable housing would have to apply for a *Board of Standards and Appeals (BSA)* special permit (ZR 73-43). For a mixed-income development, special permits are available to modify parking requirements either from the BSA or the CPC, depending on the amount of affordable housing included within the building.

Areas With Reduced or No Parking



Inclusionary Housing

There are three branches of the *Inclusionary Housing Program*. Each applies in distinct areas and has its own requirements, although all were created to promote economic diversity in the highest density districts and neighborhoods where significant residential growth has been planned. The first two — R10 and Inclusionary Housing Designated Areas — are “voluntary” programs where a *floor area bonus* is available in exchange for the creation or preservation of affordable housing. The newer *Mandatory Inclusionary Housing* program requires the provision of affordable housing as part of any residential development above a certain size. In all three programs, affordable housing units may be on the same site as the market-rate residences, or off-site in the same Community District or within one-half mile of them. The affordable apartments may be rental or homeownership. Residents are subject to a minimum and maximum income requirement based on a percentage of the Area Median Income (AMI) and all units subject to the program must remain permanently affordable. ([ZR 23-154, 23-90](#))

R10 Program

The first Inclusionary Housing program was created in 1987 and is available, in many of the highest density Residence Districts (R10) and Commercial Districts that have an R10 equivalent, which are predominantly located in Manhattan. Under this program, new developments can increase their maximum FAR from 10.0 to 12.0 if they provide units for residents with incomes lower than 80 percent of the AMI. For each square foot of affordable housing built, the floor area of the building can increase by between 1.25 and 3.5 square feet. The ratio depends on whether the affordable housing is on the same site as the market-rate development or at a different location, whether the apartments are provided in a new development or by rehabilitating or preserving an existing building and whether the developer receives public funding such as low-income housing tax credits.

Designated Areas Program

The Inclusionary Housing Designated Areas program (IHDA) was created in 2005 to promote mixed-income housing in other parts of the city where growth was being planned at more varied densities. The first IHDA was included as part of the city’s rezoning plan for Greenpoint-Williamsburg in Brooklyn. Between 2005 and 2014, the program was applied to other medium and high density areas where zoning changes promoted substantial new housing. Floor area increase is available through the IHDA program only where the program has been designated. These areas are mapped in Appendix F of the Zoning Resolution.

Within an IHDA, zoning districts have a “base” FAR that is typically lower than the FAR available for the same zoning district outside an IHDA, and a higher “bonus” FAR available for projects participating in the program. For example, the FAR of an R7A District is 4.0. In an IHDA, the base FAR of 3.45 can be increased to the bonus FAR of 4.6 through the provision of affordable housing.

New developments, or enlargements constituting more than 50 percent of existing floor area, can build to the bonus FAR if 20 percent of the floor area on the zoning lot is reserved for residents at 80 percent of AMI and below. To accommodate mixed-use buildings, ground-floor non-residential space may be excluded from this calculation. Additional height, generally ranging from one to two stories, is also available to fit the additional FAR within the building envelope if the affordable housing units are provided on site.

Mandatory Inclusionary Housing

In 2016, the City adopted *Mandatory Inclusionary Housing (MIH)*, which has since been applied in areas where zoning changes significantly increase permitted

residential density. The CPC and the City Council can apply one or more of the following options within areas where MIH applies:

- Option 1 — 25 percent of the residential floor area at an average of 60 percent AMI, with a minimum of 10 percent at 40 percent AMI
- Option 2 — 30 percent of the residential floor area at an average of 80 percent AMI
- Deep Affordability Option — 20 percent of the residential floor area at an average of 40 percent AMI (public funding allowed only where necessary to support more affordable housing)
- Workforce Option — 30 percent of the residential floor area at an average of 115 percent AMI, with a minimum of five percent at 70 percent AMI and five percent at 90 percent AMI (no public funding permitted)

Within an *MIH area*, also mapped in Appendix F of the Resolution, new developments, enlargements and conversions that create more than 10 units or 12,500 square feet of residential floor area on a zoning lot must comply with one of the options that are available there.

The program options available in each MIH area are determined through the public review process for the proposal. Option 1 and Option 2 are basic options, and at least one must be available in each MIH area. The Deep Affordability or Workforce Options may also be available, although the Workforce Option cannot be applied in Manhattan Community Districts 1 through 8, where market rents are generally strong enough to help cross-subsidize lower-income housing.

MIH allows “income averaging,” which means that the affordable units can target multiple income bands, so long as the weighted average is at or below the AMI threshold specified in the chosen option. This makes it possible to

make units affordable to people with a range of incomes that are sometimes difficult to meet with other affordable housing programs.

MIH projects that include the affordable units on site can generally use the same higher FAR and heights for the relevant zoning district available under the IHDA program. Projects that do not exceed 25 units or 25,000 square feet are eligible to pay into an *Affordable Housing Fund*, as an alternative to building the affordable units. The Department of Housing Preservation and Development administers the fund, which must be used for affordable housing purposes within the same Community District as the site.

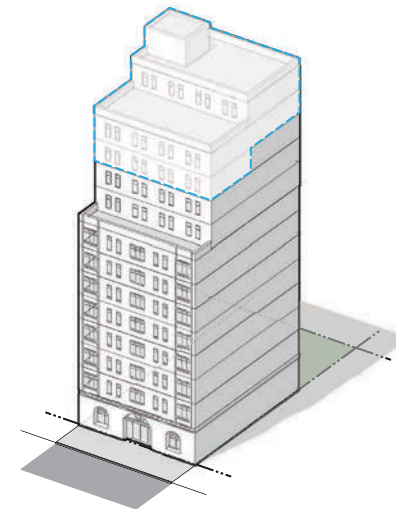
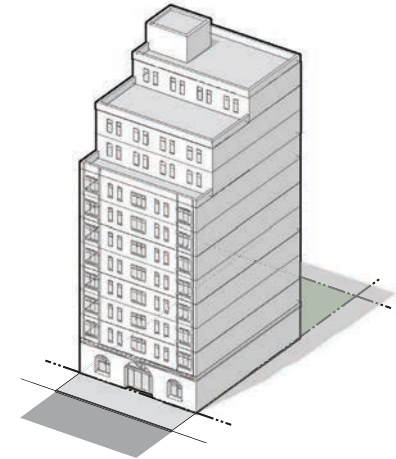
The program requires that an additional five percent of the total floor area also be reserved when the affordable units are located on a separate zoning lot.

Designated Areas		
District	Base FAR	Max FAR
R6 ¹	2.20	2.42
R6 ²	2.70	3.60
R6A	2.70	3.60
R6B	2.00	2.20
R7A	3.45	4.60
R7-2 ¹	2.70	3.60
R7-2 ²	3.45	4.60
R7-3	3.75	5.00
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.50	10.00
R9X	7.30	9.70

¹ for zoning lots, or portions thereof, beyond 100 ft of a wide street

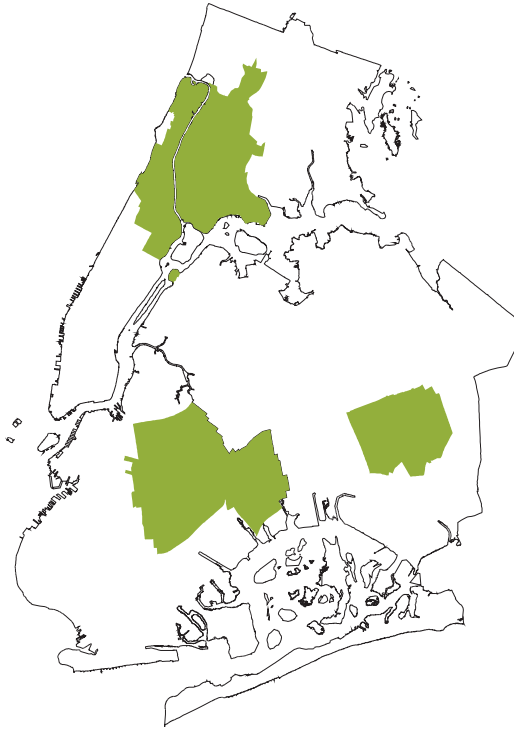
² for zoning lots, or portions thereof, within 100 ft of a wide street

Designated Areas Building Envelope



An R8A building in an IHDA, not participating in the Inclusionary Housing program, has a maximum residential FAR of 5.4 and a maximum height of 125 feet (top). A building participating in the program would be allowed a maximum residential FAR of 7.2 and a maximum height of 145 feet (bottom).

FRESH Areas



Areas with FRESH applicability

FRESH Program

The Food Retail Expansion to Support Health (*FRESH*) program was created in 2009 to spur the development of grocery stores that sell fresh and healthy food in underserved neighborhoods. The program was developed after a City study found that many neighborhoods did not have convenient access to grocery stores and that this often correlated to higher rates of diet-related diseases, including heart disease and diabetes. These special zoning incentives are found in Article VI, Chapter 3 of the Zoning Resolution.

The FRESH program applies in *Commercial* and *Manufacturing Districts* in portions of Manhattan Community Districts 9 through 12, portions of Bronx Community Districts 1 through 7, portions of Brooklyn Community Districts 3, 4, 5, 8, 9, 16 and 17, and in the Special Downtown Jamaica District in Community District 12 in Queens.

To be eligible for the special zoning provisions, an applicant must demonstrate, and the Chair of the CPC must certify, that the store will meet the program's minimum size and design standards, that a grocer has agreed to operate the store and that the space will remain in use as a grocery store indefinitely. For example, the space for grocery products must be at least 6,000 square feet and have at least 500 square feet reserved for fresh produce.

Developments with FRESH stores are permitted one additional square foot of floor area for every square foot of a FRESH store built, up to a maximum of 20,000 square feet. The Commission may, by *authorization*, also allow an increase in the maximum building height to fit this additional floor area. In M1 Districts, where large grocery stores normally require a CPC special permit, FRESH stores up to a maximum of 30,000 square feet are permitted as-of-right. In addition, parking requirements in some zoning districts are lower for FRESH food stores.

Sidewalk Cafes

Sidewalk cafes have long been a feature of New York City's streetscape. First regulated by the Zoning Resolution in 1979, special provisions establish design and locational criteria to limit sidewalk congestion. These regulations can be found in Article I, Chapter 4 of the Zoning Resolution.

There are three types of sidewalk cafes: enclosed, unenclosed and small. An *enclosed sidewalk cafe* meets certain design criteria and is contained within an enclosed structure on the sidewalk (*ZR 14-10*). An *unenclosed sidewalk cafe* is open to the sky, except for umbrellas or retractable awnings, and contains removable tables, chairs or railings. (*ZR 14-20*) A *small sidewalk cafe* is an unenclosed sidewalk cafe containing no more than a single row of tables and chairs in a space extending no further than 4 feet 6 inches from the property line, with no barrier between the cafe space and the sidewalk. (*ZR 14-30*)

Sidewalk cafes are generally permitted in any Commercial District (other than C3 Districts), as well as in Manufacturing Districts (with some exceptions), R10H Districts and certain special purpose districts. They are sometimes prohibited on streets with narrow sidewalks or with high levels of pedestrian traffic. Of the three types, small sidewalk cafes are allowed on the largest number of streets while enclosed cafes are allowed on the fewest. Information on where the various types of sidewalk cafes are permitted can be found in the Zoning Resolution itself or through the web application ZoLA. Sidewalk cafe regulations are administered by the Department of Consumer Affairs.

Narrow Buildings

Special height regulations limit the size of narrow buildings in medium and high density parts of the city. Put in place in 1983, and commonly called the “sliver law,” these rules were intended to address buildings that were being built, under the then-applicable *sky exposure plane* regulations, to four or five times the height of their low-rise neighbors. These provisions have been extended to comparable *contextual districts*.

Buildings that are 45 feet wide or less have their height restricted to the width of the adjoining street or 100 feet, whichever is less. The regulations ([ZR 23-692](#)) are applicable in certain medium and high density districts (R7-2, R7D, R7X, R8, R9 and R10 Districts) as well as in C1, C2 and other contextual Commercial Districts with those same *residential district equivalents*, and for Quality Housing buildings in any other zoning district.

Privately Owned Public Spaces (POPS)

In high density commercial areas — where public open space is limited — floor area bonuses are available for spaces constructed and maintained for public use, commonly called *privately owned public spaces* or *POPS*. These regulations were included in the 1961 Zoning Resolution to emulate the iconic plaza in front of the Seagram Building in Midtown Manhattan, though the applicability and design standards have significantly evolved since then. Today, two types of spaces — *public plazas* and arcades — can be built in exchange for extra commercial or community facility *floor area*.

Public plazas are outdoor park-like spaces that provide respite from busy city streets ([ZR 37-70](#)). They are subject to dimensional requirements as well as design standards for individual aspects such as seating, lighting, planted areas and kiosks. The Chair of the CPC must certify that the plaza meets these standards. The plazas must be open to the public at all times, although they can be closed at night if they receive a CPC *authorization* to do so based on operational or safety reasons. An arcade is a covered space extending along a street or open space that reserves additional space for walking, by pushing back from the street any building entrances, ground-floor retail or lobbies ([ZR 37-80](#)). They are subject to dimensional requirements and must be open to the public at all times.

Both bonuses are available in high density, *non-contextual Commercial Districts*, such as C4-6, C4-7 and most C5 and C6 Districts. The amount of bonus floor area is based on the size of the space, up to an extra 20 percent of the maximum FAR permitted in the zoning district. For example, in a C6-6 District (base maximum FAR of 15.0) a plaza would be able to increase the maximum floor area by 3.0 FAR for a total of 18.0. Community facilities are also permitted floor area bonuses in C1 and C2 Districts with *residential district equivalents* of R9 or R10 Districts, such as C1-9 Districts.

POPS



Recently constructed POPS at 8 Spruce St, Manhattan



Recently renovated POPS at 55 Water St, Manhattan

Infill Housing



R4 Infill in Windsor Terrace, Brooklyn



R5 Infill in Kensington, Brooklyn

Infill Housing

Special optional bulk provisions exist for infill housing in portions of R4 and R5 Districts without letter or number suffixes that are mostly occupied by buildings. These regulations were enacted in 1973 to encourage the construction of two- and three-family houses on small vacant lots in scale with the surrounding neighborhood. These provisions are available in locations where at least 50 percent of the area of the block contains *zoning lots* with *buildings*, and the size of the site is less than 1.5 acres. However, to discourage demolition of existing homes, the regulations may not be used to redevelop a lot occupied by a one- or two-family detached or semi-detached house unless the blockfront is predominantly developed with attached or multifamily housing, or *commercial* or *manufacturing uses*. The regulations governing infill housing are set forth in the definition of *predominantly built-up areas* in the Zoning Resolution ([ZR 12-10](#)).

If a parcel meets the applicable criteria, then these regulations allow increases to the district's maximum *lot coverage* and maximum *floor area ratio*, require deeper *front yards* and, in R5 Districts, modify the permitted envelope. There are also separate density controls, which allow slightly fewer units than buildings in standard R4 and R5 Districts. In addition, accessory parking requirements are lower for infill housing.

Adjacent to Subway Stations

Special zoning regulations in certain high density commercial areas of the city exist to improve nearby subway stations. Beginning with the Special Midtown District in 1982 and expanding to other zoning districts with a commercial FAR of 10.0 or higher in 1984, these regulations include requirements for sites adjacent to subway stairs and provide a floor area *bonus* for other station improvements.

When developments on zoning lots larger than 5,000 square feet are located next to a subway stair entrance, they are required to relocate the entrance from the sidewalk onto the zoning lot ([ZR 37-40](#)). This requirement is intended to clear sidewalk space and improve pedestrian circulation in the city's most heavily trafficked areas. There are rules specifying the location, design and hours of operation of the entrance.

New developments adjacent to subway stations can also obtain a floor area bonus of up to 20 percent of the maximum permitted floor area, via a CPC special permit, if they make major subway improvements ([ZR 74-634](#)). This bonus has led to significant station improvements that help Midtown and Lower Manhattan to accommodate additional density, such as building new entrances, enhanced connections between stations and expanded mezzanines and platforms.

Large-scale Development

Large sites may apply for special zoning provisions that allow some zoning rules to be modified to enable a better plan for the site as a whole. Called *large-scale developments*, these sites can span a single, large zoning lot or several lots that are contiguous or separated by streets but planned as one unit. To enable good site planning for these types of developments and their surrounding neighborhoods, the CPC may modify the underlying zoning rules to allow greater flexibility on the site. To do this, the CPC may allow site plans that shift *floor area*, *dwelling units*, *lot coverage* and *open space* within a site without regard to zoning *lot lines* or district boundaries, and allow *use*, *bulk* and parking configurations that would otherwise not be allowed. This concept was part of the 1961 Zoning Resolution and there are three types of large-scale developments today.

A large-scale residential development must be located entirely in a Residence District or in a C1, C2, C3 or C4-1 District. Sites must either be a minimum of three acres with at least 500 dwelling units or 1.5 acres with at least three buildings (ZR 78-00). Large-scale residential developments were designed to enable a suitable alternative set of regulations to be applied to a multi-building development that is predominantly residential, but also may contain convenience shopping and community facilities. The Navy Green project in Brooklyn is a recent example of this type.

A large-scale community facility development must also be located entirely in a Residence District or in a C1, C2, C3 or C4-1 District (ZR 79-00). The project must be used predominantly for *community facility uses* but can also contain any permitted residential and commercial uses. The minimum site size is three acres, and may include existing buildings provided they form an integral part of the development. Albert Einstein College of Medicine in the Bronx is a large-scale community facility development.

A large-scale general development must be located at least partially in a medium or high density Commercial or Manufacturing District (ZR 74-74). It can include any mix of uses permitted by the underlying zoning districts. The minimum site size requirement is 1.5 acres and it can include existing buildings, provided they form an integral part of the development. This type of large-scale development was first created in 1989 and is now the most often used. Seward Park/Essex Crossing on the Lower East Side and Waterline Square on the Upper West Side are recent examples.

Before these provisions can be used by a development, the Commission must first approve the large-scale development via a *special permit* or *authorization* (depending on the zoning district, intended mix of uses and the size of the development or enlargement) by making the findings that relate to the waivers requested, such as that the redistribution of bulk and open space will result in a better site plan for the lot and surrounding neighborhood than would otherwise be possible.

Large-scale Developments



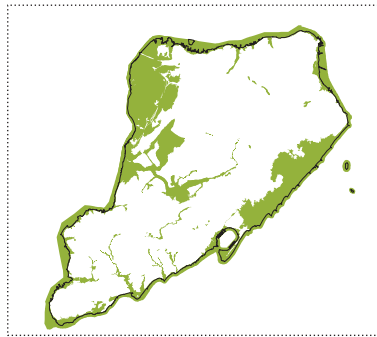
Riverside Center, a multi-building Large-scale General Development, under construction on the Upper West Side of Manhattan



Example of a Large-scale Community Facility Development at Cooper Union in Manhattan's East Village

Flood Hazard

Flood Zones



Area of current flood zone

Hurricane Sandy in October 2012 was a reminder that a significant portion of the city is at risk from coastal flooding events. Special zoning provisions applicable within the **flood zone** (an area designated by the Federal Emergency Management Agency, FEMA) were added to the Zoning Resolution in October, 2013, to help existing and new buildings adhere to the **Building Code's** flood-resistant construction regulations, which are based on FEMA standards. These zoning provisions are found in Article VI, Chapter 4 of the Zoning Resolution. Additional regulations were added in July 2015 to help accelerate recovery in a series of Sandy-impacted neighborhoods. These provisions are optional but in most cases, if followed, require the building to comply with flood-resistant construction standards.

These special zoning regulations are intended to facilitate the elevation of buildings and relocation of buildings' systems above the **flood elevation** (a level that FEMA designates as being more susceptible to flooding), plus any additional height (freeboard) required by the Building Code. To accomplish this, building heights are allowed to be measured from the flood elevation, instead of from the applicable ground elevation (**ZR 64-13**). In areas with moderate to high flood elevations, additional building height is allowed to ensure the utility of spaces subject to flooding. If wet-floodproofed, this space can be used for parking, storage and access. If dry-floodproofed, non-residential uses are permitted. To avoid the potential lackluster appearance of elevated buildings and blank walls, buildings are required to follow special design standards (**ZR 64-60**). For example, for single- and two-family homes, this may include requirements for elements such as porches and planter beds. In addition, ground floor spaces, as well as entryways, stairs and ramps accessing an elevated first floor are excluded from counting towards floor area in order to incentivize internal

building access. Dry-floodproofed space is discounted from floor area calculations to encourage active commercial space at-grade.

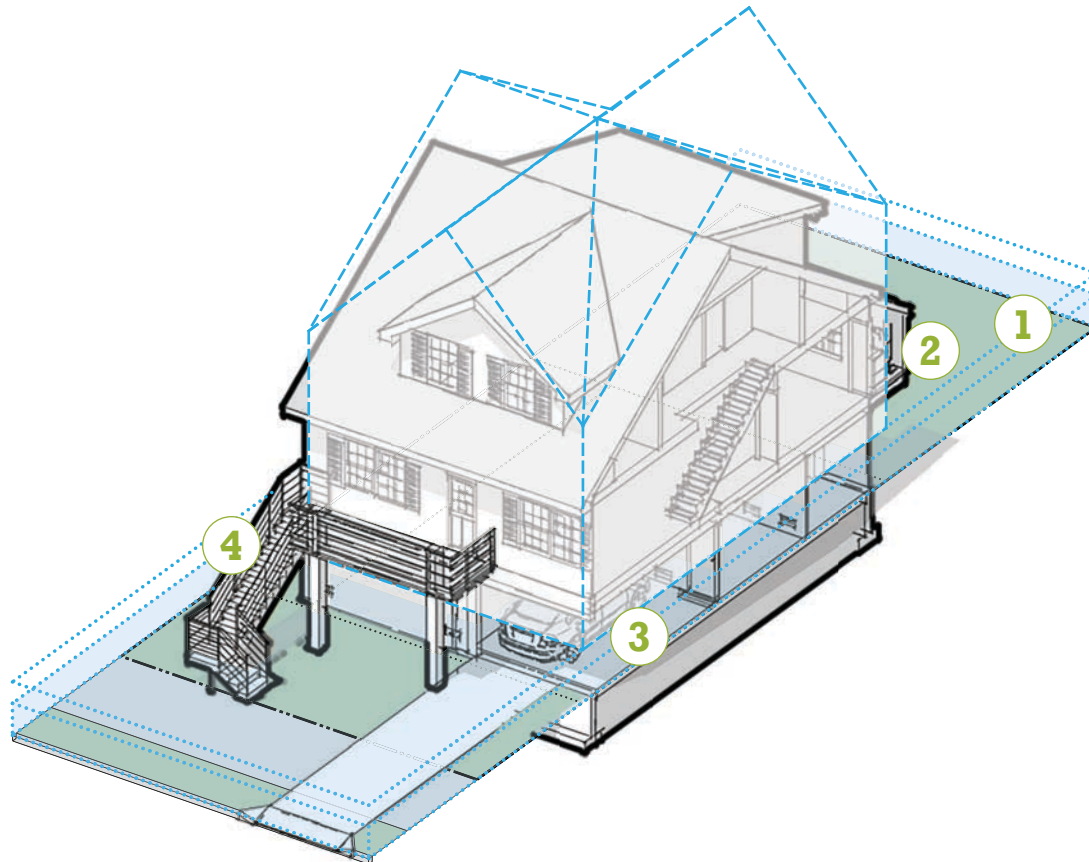
Greater flexibility is also provided for buildings to adopt resiliency measures without fully complying with flood-resistant construction standards. For instance, allowances are offered to allow mechanical systems, often located below or at-grade, to be relocated onto the roof of a building and to allow flood panels as permitted obstructions in yards and open space

There are also special provisions that allow for the reconstruction of buildings with **non-conforming uses** (such as restaurants in Residence Districts) and **non-complying buildings** (for example, tall buildings built before height limits were put in place). In addition, a special zoning envelope is available for small lots within low density districts to help ensure that new buildings can be built to resiliency standards while being sensitive to the low scale neighborhood context.

Retrofitting in Flood Hazard Area Rules

A variety of zoning provisions are available to buildings located within the flood zone to help improve their resiliency.

1. Height can be measured from the flood elevation or, in certain instances a higher reference plane.
2. Mechanical equipment can be relocated above the flood elevation as a permitted obstruction.
3. Wet-floodproofed ground floors can be excluded from floor area.
4. Design elements to mitigate blank walls are required for elevated buildings.



Example of new single-family flood resilient construction in Hamilton Beach, Queens.



New multi-family flood resilient residences in Seagate, Brooklyn.

Waterfront

Special zoning regulations for the city's *waterfront areas* were adopted in 1993 to maximize the public's access to, and enjoyment of, the waterfront. They modify the underlying zoning regulations by requiring publicly accessible areas and by applying other special requirements for new development on waterfront blocks, which are those adjacent to or along the shoreline, as well as to piers, platforms and floating structures. These regulations are located in Article VI, Chapter 2 of the Zoning Resolution.

Use Regulations

Special regulations modify the underlying zoning for uses that are Water-Dependent (WD), which must be located near the shoreline, and uses that are Waterfront-Enhancing (WE), which contribute to public use and enjoyment of the waterfront. For instance, docks for recreational, sightseeing, or ferry vessels are assigned to Use Groups and permitted in districts where these uses are considered compatible with other uses. Activities on new piers or platforms are restricted to recreational or WD uses.

Bulk Regulations

All residential and commercial developments are required to provide a waterfront yard that is 30 to 40 feet wide, depending on the district, along the entire shoreline of the zoning lot. In addition, special bulk regulations apply in different types of zoning districts. In *non-contextual* medium- and high density districts, taller buildings are permitted on waterfront blocks, but the buildings are subject to size and location requirements that are meant to maintain a sense of openness along the waterfront. In low density Residence Districts and medium- and high density *contextual districts*, waterfront development generally follows the same bulk rules as upland development with limited modifications that tailor the regulations to waterfront sites. In addition, visual corridors are required to provide unobstructed views from upland streets to the

shoreline and must correspond to the existing street grid, or be spaced between 400 and 600 feet apart on large sites. Visual corridors are not required to be open to the public and may contain elements such as parking and trees.

Public Access Requirements

Based on longstanding legal principles entitling the public to waterfront access, medium to high density residential, commercial and community facility developments in all districts are required to provide and maintain public open space at the water's edge that is connected to upland areas. Public access is also required on piers, platforms and floating structures that undergo development. *Waterfront public access areas* must be provided to connect the public to open space at the shoreline, with a minimum of 15 or 20 percent of the zoning lot required for public access, depending on the zoning district. These areas consist of three different types: *shore public walkways*, *upland connections* and *supplemental public access areas*. Each of these types has rules that govern the location, minimum size, proportion and required design elements of the open space. Shore public walkways provide the public with a place to stroll and sit along the shoreline. Upland connections link shore public walkways to streets, parks or other public places inland, at regular intervals (at least every 600 feet). Finally, supplemental public access areas are required when the total space of the other components does not fulfill the minimum area requirement. This additional open space must have design elements such as planted areas, seating, tables, shaded areas, bike racks and trash receptacles. Certain WD uses such as ferry docks are subject to a simplified, reduced public access requirement.

Waterfront Access Plans

Waterfront Access Plans (WAPs) adapt waterfront zoning regulations governing the location, dimensions, and design of public access areas to specific conditions as part of a plan for a defined area. They can be used, for instance, to specify locations of particular public access

elements across multiple property owners' developments to ensure a harmonious relationship among them. WAPs have been adopted for the Harlem River waterfront in the Bronx, Northern Hunters Point, Downtown Flushing and Newtown Creek waterfronts in Queens and for the Greenpoint-Williamsburg waterfront in Brooklyn.

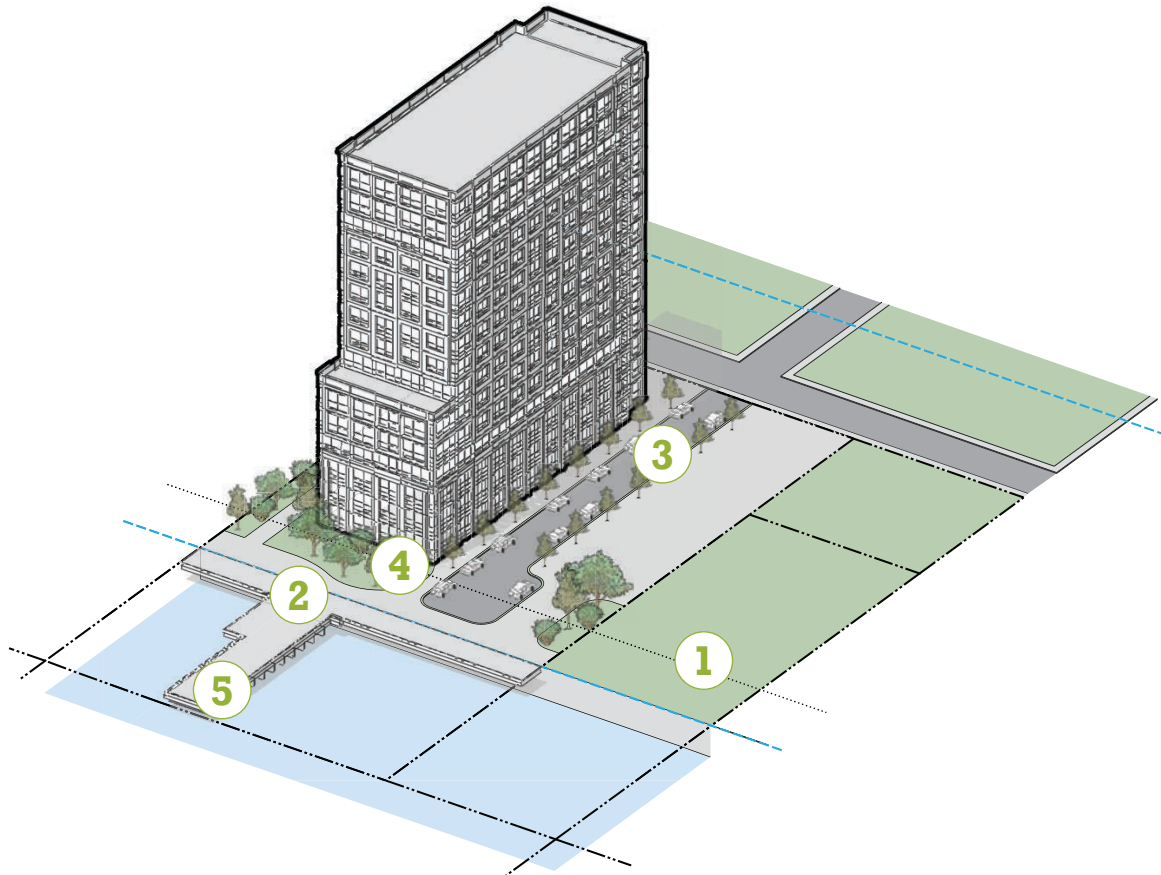
Review Procedures

The Chair of the *City Planning Commission (CPC)* must certify that the proposed development on a waterfront block complies with requirements for public access and visual corridors. A long-term maintenance and operation agreement with the Department of Parks and Recreation must be filed and recorded at the time of certification and before a building permit can be issued. The quantity and location of waterfront public access areas, or the design requirements for these areas, can be modified by CPC authorization ([ZR 62-822](#)).

Waterfront Areas and Public Access

A variety of yard and public access requirements apply to most developments on waterfront zoning lots.

1. Commercial and residential developments are required to provide a waterfront yard along the entire shoreline.
2. Many uses are required to provide shore public walkways along the shoreline subject to various design requirements.
3. Upland Connections are required to provide physical access from upland areas to the shoreline at regular intervals. Visual corridors, which often align with these spaces, provide visual access but are not required to be open to the public.
4. Supplemental public access areas are required when the total space of the other components does not fulfill the minimum area requirement.
5. Public access is also required on piers, platforms and floating structures that undergo development.



Greenpoint-Williamsburg, Brooklyn



Red Hook, Brooklyn

Historic Districts and Landmark Buildings



DUMBO Historic District, Brooklyn



Grand Central Terminal, a landmark in Manhattan

Historic Districts and Landmark Buildings

The Landmarks Preservation Commission (LPC) has jurisdiction over the modification of individual landmarks and buildings within the city's historic districts, but some special zoning regulations also apply to help preserve them.

Buildings or areas with architectural or historical significance are designated by LPC as individual landmarks and historic districts, respectively. To date, there are more than 35,000 properties subject to LPC designations. Most of these are located in the city's 139 historic districts, but there are also over 1,300 individual landmarks. Owners or tenants subject to these regulations must receive permission from LPC before undertaking work affecting the exterior of their property.

In historic districts, requirements for front yards, street trees and street walls are more flexible, so that LPC can decide what is most in keeping with the area. Prior to the creation of contextual zoning districts, a series of special *limited height districts* were created to apply in areas designated as historic districts. These remain mapped in historic districts of the Upper East Side, Gramercy Park, Brooklyn Heights and Cobble Hill, and are identified on the Zoning Map. In these areas, no structure can be erected or enlarged to a height above the maximum height permitted in each individual district, which range from 50 to 100 feet (ZR 23-69).

Since individual landmarks have limited ability to utilize unused floor area generated by their zoning lots, they are permitted to transfer it to other properties through a CPC special permit (ZR 74-79). Floor area can transfer to properties that are contiguous, across the street, or that share an intersection. The transfer cannot increase the development site's floor area by more than 20 percent, except in high density Commercial Districts where there is no specified limit. Modifications to other zoning

regulations, such as height and setback controls, are also available for the development site. The special permit requires a maintenance plan to preserve the individual landmark building. The provision is not available in historic districts or low density Residence Districts.

A separate special permit allows modifications to use and bulk requirements (except FAR) in historic districts or on zoning lots with individual landmarks (ZR 74-711). The permit requires a Certificate of Appropriateness from the LPC that any requested modifications will relate harmoniously to the subject building and contribute to a preservation purpose, and that a maintenance plan has been established for the subject building. Additionally, owners of vacant lots in historic districts can apply for a special permit to modify bulk and some use requirements (ZR 74-712). This permit requires that the LPC determine there will be a harmonious relationship between the new development and the historic district.

Around Airports

To ensure that buildings constructed near the city's airports do not negatively affect air navigation, special height limitations apply in their vicinity. These regulations date to the 1961 Zoning Resolution. Structures in areas within approximately two miles of Floyd Bennett Field, or LaGuardia and John F. Kennedy International airports are limited to a height of 150 feet. Areas within approximately five miles are subject to separate height controls if they align with the airport runways. The precise locations and measurements of these limitations can be found in Article VI, Chapter 1 of the Zoning Resolution and in the flight obstruction area maps on the DCP website. The Federal Aviation Administration also imposes limits on building heights near airports.

