

**ARTICLE I**  
**GENERAL PROVISIONS**

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

\* \* \*

**11-10**  
**ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS,**  
**AND INCORPORATION OF MAPS**

\* \* \*

**11-12**  
**Establishment of Districts**

\* \* \*

**11-122**  
**Districts established**

[ALIGNING WITH PROPOSAL TO INCLUDE ADDITIONAL HOUSING TYPES IN  
EXISTING DISTRICTS AND CREATE NEW DISTRICTS]

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

\* \* \*

- |             |                                   |
|-------------|-----------------------------------|
| R6          | General Residence District        |
| <u>R6-1</u> | <u>General Residence District</u> |
| R6A         | General Residence District        |
| R6B         | General Residence District        |
| <u>R6D</u>  | <u>General Residence District</u> |
|             |                                   |
| R7-1        | General Residence District        |
| R7-2        | General Residence District        |
| R7-3        | General Residence District        |
| R7A         | General Residence District        |
| R7B         | General Residence District        |
| R7D         | General Residence District        |
| R7X         | General Residence District        |

**Commented [Z1]:** Article I Chapter 1 lists all zoning districts and describes how the rules of the Zoning Resolution should be interpreted. The Proposal modifies some existing districts and creates new ones. It also includes special text for other projects undergoing public review at the same time as the Proposal.

**Commented [Z2]:** The Proposal establishes a series of new mid- and high-density districts.

R8 General Residence District  
R8A General Residence District  
R8B General Residence District  
R8X General Residence District

R9 General Residence District  
R9-1 General Residence District  
R9A General Residence District  
R9D General Residence District  
R9X General Residence District

R10 General Residence District  
R10A General Residence District  
R10H General Residence District  
R10X General Residence District

R11 General Residence District  
R11A General Residence District

R12 General Residence District

Commercial Districts

\* \* \*

C4-1 General Commercial District  
C4-2 General Commercial District  
C4-2A General Commercial District  
C4-2F General Commercial District  
C4-3 General Commercial District  
C4-3A General Commercial District  
C4-4 General Commercial District  
C4-4A General Commercial District  
C4-4D General Commercial District  
C4-4L General Commercial District  
C4-5 General Commercial District  
C4-5A General Commercial District  
C4-5D General Commercial District  
C4-5X General Commercial District  
C4-6 General Commercial District  
C4-6A General Commercial District  
C4-7 General Commercial District  
C4-7A General Commercial District  
C4-8 General Commercial District  
C4-9 General Commercial District

C4-11            General Commercial District  
C4-11A          General Commercial District  
C4-12            General Commercial District

\*       \*       \*

C6-1            General Central Commercial District  
C6-1A          General Central Commercial District  
C6-1G          General Central Commercial District  
C6-2            General Central Commercial District  
C6-2A          General Central Commercial District  
C6-2G          General Central Commercial District  
C6-2M          General Central Commercial District  
C6-3            General Central Commercial District  
C6-3A          General Central Commercial District  
C6-3D          General Central Commercial District  
C6-3X          General Central Commercial District  
C6-4            General Central Commercial District  
C6-4.5          Restricted Central Commercial District  
C6-4A          General Central Commercial District  
C6-4M          General Central Commercial District  
C6-4X          General Central Commercial District  
C6-5            General Central Commercial District  
C6-5.5          Restricted Central Commercial District  
C6-6            General Central Commercial District  
C6-6.5          Restricted Central Commercial District  
C6-7            General Central Commercial District  
C6-7.5          Restricted Central Commercial District  
C6-7T          Restricted Central Commercial District  
C6-8            General Central Commercial District  
C6-9            General Central Commercial District  
C6-11          General Central Commercial District  
C6-12          General Central Commercial District

\*       \*       \*

Special Purpose Districts

[UPDATING CROSS REFERENCES]

\*       \*       \*

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter

3, the #Special Limited Commercial District# is hereby established.

**Establishment of Limited Height Districts**

The following are hereby established as #Limited Height Districts# to which the provisions of ~~Sections 23-691, paragraph (c) of Section 23-444 (Special provisions in other geographies), Sections 24-591, or 33-491 or 43-49~~ (Limited Height Districts) shall apply either directly or in other provisions of this Resolution, where they are incorporated by cross-reference:

- LH-1 Limited Height District No. 1
- LH-1A Limited Height District No. 1A
- LH-2 Limited Height District No. 2
- LH-3 Limited Height District No. 3

Establishment of the Special Lincoln Square District

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

\* \* \*

**11-30  
BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT**

**11-31  
General Provisions**

For the purposes of Section 11-33, relating to Building Permits Issued before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply:

- (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.
- (b) The rights set forth in these Sections shall be retained only if all modifications, made in such plans after the effective date of any applicable amendment to this Resolution, do not create a new #non-compliance# or #non-conformity# or increase the degree of #non-compliance# or #non-conformity# with the provisions of this Resolution, as amended.

**Commented [Z3]:** The Proposal updates cross references for Limited Height Districts and removes rules in M districts since there are no Limited Height Districts there.

**Commented [Z4]:** The Proposal clarifies how vesting rules are meant to apply on multi-building sites. Errant language can force sites out of compliance if a new building abuts an earlier building.

(c) ~~For the purposes of this paragraph (c), #abutting buildings# on a single #zoning lot# shall be considered to be a single #building#. As used in Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment):~~

(1) “minor development” shall include:

\* \* \*

**11-40  
EXCEPTIONS, VARIANCES, AUTHORIZATION OR PERMITS**

\* \* \*

**11-46  
Authorizations or Special Permits Filed Prior to [date of adoption]**

[NEW TEXT]

If, on or before [date of adoption], an application for an authorization or special permit has been certified or referred by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the rules in effect at the time such authorization or special permit was certified or referred by the Commission or filed with the Board. Such authorizations or special permits, if granted by the Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorizations or special permits were certified or referred by the Commission or filed with the Board.

**11-50  
SEPARABILITY**

\* \* \*

**Commented [Z5]:** The Proposal includes special vesting text allow projects undergoing public review to continue under the current zoning rules. This can limit confusion during their review process as the Proposal goes through its own public review.

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

**12-10  
DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

accessory use, or accessory

An “accessory use”:

- (a) is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and
- (b) is a #use# which is clearly incidental to, and customarily found in connection with, such principal #use#; and
- (c) is either in the same ownership as such principal #use#, or is operated and maintained ~~on the same #zoning lot#~~ substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of such principal #use#.

An #accessory use# may serve principal #uses# located on #zoning lots# other than the one on which the #accessory use# is located, where both such #zoning lots# constitute, or are part of, a group of #zoning lots# containing such principal #uses#, which are contiguous or would be contiguous but for the separation of #streets#, and are under same single fee ownership or alternate ownership arrangement. In such cases, the evaluation of whether the #accessory use# is clearly incidental to the principal #uses# shall consider all #zoning lots# containing such principal #uses#.

When “accessory” is used in the text, it shall have the same meaning as #accessory use#.

An #accessory use# includes, but is not limited to:

**Commented [Z1]:** The Proposal would clarify how accessory uses work when applied to multiple zoning lots. This would allow multi-building sites to share building services.

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups II;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in other Use Groups, provided that:
  - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
  - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
  - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
  - (iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and
  - (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.
- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group VIII, provided that:
  - (i) no #building# contains more than two kitchens; and
  - (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group II, provided that:
  - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;
  - ~~(ii) if #accessory# to a #use# listed in Use Group II, except if such #use# is a #single family# or #two family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;~~

**Commented [Z2]:** The Proposal would remove rules that make it difficult to provide swimming pools on residential lots. It would subject residential accessory swimming pools to the same locational rules regardless of the number of units in the building.

~~(iii)~~(ii) if #accessory# to a #use# listed in Use Group II, ~~which #use# is a #single family residence# or #two family residence#~~, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and

~~(iv)~~(iii) illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not #accessory uses#.

- (6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building or other structure#.
- (7) #Home occupations#.
- (8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and has no exterior #signs# or displays.
- (9) Incinerators.
- (10) In connection with #commercial# or #manufacturing uses#, the storage of goods normally carried in stock, used in, or produced by such #uses#, unless the storage is expressly prohibited under the applicable district regulation. The #floor area# used for such #accessory# storage shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The #floor area# used for such #accessory# repairs shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a #building or other structure# on the same #zoning lot#, or in connection with the regrading of a #zoning lot#, but in the latter case, not below the legal #street# grade.
- (13) #Accessory# off-street parking spaces.
- (14) #Accessory# off-street loading berths.



- (15) #Accessory signs#.
- (16) #Accessory# radio or television towers.
- (17) #Accessory# activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.
- (18) #Accessory# sewage disposal plants, except such plants serving more than 50 #dwelling units#.
- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station.
- (20) Composting, without prohibition on the sale of compost to customers, or on the acceptance of organic material produced on another zoning lot.
- (21) #Accessory# mechanical equipment, including equipment serving the following #building# systems:
  - (i) mechanical, electrical, or plumbing systems;
  - (ii) fire protection systems;
  - (iii) power systems, including, energy generation systems such as solar or wind energy systems and generators; and
  - (iv) energy storage systems, where the amount of energy being stored shall not exceed 24 hours of the electrical load generated at peak demand by the principal #use# on the #zoning lot#. Where a #zoning lot# contains multiple #uses#, such calculation may be applied to the total demand of all the #uses# such power system is #accessory# to.

#Accessory# mechanical equipment shall be subject to the provisions of Sections 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), or 37-20, as applicable.

\* \* \*

#### affordable independent residence for seniors

An “affordable independent residence for seniors” is a #building# or portion thereof, containing #residences#, in which at least 90 percent of the #dwelling units# allocated to #affordable independent residences for seniors# are each occupied by at least one person who is 62 years of age or over; where, except for a #super’s unit#, all of the #dwelling units# allocated to #affordable independent residences for seniors# are #income-restricted housing units# for households with incomes at or below 80 percent of the #income index# and used for class A

occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, “super’s unit” and “income index” shall be as defined in Section 23-911 (General definitions) 27-00 (ADMINISTRATION).

An #affordable independent residence for seniors# may consist of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#, and shall contain related #accessory# social and welfare facilities primarily for residents, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, which may also be made available to the community. Floor space in an amount not less than four percent of the total #floor area# of such #affordable independent residence for seniors# shall be allocated to such #accessory# facilities. Such floor space may occupy #floor area# or #cellar# space, and may include indoor recreation space provided in accordance with Section 28-21 (Required Recreation Space) for #Quality Housing buildings# Section 23-63 (Required Recreation Space in Multi-family Buildings). In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in #residential buildings# be attributed to the #floor area# of the #accessory# social and welfare facilities.

An #affordable independent residence for seniors# shall also include a #building# used, #enlarged# or #developed# prior to March 22, 2016, as a “non-profit residence for the elderly”.

Any temporary or final certificate of occupancy issued after March 22, 2016, for a #building# or portion thereof to be used as an #affordable independent residence for seniors# shall state that such #building# or portion thereof shall be used as an #affordable independent residence for seniors#, notwithstanding the fact that a legally binding restriction on household income for #income-restricted housing units# may have expired and shall state that such certificate of occupancy may be amended or superseded to reflect that the #building# or portion thereof may be used other than as an #affordable independent residence for seniors# only in accordance with the provisions of this Zoning Resolution.

aggregate width of street walls

\* \* \*

ancillary dwelling unit

[NEW TERM]

An “ancillary dwelling unit” is an additional #dwelling unit#, permitted on the same #zoning lot# as a #single-# or #two-family residence# that does not exceed eight hundred square feet of #floor area#. Only one #ancillary dwelling unit# shall be permitted per every #single-# or #two-family residence# on a #zoning lot#. In the #high-risk flood zone#, as defined in Section 64-11, no #ancillary dwelling unit# shall be permitted in a #basement# or #cellar#.

**Commented [Z3]:** The Proposal would create a new defined term for ADUs that would be permitted on lots with single or two family buildings. They would be subject to a maximum 800 sf size and be restricted in the 100 year floodplain.

apartment hotel — see Hotel, apartment

\* \* \*

**Block**

A “block” is a tract of land bounded by:

- (a) #streets#;
- (b) #public parks#;
- (c) ~~railroad rights-of-way~~ or transit tracks, when located at or above ground level but not including sidings or spurs in the same ownership as the #zoning lot#;
- (d) airport boundaries;
- (e) pierhead lines (or shorelines where no pierhead lines have been established); or
- (f) corporate boundary lines of New York City.

\* \* \*

**dwelling unit**

A “dwelling unit” contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Where a particular regulation of this Resolution applies to #dwelling units# in a #building# that is for #residences# other than #single-# or #two-family residences#, such provisions shall also apply to #rooming units#, unless specifically stated.

\* \* \*

**Expanded Transit Zone**

[TERM BEING ESTABLISHED IN CITY OF YES FOR ECONOMIC OPPORTUNITY THAT WILL BE REPLACED BY #INNER TRANSIT ZONE#]

The “expanded Transit Zone” shall include:

- (a) ~~the #Manhattan Core#, as defined in Section 12-10, with the exception of Governors Island and Roosevelt Island;~~

**Commented [Z4]:** The Proposal would update terminology for railroad rights-of-way throughout the ZR to better align with other defined terms.

**Commented [Z5]:** The Proposal would clarify that dwelling units and rooming units are treated similarly in the Zoning Resolution, unless rooming units are specifically mentioned in a section. This is intended to make it easier to find the rules applicable to rooming units.

**Commented [Z6]:** The Proposal would make new terms for the special transit areas found in the Zoning Resolution.

(b) ~~the #Transit Zone#, as defined in Section 12-10; and~~

(c) ~~the #Long Island City area#, as defined in Section 16-02.~~

\* \* \*

**family**

A “family” is either:

- (a) ~~a single person occupying a dwelling and maintaining a household, including not more than one “boarder, roomer, or lodger” as defined in the Housing Maintenance Code; or~~
- (b) ~~two or more persons related by blood or marriage, occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or~~
- (c) ~~not more than four unrelated persons occupying a dwelling, living together and maintaining a common household.~~

~~A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.~~

A “family” is either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A “boarder,” “roomer” or “lodger” residing with a family shall mean a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

fire wall

\* \* \*

**floor area**

“Floor area” is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
- (b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;

**Commented [Z7]:** The Proposal would replace the existing “family” definition with the one found in the State’s Multiple Dwelling Law. This would avoid confusion and remove outdated language regarding the concept of families from the Zoning Resolution.

**Commented [Z8]:** The Proposal would make a series of updates to the “floor area” definition. They are explained further below.

- (c) floor space in penthouses;

[UPDATING TO REFLECT THE REMOVAL OF THE ATTIC BONUS AND BROADER FLOOR AREA CHANGES IN LOW-DENSITY AREAS]

- (d) ~~attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts, eight feet or more in R1 and R2 Districts, other than R2A and R2X Districts, and eight feet or more for #single # or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of eight feet or more shall be considered #floor area#. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# after February 2, 2011, any attic space shall be considered #floor area#; eight feet or more;~~

**Commented [Z9]:** The Proposal would update the maximum floor area ratio in low density districts and therefore this special allowance for attic spaces would no longer be necessary. It would also make a consistent rule for how to calculate floor area in attic spaces.

- (e) floor space in gallerias, interior balconies, mezzanines or bridges;
- (f) floor space in open or roofed bridges, breeze ways or porches, if more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;

[REMOVING REFERENCE TO #ACCESSORY OFF-STREET PARKING# AS THIS IN-LINE PHRASE CREATES CONFUSION. EXEMPTIONS FROM FLOOR AREA ARE CONSOLIDATED IN THE “#FLOOR AREA# OF A #BUILDING# SHALL NOT INCLUDE” PORTION OF THIS DEFINITION]

- (h) floor space in #accessory buildings#, except for floor space used for ~~#accessory# off-street parking or #accessory#~~ mechanical equipment;

[REMOVING , SINCE FLOOR SPACE OCCUPIED BY ACCESSORY OFF-STREET PARKING ALWAYS COUNTS AS FLOOR AREA, EXCEPT AS SPECIFICALLY EXCLUDED IN THE “#FLOOR AREA# OF A #BUILDING# SHALL NOT INCLUDE” PORTION OF THIS DEFINITION]

- (i) ~~floor space used for #accessory# off street parking spaces provided in any #story# after June 30, 1989;~~

**Commented [Z10]:** The Proposal would update the complicated framework for parking exemptions in low density districts with a single 300 sf exemption for one parking space.

- (1) ~~within #detached# or #semi-detached single # or #two-family residences# in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:~~
  - (i) ~~in R2A Districts, #floor area# within such #residences# shall include only~~

floor space in excess of 300 square feet for one such space; and

(ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;

(2) within #buildings# containing #residences developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;

(3) in excess of 100 square feet per required space in individual garages within other #buildings# containing #residences# (#attached buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of:

(i) #curb level#; or

(ii) grade existing on June 7, 1989;

(4) within a #group parking facility# with five or more required spaces #accessory# to #buildings# containing #residences# in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;

(5) which is located more than 23 feet above #curb level# in any other #building#;

(6) which is unenclosed and covered by a #building or other structure# containing #residential use# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts. Where such #accessory# off-street parking space is covered by any portion of a #building or other structure# containing #residential use#, other than a #single # or #two-family detached# or #semi-detached residence# in R3-2, R4 or R5 Districts, and not #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#, such #floor area# shall include only that portion of the #accessory# off-street parking space in excess of 100 square feet per required space;

(j)(i) floor space used for #accessory# off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;

(k)(j) floor space that is not otherwise exempt pursuant to this Section and is, or is made, inaccessible within a #building#;

[ADDING ALLOWANCE FOR SAFETY GLASS, PER PROPOSAL. SYNCING VARIOUS HEIGHT ALLOWANCES WITH PERMITTED OBSTRUCTIONS]

(k)(k) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that ~~a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure.~~ parapets, railings or safety guards meeting the following criteria shall not constitute an enclosure:

- (1) parapets shall not exceed four feet in height;
- (2) railings shall not exceed 4 feet, 6 inches, and shall be at least 50 percent open; and
- (3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height. In addition, where such balcony or terrace has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony.

**Commented [Z11]:** The proposal would allow safety guards on rooftops or balconies (which are mandated in certain instances) similar to how railings and parapets are permitted.

For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and

(m)(l) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

- (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;
- (2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;
- (3) uncovered steps;

[UPDATING TO REFLECT THE REMOVAL OF THE ATTIC BONUS AND BROADER FLOOR AREA CHANGES IN LOW-DENSITY AREAS]

(4) attic space (whether or not a floor has been laid) providing structural headroom of less

than five feet in R2A, R2X, R3, R4 or R5 Districts, less than eight feet in R1 and R2 Districts, other than R2A and R2X Districts, and less than eight feet for #single # or #two family residences# in R6, R7, R8, R9 and R10 Districts, eight feet; For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered #floor area#;

- (5) floor space in open or roofed bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:

[SIMPLIFYING PARKING EXEMPTIONS TO REFLECT ELIMINATION OF PARKING REQUIREMENTS FOR NEW RESIDENCES, CONSISTENT WITH PROJECT GOALS.]

- (i) up to 200 square feet per required space existing on June 30, 1989, within #buildings# containing #residences# in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for #detached# or #semi-detached single # or #two family residences# in all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one space and up to 500 square feet for two spaces;
- (ii) up to 100 square feet per required space in individual garages in #attached buildings# containing #residences#, rowhouses or multiple dwellings in R3, R4, or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
  - (1) #buildings# containing #residences developed# or #enlarged# after June 30, 1989, pursuant to the optional regulations applicable in a #predominantly built-up area#; or
  - (2) #buildings# containing #residences# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989;
- (iii) within an #attached building# containing #residences#, #building segment# or multiple dwelling in R3-2, R4, or R5 Districts if such floor space is within a #group parking facility# with five or more required spaces that is located in a space with a ceiling height not more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, not more than six feet above the #street wall line level# used to establish such #base plane#. On #through lots#



with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;

(i) up to 300 square feet per #zoning lot#, on #zoning lots# where individual parking spaces accessory to #residential# #uses# are provided;

(iv)

(ii) within #group parking facilities# located not more than 23 feet above #curb level#, in any other #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#; or

(iii) within #automated parking facilities# located not more than 40 feet above #curb level#, except where such floor space used for #accessory# parking is contained within a #public parking garage#;

(v) in R3-2, R4 and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a #building# containing #residences# other than a #single # or #two-family detached# or #semi-detached residence# for at least 50 percent of such #accessory# off-street parking space, except where such #residences# are or have been #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;

(7) floor space used for #accessory# off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;

(8) floor space used for #accessory# mechanical equipment. Such exclusion shall also include the minimum necessary floor space to provide for necessary maintenance and access to such equipment. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

(9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:

(i) such #building# contains not more than two #stories# above such #story#;

(ii) such #story# and the #story# immediately above it are portions of the same #dwelling unit#;

(iii) such #story# is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which #basements# are customarily used; and

(iv) such #story# has at least one-half its height below the level of the ground along at least one side of such #building#, or such #story# contains a garage;

(10)

**Commented [Z12]:** The proposal would expand the Manhattan Core floor area exemption for automated parking facilities citywide. This would better align with the vertical designs of these types of facilities.

**Commented [Z13]:** Similar to the attic allowance described above, the Proposal would update the floor area regulations in low density residence districts and this exemption would no longer be necessary.

[ADDING ALLOWANCE FOR SAFETY GLASS, PER PROPOSAL. SYNCING VARIOUS HEIGHT ALLOWANCES WITH PERMITTED OBSTRUCTIONS]

(9) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that parapets, railings or safety guards meeting the following criteria shall not constitute an enclosure:

- (i) a parapet not higher than 3 feet, 8 inches, or parapets shall not exceed four feet in height;
- (ii) a railing not less than 50 percent open and not higher than 4 feet, 6 inches, railings shall not exceed 4 feet, 6 inches, and shall be at least 50 percent open; and
- (iii) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height. In addition, where such balcony or terrace has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony,

~~shall not constitute an enclosure.~~ For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots# #abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;

~~(11)~~

(10) floor space within stairwells:

- (i) at each floor of #buildings# containing #residences# #developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:
  - (a) such stairwells are located on a #story# containing #residences#;
  - (b) such stairwells are used as a required means of egress from such #residences#;
  - (c) such stairwells have a minimum width of 44 inches;
  - (d) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
  - (e) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

- (ii) at each floor of #buildings# #developed# or #enlarged# after April 28, 2015, that are 420 feet or greater in height, provided that:
  - (a) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
  - (b) such floor space excluded from #floor area# shall be limited to:
    - (1) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or
    - (2) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph, such additional stairwell shall include the stair and landings as well as any walls enclosing the stair and landings;

[EXEMPTING FDNY STORAGE SPACE IN TALL RESIDENTIAL BUILDINGS]

- (11) floor space used for the storage of equipment by the Fire Department pursuant to the New York City Fire Code, Section 511.7 (Storage space for pre-positioned department equipment) in #stories# of #buildings# #developed# or #enlarged# after [date of adoption] that are 420 feet or greater in height and are Group R-2 occupancies;
- (12) #qualifying exterior wall thickness#;
- (13) floor space in a #qualifying rooftop greenhouse#;
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance;
- (15) floor space within a #fully electrified building# or an #ultra low energy building#, of an amount equivalent to five percent of the #floor area# located within such #building#, and exclusive of any floor space otherwise excluded from #floor area#.

**Commented [Z14]:** The proposal would allow floor area exemptions for FDNY equipment storage in tall residential buildings as was required by Local Law for these safety standards to come online.

floor area ratio

\* \* \*

former railroad right-of-way, see #railroad right-of-way, former#

\* \* \*

Greater Transit Zone, see #Transit Zone, Greater#

group parking facility

A “group parking facility” is a #building or other structure# or an open #use# on a #zoning lot# or portion thereof used for the storage of motor vehicles, that contains more than one parking space, has access to the #street# common to all spaces and, if #accessory# to a #residential use#, is designed to serve more than one #dwelling unit#.

A #group parking facility# shall include, but is not limited to, the following:

- (a) an open parking area;
- (b) parking spaces included within, or on the roof of, a #building# not primarily used for parking; or
- (c) a #building# or #buildings# used primarily for parking, including a group of individual garages.

A #group parking facility# shall not include in ~~R3, R4 or R5 Districts~~, individual parking garages within #buildings# containing #residences# or individual unenclosed #accessory# parking spaces adjacent to #residences# which have access from a #street#, a private street or a driveway common to all the spaces.

\* \* \*

height factor building

[NEW TERM]

A “height factor building” is a #building# in R6 through R9 Districts without a letter suffix utilizing the alternative #bulk# regulations set forth in Section 23-70 of this Resolution.

Where #buildings# utilize the optional #sky exposure plane# regulations to govern height and setback, all provisions for #height factor buildings# shall apply, including the alternative #floor area ratio# and minimum #open space ratio# regulations.

Inclusionary Housing designated area

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing

**Commented [Z15]:** The Proposal would update the definition for “group parking facilities” to better recognize that small multi-family buildings can be developed in low density districts in areas near transit.

**Commented [Z16]:** The Proposal would create this new term to clarify what buildings can use the alternative “height factor” rules.

Program is applicable, pursuant to the regulations set forth for such areas in Section ~~23-90 (INCLUSIONARY HOUSING)~~ 27-00 (ADMINISTRATION), inclusive. The locations of #Inclusionary Housing designated areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

income-restricted housing unit

An “income-restricted housing unit” is a #dwelling unit# that complies with the definition of “affordable housing unit” set forth in Section ~~23-911 (General definitions)~~ 27-00 (ADMINISTRATION), or any other #dwelling unit# with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the #income index#, as prescribed by a City, State, or Federal agency, law, regulation, or regulatory agreement, for a period of not less than 30 years. For the purposes of this definition, “income index” shall be as defined in Section ~~23-911~~ 27-00.

Any #dwelling unit# for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the provisions of Section ~~25-25 (Modification of Requirements for Income Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government Assisted Dwelling Units)~~ as such Section existed between December 15, 1961, and March 22, 2016, determined on the basis of a reduced requirement for income-restricted housing shall be considered an #income-restricted housing unit#. In addition, #dwelling units# in public housing developments owned by the New York City Housing Authority for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the zoning regulations in effect between July 20, 1950, and December 15, 1961, shall be considered #income-restricted housing units#.

Any temporary or final certificate of occupancy issued after March 22, 2016, for a #building# or portion thereof containing an #income-restricted housing unit# shall state that such #building# or portion thereof contains #income-restricted housing units# and shall state that such certificate of occupancy may be amended or superseded to reflect that the #building# or portion thereof may contain other than #income-restricted housing units# only in accordance with the provisions of the Zoning Resolution.

industrial floor space

\* \* \*

Inner Transit Zone, see #Transit Zone, Inner#

interior lot

\* \* \*

**Commented [Z17]:** The Proposal would make updates regarding cross references and changes to parking regulations described in Article II Chapter 5.

Limited Height District

[UPDATING CROSS-REFERENCES]

A “Limited Height District” is a district whose designation begins with the letters “LH,” and in which the heights of #buildings or other structures# are limited in accordance with the provisions of Sections ~~23-694-23-444~~ (Special provisions in other geographies), 24-591, or 33-491 ~~or 43-49~~ (Limited Height Districts).

#Limited Height Districts# appear on the #zoning maps# superimposed upon other districts. Their regulations supplement the regulations of the districts on which they are superimposed.

#Limited Height Districts# are confined to areas or portions of areas established by the Landmarks Preservation Commission and the Board of Estimate, or its successor, as "Historic Districts" pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code.

**Commented [Z18]:** The Proposal updates cross references and removes applicability in M districts as there are no Limited Height districts.

loft dwelling

[REMOVING, AS THIS TERM WILL BE HOUSED SOLELY IN ARTICLE XI, CHAPTER 1, (SPECIAL TRIBECA MIXED USE DISTRICT)]

~~A “loft dwelling” is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non #residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections 111-11 (Residential Use Modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010).~~

\* \* \*

**Commented [Z19]:** The Proposal would remove this anachronistic term from the Zoning Resolution. The regulations of Article I Chapter 5 would apply citywide so this term would no longer be necessary.

lot area per dwelling unit

[REMOVING OBSOLETE TERM]

~~“Lot area per dwelling unit” is that portion of the #lot area# required for each #dwelling unit# located on a #zoning lot#.~~

lot area per room

[REMOVING OBSOLETE TERM]

~~“Lot area per room” is that portion of the #lot area# required for each #room# located on a #zoning lot#.~~

**Commented [Z20]:** The Proposal would remove these two terms which see little use today.

lot, corner

\* \* \*

**lower density growth management area**

[REMOVING LDGMA PARKING PROVISIONS, PER PROPOSAL]

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #zoning lot# containing #buildings# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

- The Borough of Staten Island
- Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2 or C4 District.

~~In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.~~

**Commented [Z21]:** The Proposal would update the residential parking rules citywide and these special provisions would be removed.

**Mandatory Inclusionary Housing area**

A “Mandatory Inclusionary Housing area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in ~~Section 23-90 (INCLUSIONARY HOUSING)~~ 27-00 (ADMINISTRATION), inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

**Commented [Z22]:** TBD if other modifications are necessary

**Commented [Z23]:** Reference will be updated to a new reference chapter instead of 23-90

Manhattan Core

\* \* \*

**Non-qualifying ground floor**

[REMOVING TERM, AS WILL BE MADE REDUNDANT BY STREETScape PROPOSAL IN CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~A “non-qualifying ground floor” shall refer to a ground floor of a #development# or #enlargement# of a #Quality Housing building# that does not meet the requirements for a #qualifying ground floor#.~~

**Commented [Z24]:** The Proposal would simplify the height and setback requirements by removing the qualifying height provisions. These rules are being replaced by the improved standards for commercial ground floors in the City of Yes for Economic Opportunity text amendment.

non-residential building

A “non-residential building” is a #building# containing no #residences#.

\* \* \*

Outer Transit Zone. see #Transit Zone, Outer#

plaza

\* \* \*

**predominantly built up area**

[REMOVING PREDOMINANTLY BUILT-UP AREA PROGRAM, PER PROPOSAL]

A “predominantly built up area” is a #block# entirely within R4 or R5 Districts, including a #Commercial District# mapped within such #Residence Districts#, having a maximum area of four acres with #buildings# on #zoning lots# comprising 50 percent or more of the area of the #block#. However, a #predominantly built up area# shall not include a #block# which is located partly in an R4A, R4-1, R4B, R5B or R5D District.

All such #buildings# shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to #zoning lots# of not more than 1.5 acres in a #predominantly built up area# are set forth in the following Sections:

Section 23-143 — (Optional regulations for predominantly built up areas)

Section 23-22 — (Maximum Number of Dwelling Units)

Section 23-44 — (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-631 — (General provisions)

Section 25-22 — (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 — (Requirements Where Group Parking Facilities Are Provided)

The regulations applicable to a #predominantly built up area# shall not apply to any #zoning lot# occupied as of October 21, 1987, by a #single # or #two-family detached# or #semi-detached residence# where 75 percent or more of the aggregate length of the #block# fronts in #residential use#, on both sides of the #street# facing each other, are occupied by such #residences# as of October 21, 1987. However, the regulations applicable to a #predominantly built up area# may

**Commented [Z25]:** The Proposal would remove the provisions for predominantly built up areas that permitted different building types on small lots in some low density districts. They would be replaced by the updated low density framework described in Article II Chapter 3.



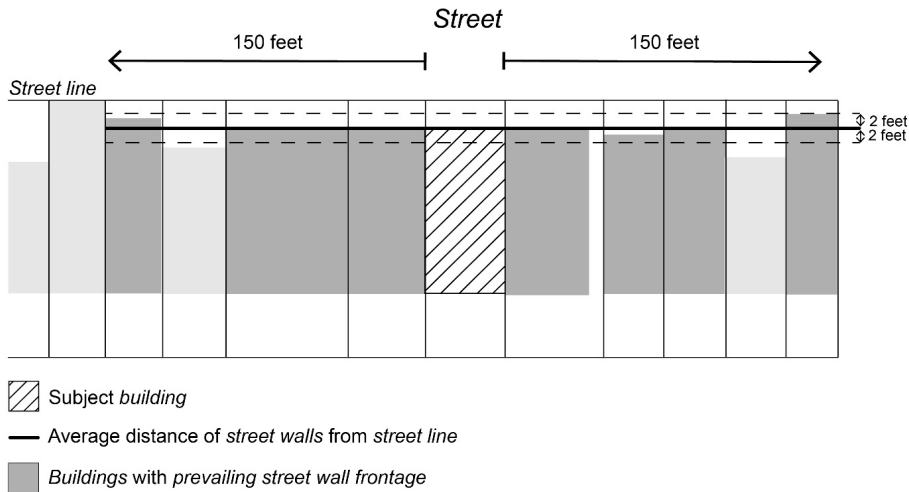
apply to such #zoning lots# where 75 percent or more of the aggregate length of the #block# fronts facing each other, on both sides of the #street#, is comprised of #zoning lots# occupied as of October 21, 1987, by #commercial# or #manufacturing uses#.

Furthermore, the regulations applicable to a #predominantly built up area# shall continue to apply in the #Special Coney Island Mixed Use District# and the #Special Ocean Parkway District#, and in areas subject to the provisions of paragraph (d) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas).

**prevailing street wall frontage**

[NEW TERM FOR CERTAIN STREET WALL LOCATION RELAXATIONS]

A “prevailing street wall frontage” shall refer to #block# frontages where, within 150 feet of the #street wall# of a subject #building#, at least 50 percent of the #aggregated width of street walls# on the same side of the #block# are within two feet of the average distance of such #street walls# from the #street line#.



Primary entrance

\* \* \*

**qualifying ground floor**

[REMOVING TERM, AS WILL BE MADE REDUNDANT BY STREETSCAPE PROPOSAL IN CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

**Commented [Z26]:** The Proposal would provide limited flexibility for street wall location requirements in situations where the surrounding buildings do not themselves meet the requirements. This is intended to allow buildings to better match their context.

**Commented [Z27]:** As noted previously, the qualifying ground floor provisions would be removed as the COYEO streetscape provisions would better guarantee active ground floors.

A “qualifying ground floor” shall refer to the ground floor of a #development# or #enlargement# of a #Quality Housing building# on a #zoning lot#, or portion thereof, where:

- (a) the level of the finished floor of the second #story# is 13 feet or more above the level of the adjoining sidewalk; and
- (b) for #buildings# in the following Districts that do not meet the criteria set forth in paragraph (a) of Section 23-664, such ground floor provides supplemental ground floor enhancements in accordance with paragraph (b)(2) of Section 23-662 or paragraph (b)(2) of Section 35-652, as applicable:
  - (1) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#; or
  - (2) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

**Quality Housing building**

[QUALITY HOUSING PROGRAM BEING EXPANDED TO ALL MULTI-FAMILY BUILDINGS SO SPECIFIC TERMINOLOGY LARGELY UNNECESSARY]

A “Quality Housing building” is a #building#, #developed#, #enlarged#, #extended# or #converted#, pursuant to the Quality Housing Program as such program existed prior to [date of adoption]. The Quality Housing Program consists of specific #bulk# requirements set forth for #Quality Housing buildings# in Article II, Chapter 3 and Article III, Chapter 5. Where a #building# adheres to such #bulk# requirements, which, depending on the requirements for the zoning district, may be required or may be an option, additional standards and requirements, as set forth in Article II, Chapter 8, apply in conjunction with such #bulk# provisions for #Quality Housing buildings#.

**Quality Housing building segment**

A “Quality Housing building segment” is a #building segment#, #developed#, #enlarged#, #extended# or #converted# pursuant to the Quality Housing Program.

**qualifying affordable housing**

[NEW TERM FOR EASIER REFERENCE TO TYPOLOGIES ELIGIBLE FOR ADDITIONAL BULK FLEXIBILITY]

**Commented [Z28]:** The Proposal would extend much of the rules for ‘quality housing building’ to multi-family buildings citywide. Therefore, this special term would no longer be needed.

**Commented [Z29]:** This new term would allow buildings that participate in various affordable housing programs would receive additional height to fit the allowed floor area.

“Qualifying affordable housing” shall be any of the following types of #residences#:

- (a) #MIH developments# in #Mandatory Inclusionary Housing areas#; or
- (b) #UAP developments# as defined in Section 27-111 (General definitions).

**Commented [Z30]:** Placeholder referencing new term, likely to be created.

qualifying rooftop greenhouse

\* \* \*

qualifying senior housing

[NEW TERM FOR EASIER REFERENCE TO TYPOLOGIES ELIGIBLE FOR ADDITIONAL BULK FLEXIBILITY]

**Commented [Z31]:** This new term would allow buildings that participate in various senior housing programs would receive additional height to fit the allowed floor area. It would also better clarify that long-term care facilities are meant to follow the bulk regulations for affordable senior housing.

“Qualifying senior housing” shall be any of the following types of senior housing facilities:

- (a) #affordable independent residences for seniors#; or
- (b) #long-term care facilities#.

qualifying transit-accessible site

[NEW TERM, DEFINING ELIGIBILITY FOR NEW LOW-DENSITY PROGRAMS]

**Commented [Z32]:** The Proposal would create a new term for sites where additional density would be permitted in low density areas. Most of these would be located in areas close to transit, but some would extend further to commercial districts and sites with community facilities.

A “qualifying transit-accessible site” is a #zoning lot# that is:

- (a) in an R1 through R5 District, and meets the following criteria:
  - (1) has a minimum #lot area# of at least 5,000 square feet;
  - (2) is located with the #Greater Transit Zone#; and
  - (3) has frontage along a #wide street# or along the #short dimension of a block#;
- (b) in an R1 through R5 District, is located within the #Greater Transit Zone# and contains a #community facility# #use#;
- (c) in an R1 through R5 District outside of the #Greater Transit Zone# and contains a #community facility# #use# existing on [date of adoption];

- (d) in a C1, C2 or C4 District mapped within, or with a #residential equivalent# of, an R1 through R5 District; or
- (e) in an M1 District paired with an R1 through R5 District.

railroad or transit air space

[REMOVING DEFINITION, REPLACING WITH #RAILROAD RIGHT-OF-WAY#]

~~“Railroad or transit air space” is space directly over a railroad or transit right of way or yard, which right of way or yard was open, except for structures accommodating activities incidental to its #use# as a right of way or yard, and not otherwise covered over by any #building or other structure# on or after September 27, 1962.~~

**Commented [Z33]:** This term would no longer be needed as the Proposal updates the framework for how railroad right of ways are regulated.

railroad right-of-way

A “railroad right-of-way” is a tract of land where a railroad company has a right to occupy or use such land for railroad or transit tracks, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations.

**Commented [Z34]:** The Proposal would create these new terms to better reflect the legal status of rail right-of ways. Large sites with a RROW would require discretionary review, while small sites may require a Chair certification depending on how building is proposed on the lot.

railroad right-of-way, former

A “former railroad right-of-way” is a tract of land where a railroad company had a right to occupy or use such land for railroad or transit tracks, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations on the [date of adoption] and the right was subsequently abandoned or extinguished.

\* \* \*

rear lot line

see #lot line, rear#

rear sky exposure plane

see sky exposure plane, rear

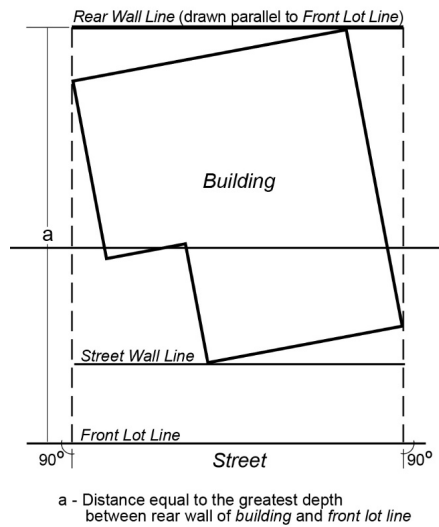
**Commented [Z35]:** The Proposal would remove these anachronistic terms that are not often used in the Zoning Resolution.

rear wall line

[REMOVING OBSOLETE TERM]

~~A “rear wall line” is that portion of a line drawn parallel to a #front lot line# at a distance equal~~

to the greatest depth between the rear wall of a #building# and the #front lot line#, from which, when viewed directly from above, lines perpendicular to a #street wall line# may be drawn.



**REAR WALL LINE**

~~rear wall line level~~

[REMOVING OBSOLETE TERM]

~~“Rear wall line level” is the mean level of the natural grade at the #rear wall line#.~~

residence, or residential

A “residence” is one or more #dwelling units# or #rooming units#, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A #residence# may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#; or
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, #long-

term care facilities#, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#.

“Residential” means pertaining to a #residence#.

residential equivalent

[NEW TERM TO CLARIFY BULK APPLICABILITY]

A “residential equivalent” is the applicable #Residence District# assigned to apply the #bulk# regulations for a particular #Commercial District# that permits #residences#.

residential building

\* \* \*

rooming unit

A “rooming unit” consists of any “living room,” as defined in the Multiple Dwelling Law, in a #residential building# or a #residential# portion of a #building#, ~~that is:~~

- (a) ~~in a “class B multiple dwelling,” a “rooming house,” or a “furnished room house” as defined in the Multiple Dwelling Law; or~~
- (b) ~~used “for class B occupancy,” as defined in the Housing Maintenance Code; or~~
- (c) ~~used for “single room occupancy,” as defined in the Multiple Dwelling Law; or~~
- (d) ~~occupied by a “boarder,” “roomer” or “lodger,” as defined in the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a #dwelling unit#, the #room# or #rooms# occupied by such boarders, roomers or lodgers shall be counted as part of the #dwelling unit# and shall not be counted as #rooming units#; or~~
- (e) ~~any other “living room” in a #residential building# or a #residential# portion of a #building# which is not a #dwelling unit# or part of a #dwelling unit#.~~

rooms

“Rooms” shall consist of “living rooms,” as defined in the Multiple Dwelling Law.

\* \* \*

**Commented [Z36]:** The Proposal would create this term to clarify how residential bulk rules work in commercial districts.

**Commented [Z37]:** The Proposal would make clear the term for “rooming unit” is the same as that found in the State Multiple Dwelling Law by removing additional confusing language.

semi-detached (building)

A “semi-detached” #building# is a #building# that #abuts# only one other #building#, other than an #attached building#, on an adjoining #zoning lot# along only one #side lot line# and which is surrounded on all other sides by #yards#, other open areas or #street lines#. A #detached# ancillary dwelling unit# may not be #semi-detached#.

\* \* \*

**Commented [Z38]:** The Proposal would ensure that detached ancillary dwelling units would need to provide a side yard and could not be built at the lot line.

short dimension of a block

[NEW TERM TO APPLY CERTAIN BULK REGULATIONS]

The “short dimension of a block” shall be a #block# frontage measuring less than 230 feet in length between two intersecting #streets#.

\* \* \*

**Commented [Z39]:** The Proposal would create this term, which borrows from existing zoning rules, so as to extend the concept to other types of provisions.

single-family residence

[UPDATING TO PERMIT AN ANCILLARY DWELLING UNIT]

A “single-family residence” is a #building# containing only one #dwelling unit#, and occupied by only one #family#. A #single-family residence# may additionally include an ancillary dwelling unit# in the same or an ancillary #building#.

**Commented [Z40]:** Updating definition to allow for an ancillary dwelling unit.

~~sky exposure plane or front sky exposure plane~~

[REMOVING OBSOLETE REFERENCE IN TERM]

A “sky exposure plane” or ~~“front sky exposure plane”~~ is an imaginary inclined plane:

- (a) beginning above the #street line# (or, where so indicated, above the #front yard line#) at a height set forth in the district regulations; and
- (b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

~~sky exposure plane, rear~~

[REMOVING OBSOLETE TERM]

~~A “rear sky exposure plane” is an imaginary inclined plane:~~

- (a) ~~beginning above a line at a distance from and parallel to the #street line# and at a height set forth in the district regulations; and~~
- (b) ~~rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.~~

\* \* \*

Street wall line level

[REMOVING OBSOLETE TERM]

~~“Street wall line level” is the mean level of the natural grade at the #street wall line#. On #corner lots#, #street wall line level# is the average of the mean levels of the natural grade of each #street wall line#. On #through lots#, #street wall line level# is determined separately for each #street# frontage to a distance midway between such #streets#.~~

\* \* \*

Transit Zone, Greater

[NEW TERM]

The “Greater Transit Zone” is the area comprised of both the #Inner Transit Zone# and #Outer Transit Zone#.

~~Transit Zone~~ Transit Zone, Inner

[MODIFYING EXISTING TERM]

The ~~“Transit Zone”~~ “Inner Transit Zone” is the area within the boundaries shown in APPENDIX I of this Resolution ~~where special parking provisions apply.~~

Transit Zone, Outer

[NEW TERM]

The “Outer Transit Zone” is the area outside of the #Inner Transit Zone# that is comprised of #blocks# that are wholly or partially within a half-mile of a #mass transit station#, as defined in Section 66-11.

transient hotel — see Hotel, transient

**Commented [Z41]:** The Proposal would create a new geography for areas within a half mile of transit stations that are not covered by existing transit geographies.



transportation-infrastructure-adjacent frontage

[NEW TERM TO ESTABLISH CERTAIN BULK RELAXATIONS]

A “transportation-infrastructure-adjacent frontage” shall refer to a #street# frontage that contains at least one of the following:

- (a) an elevated rail line;
- (b) an open railroad right of way;
- (c) a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land; or
- (d) an elevated street located on a bridge.

**Commented [Z42]:** The Proposal would provide limited bulk relief for sites near heavy infrastructure, which would be defined as the types of facilities listed here. This extends changes made in many special purpose districts to the city as a whole.

two-family residence

[UPDATING TO PERMIT AN ANCILLARY DWELLING UNIT]

A “two-family residence” is a #building# containing not more than two #dwelling units#, and occupied by only two #families#. A #two-family residence# may additionally include an #ancillary dwelling unit# in the same or an ancillary #building#.

**Commented [Z43]:** Updating definition to allow for an ancillary dwelling unit.

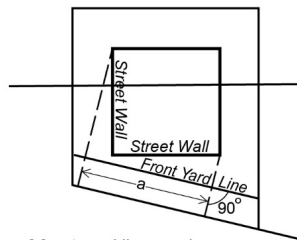
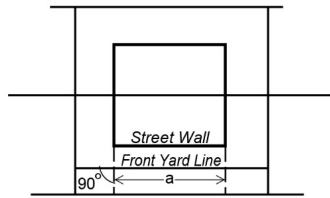
ultra low energy building

\* \* \*

yard line, front, level (of)

[REMOVING OBSOLETE TERM WITH NO USAGE]

The “front yard line level” is the mean level of that portion of the #front yard line# from which, when viewed directly from above, lines perpendicular to the #front yard line# may be drawn to a #street wall#. On #corner lots#, the #front yard line level# is the mean of the #front yard line levels#.



a — Portion of front yard line used  
— to determine front yard line level

**FRONT YARD LINE LEVEL**

yard line, rear

[REMOVING OBSOLETE TERM]

A “rear yard line” is a line drawn parallel to a #rear lot line# at a distance therefrom equal to the depth of a required #rear yard#.

yard, rear

\* \* \*

yard, side

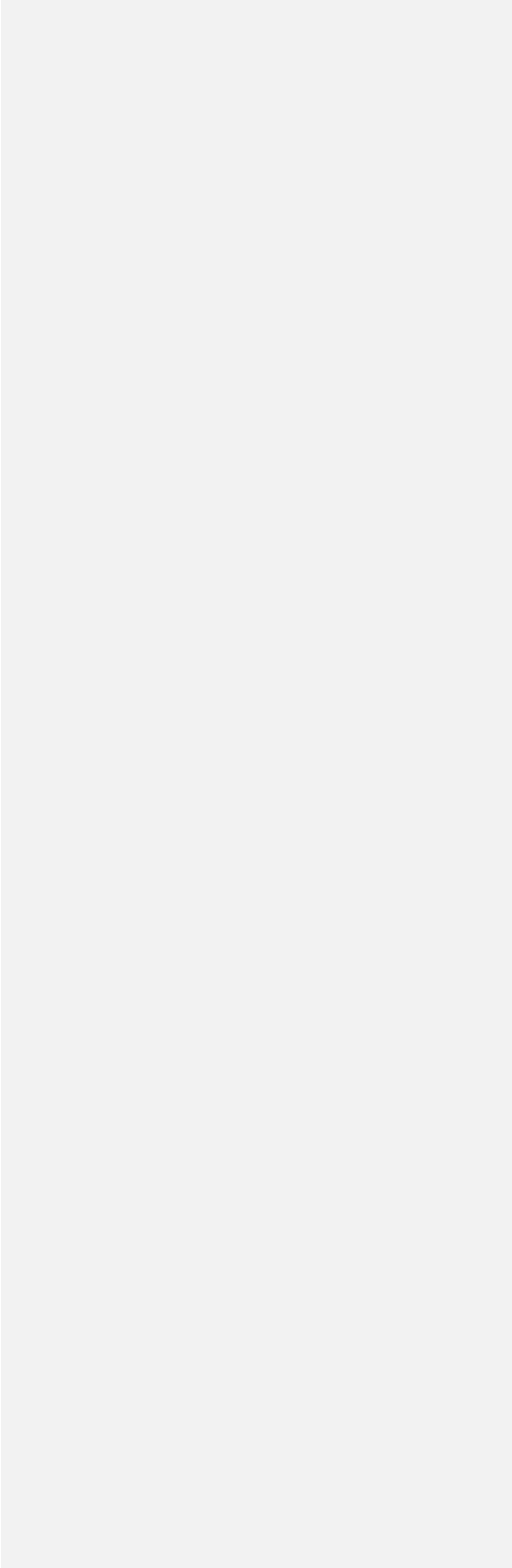
zero lot line building

A “zero lot line building” is a #building# that #abuts# only one #side lot line# and does not #abut# another #building# on the same or an adjoining #zoning lot# and which is surrounded on all sides but one by #yards#, other open area or #street lines# on the #zoning lot#. However, #accessory# #buildings# permitted pursuant to Section 23-44 23-341 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) may be permitted to #abut# a #zero lot line building#

**Commented [Z44]:** The Proposal would ensure that detached ancillary dwelling units would need to provide a side yard and could not be built at the lot line.

on an adjoining #zoning lot#. A #detached# #ancillary dwelling unit# may not be a #zero lot line building#.

\* \* \*



**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 3  
Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core**

**13-00  
GENERAL PURPOSES**

\* \* \*

**13-02  
Definitions**

[PEDESTRIAN CIRCULATION AREAS, ATTENDANT BOOTHS,  
WAITING AREAS, INCLUDED IN #ACCESS ZONE#]

**Commented [Z1]:** Clarification that attendant booths, waiting areas and pedestrian circulation areas should be included in the "access zone"

Access zone

For the purposes of this Chapter, an “access zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

- (a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;
- (b) vehicular elevators;
- (c) required reservoir spaces;
- (d) ~~portions of required accessible~~ pedestrian circulation areas or egress routes, including any associated ramps or elevators; ~~or~~
- (e) bicycle parking spaces; or
- (f) attendant booths or designated waiting areas.

Parking zone

For the purposes of this Chapter, a “parking zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment,

occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

\* \* \*

### 13-04 Applicability

#### 13-041 Applicability of parking regulations within the Manhattan Core

The provisions of this Chapter shall apply to automotive equipment and leasing establishments listed under Use Group VI, #public parking lots# and #public parking garages# listed under Use Group IX(C), and #accessory# off-street parking facilities in the #Manhattan Core#, as follows:

- (a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to May 8, 2013, or existing #buildings# #developed# without parking, the number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-street Parking Facilities);

\* \* \*

### 13-06 Previously Filed or Approved Special Permits or Authorizations

\* \* \*

Any authorization or special permit relating to parking regulations in the #Manhattan Core# granted by the Commission or Board prior to May 8, 2013, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. However, any special permit granted for a parking facility in the #Manhattan Core# by the Commission or Board prior to December 15, 1961, may be continued without the need for renewal pursuant to Section 11-411 (Renewals) provided that the facts upon which the special permit was granted have not substantially changed.

All such authorizations or special permits requiring renewal shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Notwithstanding the foregoing, any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided, shall be

**Commented [Z2]:** Adding language to specify that pre-1961 parking special permits remain effective indefinitely and do not need to be renewed if they operate unchanged.

only as permitted by the applicable special permit provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

### 13-07

#### Existing Buildings and Off-street Parking Facilities

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, in the #Manhattan Core#, as applicable, and to existing #buildings# #developed# without the provision of parking.

(a) ~~Existing parking facilities~~

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, shall continue to be subject to the applicable zoning district regulations in effect prior to May 8, 2013, except that:

~~(1)(a)~~ any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to April 29, 1982, or for public or publicly assisted housing under the applicable provisions in effect prior to May 8, 2013, shall only be allowed by authorization of the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces);

~~(2)(b)~~ any increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking shall only be allowed by the Commission as follows:

(1) the Commission may authorize a limited increase pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings); and

(2) the Commission may permit an increase in the number of off-street parking spaces beyond the thresholds of Section 13-442 only pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities, shall only be permitted by special permit by the Commission pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces);

~~(3)(c)~~ #conversions# shall be permitted to retain all spaces in existing parking facilities. Additional #accessory# off-street parking spaces shall only be permitted by

**Commented [Z3]:** Adding language that stipulates that for existing buildings, whether or not parking was provided, new parking can be provided up to the amounts that would be permitted AOR if it were developed today (provided that it cannot exceed 15 spaces) by CPC authorization, and any amount beyond would need to be by SP. This eliminates a policy conflict between existing buildings with and without parking.

special permit by the Commission, pursuant to the applicable special permit provisions of Section 13-45; and

(4)(d) an #accessory# off-street parking facility in possession of a license issued by the Department of Consumer Affairs, pursuant to Section 20-321 of the New York City Administrative Code, to maintain, operate or conduct a garage or parking lot (as defined therein) prior to January 1, 2012, may make #accessory# parking spaces available for public use in accordance with the provisions of Section 13-21 (Public Use and Off-site Parking), provided that a copy of such license is filed with the Department of Buildings. However, any increase in the number of spaces in such a facility shall only be permitted by special permit by the Commission, pursuant to the applicable provisions of Section 13-45.

(b) Existing #buildings# #developed# without parking

~~Within the #Manhattan Core#, existing #buildings# #developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings without parking).~~

### 13-10 PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

\* \* \*

### 13-20 SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

\* \* \*

### 13-23 Floor Area

[REPLACED BY CITYWIDE PROVISION]

~~The definition of #floor area# in Section 12-10 shall be modified for purposes of this Chapter, as follows: floor space used for off-street parking spaces in an #accessory# #automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).~~

### 13-24 13-23

Commented [Z4]: This provision is being made available citywide so no longer necessary here.

## Curb Cut Restrictions

\* \* \*

### ~~13-241~~ 13-231

#### Location of curb cuts

\* \* \*

### ~~13-242~~ 13-232

#### Maximum width of curb cuts

- (a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location and width of curb cuts in certain districts) and 36-532 (Location and width of curb cuts accessing residential parking spaces in certain districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet, including splays, for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 or R10 Districts, C1 and C2 Districts mapped within R9 and R10 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the equivalent #Residence District# is R9 or R10. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility# #uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

- (b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet, including splays.

- (c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

### ~~13-25~~ 13-24

#### Reservoir Spaces

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and 8 feet, 6 inches wide.

**Commented [Z5]:** Clarifying that the dimensions include splays.

**Commented [Z6]:** Clarification that reservoir spaces in automated facilities should not include the elevator transporting the vehicle.



\* \* \*

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. However, the parking area designated for mechanical conveyance of the vehicle into storage, whether in an elevator or otherwise, shall not be considered a reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

\* \* \*

~~13-26~~ **13-25**

**Pedestrian Safety and Access**

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

- (a) a stop sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
  - (1) span the width of the vehicular travel lane;
  - (2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches;
  - (3) ~~shall~~ be located a minimum of four feet and a maximum of eight feet beyond the #street line#, as measured perpendicular to the #street line#.

**Commented [Z7]:** Adding a maximum distance to the speed bump location

~~13-27~~ **13-26**

**Minimum and Maximum Size of Parking Facilities**

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

\* \* \*

Such minimum and maximum #parking zone# requirements of this Section may be modified by the Chairperson of the City Planning Commission pursuant to the certification set forth in Section 13-431 (~~Reduction~~ Modification of ~~minimum~~ facility size).

\* \* \*

**13-40**  
**CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE**

\* \* \*

**13-43**  
**Certifications in the Manhattan Core**

**13-431**  
**Reduction of minimum facility size**  
**Modification of minimum facility size**

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required or greater than the maximum size permitted by Section ~~13-27~~ 13-26 (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

**Commented [Z8]:** Syncing the allowances in this certification with those stipulated in 13-26

**13-432**

**Floor area exemption for automated parking facilities**

[REMOVING SECTION TO ALIGN WTH UNDERLYING PROPOSAL]

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (a) the entire #automated parking facility# will be contained within a #completely enclosed# #building#;
- (b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section 13-22 (Enclosure and Screening Requirements), and the portion of the #street wall# above a height of 14 feet, will be similar in composition to the portion of the #building's# #street wall# immediately above such #automated parking facility#, including, but not limited to, the choice of building materials and arrangement and amount thereof; and
- (c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

**13-44**

**Authorizations in the Manhattan Core**

\* \* \*

**13-442**

**Limited increase in parking spaces for existing buildings without parking**

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without the provision of parking, provided that the conditions

**Commented [Z9]:** Removing this certification as the floor area exemption as it will become a citywide AOR allowance

**Commented [Z10]:** Modifying authorization to allow, in existing buildings, whether or not parking was provided, new parking spaces up to the amount that one would be permitted AOR if it were developed today, but not to exceed 15 spaces.

limitations of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) ~~Conditions~~ Limitations

~~As a condition for approval, the parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section 13-22 (Enclosure and Screening Requirements).~~

The total number of parking spaces in a parking facility, inclusive of any existing spaces, where applicable, shall not exceed what would be permitted if such facility were #developed# in accordance with the provisions of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). However, in no event shall the number of additional spaces authorized pursuant to this Section exceed 15 spaces.

(b) Findings

\* \* \*

**13-45  
Special Permits for Additional Parking Spaces**

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the ~~conditions of paragraph (b) and the findings of paragraphs (e)(b) and (d)(c)~~ of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

- (1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:
  - (i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or
  - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 (Existing Buildings and Off-street Parking Facilities) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442 (Limited increase in parking spaces for

**Commented [Z11]:** This is updated to allow increases in parking beyond the authorization amounts in existing buildings

existing buildings);

- (2) #public parking lots#, where such facilities:
- (i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;
  - (ii) ~~are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442;~~ or
  - (iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);
- (3) #public parking garages#, where such facilities:
- (i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or
  - (ii) ~~are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442.~~

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

**(b) Conditions**

~~The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking garages# shall utilize the applicable regulations for #accessory# off street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).~~

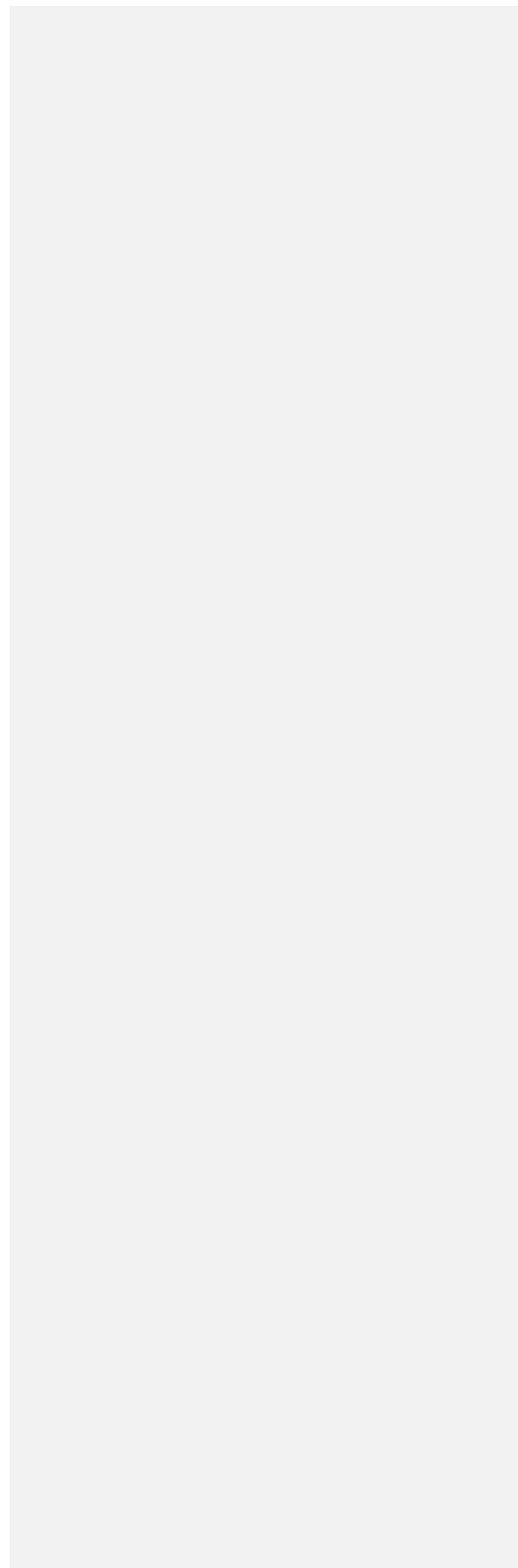
**(e)(b) Findings**

\* \* \*

**Commented [Z12]:** This is redundant as 13-20 already applies.

~~(d)~~(c) Additional findings

\* \* \*



**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 5  
Residential Conversion within Existing Buildings**

**15-00  
GENERAL PURPOSES**

**[REMOVING UNNECESSARY TEXT; ADDING COMMUNITY FACILITIES WITH  
SLEEPING ACCOMMODATIONS PER PROPOSAL]**

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences or community facilities with sleeping accommodations without requiring ~~that such residences uses~~ to conform to the provisions of Article II of this Resolution;
- ~~(b) to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this Chapter by providing relocation incentives for such uses;~~
- ~~(c) to protect important job-producing industries, particularly those with a unique social or economic relationship to the surrounding community;~~
- ~~(d) to provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;~~
- ~~(e)~~(b) to provide for adequate returns to property owners by allowing more profitable residential or community facilities with sleeping accommodations ~~use~~ uses with a limited mix of commercial and manufacturing uses;
- ~~(f) to provide a new housing opportunity of a type and at a density appropriate to these Community Districts;~~
- ~~(g)~~(c) to ensure the provision of safe and sanitary housing units in converted buildings; and
- ~~(h)~~(d) to ensure the provision of adequate amenities in conjunction with residential development.

**Commented [Z1]:** Article I Chapter 5 includes special regulations that facilitate conversions. The Proposal would make a number of changes to the chapter.

First, it would apply the optional provisions citywide to buildings built before 12/31/1990.

Second, it would expand the types of permitted conversions to include rooming units and community facilities with sleeping accommodations.

Third, it would remove provisions that require preservation of non-residential space in some zoning districts mapped in Manhattan.

Finally, it would make other changes to align the chapter with other aspects of the Proposal.

**15-01**

**Applicability**

[REMOVING REDUNDANT APPLICABILITY;  
ADDING COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS;  
CONSOLIDATING SECTION 15-011 APPLICABILITY]

~~In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, #conversions# in #buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter.~~

~~In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, #conversions# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be subject to the provisions of this Chapter.~~

~~#Conversions# in #buildings# or portions thereof, erected prior to December 31, 1990, shall be subject to the provisions of this Chapter. For the purposes of this Chapter, #conversion# shall mean the change of non-#residential# #floor area# to #residences#, or #joint living-work quarters for artists# or #community facilities# with sleeping accommodations. However, non-profit institutions with sleeping accommodations shall be limited to those with Class A occupancy as defined in the New York State Multiple Dwelling Law.~~

~~#Conversions# shall also include the #conversion# of existing floor space used for mechanical equipment and not counted as #floor area# to #residences# or #joint living-work quarters for artists# or #community facilities# with sleeping accommodations.~~

~~The provisions of this Chapter shall apply in any #Special Mixed Use District# to #buildings# or portions thereof, erected prior to December 10, 1997.~~

~~All #conversions# to #residences# or #community facilities# with sleeping accommodations shall be permitted only in districts where #residential use# is allowed by the district regulations, or in those #Manufacturing Districts# where #residential use# is allowed pursuant to this Chapter or by authorization or special permit. All #conversions# to #joint living-work quarters for artists# shall be permitted only in districts where such #use# is allowed by the district regulations.~~

~~The provisions of Article II, Chapter 8, shall not apply to #buildings# #converted# pursuant to the provisions of this Chapter.~~

~~However, #conversions# that meet all the requirements for #residential# #development# of or #community facilities# with sleeping accommodations #developments# pursuant to Article II (Residence District Regulations) and are located in R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, C1, C2, C3, C4, C5 or C6 Districts are exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.~~

~~#Developments# or #enlargements# shall be in accordance with the applicable requirements of~~

**Commented [Z2]:** The Proposal would update the applicability to buildings built before 12/31/1990 throughout the city. Special provisions in MX districts would continue to apply.

Hotels would only be able to use the provisions of the chapter if they previously had access to them. Non-profit institutions with sleeping accommodations would need to be limited to Class A occupancy to use the chapter's provisions.



Article II and Article III, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

Except as specifically set forth in Section 15-024, the provisions of this Chapter are not applicable in M1-5B Districts.

The #conversion# of #floor area# within #transient hotels# to #residences# or #community facility# #uses# with sleeping accommodations pursuant to the provisions of this Chapter shall be limited to those #buildings# eligible for #conversion# pursuant to the rules of this Chapter in effect prior to [date of adoption].

#### **15-011**

##### **Applicability within Special Purpose Districts**

[REMOVING, AS NO LONGER NEEDED PER PROPOSAL]

The provisions of this Chapter shall apply in Special Purpose Districts in the Community Districts listed in Section 15-01, as may be modified in the provisions of such Special Purpose Districts, except that the Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

In Community Districts not listed in Section 15-01, the provisions of this Chapter shall apply in the following Special Purpose Districts:

any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use Districts);

the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District);

the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District); and

the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

#### **15-012**

##### **Applicability within C6-1G, C6-2G, M1-5B or M1-6D Districts**

[REMOVING TO ALIGN WITH PROPOSAL]

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts).

**Commented [Z3]:** The Proposal removes these provisions since the chapter would apply citywide.

**Commented [Z4]:** The Proposal removes these restrictions in certain zoning districts and so this text is no longer necessary. The M1-6D provisions, which are located in Article IV, would continue to apply.

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS); paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

**15-013**

**Building permits and variances issued before the effective date of amendment**

[REMOVING TO ALIGN WITH PROPOSAL]

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980, construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this Chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent certificate of occupancy has not been issued, the building permit shall automatically lapse for any portion of a #building# for which a permanent or temporary certificate of occupancy has not been obtained and the right to continue construction on such #floor area# shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs (a)(1) or (a)(2) of this Section:

- (1) — for all #floor area# for which the Board has made a finding that, as of April 9, 1981;
  - (i) — there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted; and
  - (ii) — the completed construction demonstrated a physical commitment of the #floor area# to a layout as #residential# or #joint living work quarters for artists# #use#, which construction could not be readily adapted to a non-#residential use# permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the #floor area# was either vacant or occupied by #residential# or #joint living work quarters for artists# #use#, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or

**Commented [Z5]:** The Proposal would remove all these provisions focused on building permits more than 40 years ago. They do not appear necessary to maintain in the Zoning Resolution.

financing;

(2) ~~for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living work quarters for artists# #use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:~~

~~(i) the #conversion# shall comply with the provisions of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), as appropriate in the zoning district in which the #building# being #converted# is located, except that the Board may modify the requirements of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;~~

~~(ii) there shall be double glazing on all windows in all #dwelling units# or such other window treatment as the Board deems appropriate;~~

(b) ~~Building permits in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2~~

~~If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.~~

(e) ~~Variancees~~

~~If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2, a variance to permit the #conversion# of a #building# or portion thereof, to #residential# or #joint living work quarters for artists# #use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such #conversion# by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.~~

~~#Dwelling units# #converted# pursuant to the provisions of this Section which are not subject to the provisions of this Chapter shall also not be subject to the provisions of Section 32-42 (Location Within Buildings).~~

## 15-02

### General Provisions

## 15-021

### Special use regulations

[THE PROVISIONS IN 15-021, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; PROPOSAL IS REMOVING SECTIONS NO LONGER APPLICABLE AS THE UNDERLYING SHALL APPLY]

- (a) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (a) shall be required to comply with the requirements of Sections ~~15-22 (Number of Permitted Dwelling Units) or 15-024 (Special bulk regulations for certain pre-existing dwelling units, and joint living-work quarters for artists and loft dwellings)~~ where applicable, ~~and with Section 15-23 (Light and Air Provisions).~~

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by #referenced commercial and manufacturing uses#, the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

- (1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;
- (2) #referenced commercial and manufacturing uses# located on #floor area# to be used for #dwelling units# that has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and

such lease is not subject to cancellation by the landlord;

- (3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and
- (4) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing# #uses#.

(b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

- (1) #dwelling units# which the Chairperson determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.
- (2) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph (b) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

(c) ~~In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial# #buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.~~

Commented [Z6]: The Proposal would remove the preservation requirements in these zoning districts.

(d) ~~In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:~~

Commented [Z7]: The Proposal would remove this text which is no longer necessary since all of these areas now permitted residences.

- (1) Areas in Brooklyn Community District 1

- (i) ~~bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;~~
  - (ii) ~~bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;~~
  - (iii) ~~bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;~~
  - (iv) ~~bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;~~
  - (v) ~~bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and~~
- (2) ~~Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;~~

~~#dwelling units# which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.~~

~~Such a determination of #residential# occupancy on June 4, 1981, shall be deemed to permit #residential use# as of right for such #dwelling units#.~~

## 15-022

### Location within building

~~#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).~~

## 15-023

### Notice to residential tenants in mixed use buildings

~~The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:~~

- (a) ~~such #dwelling units# are located in a #building# containing #commercial# or~~

#manufacturing# #uses# which the City is committed to maintain; and

- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

**15-024**

**Special bulk regulations for certain pre-existing dwelling units, and joint living-work quarters for artists ~~and loft dwellings~~**

[THE PROVISIONS IN SECTION 15-024, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT, PROPOSAL IS REMOVING REFERENCES TO SECTION 111-40 AS NO LONGER APPLICABLE]

- (a) The minimum size, #yard# and density requirements of Sections 15-111, ~~15-22, and 43-17 and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010)~~, may be replaced by the requirements of this Section for #dwelling units#, and #joint living-work quarters for artists# ~~or #loft dwellings#~~:
  - (1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to paragraph (b) of Section 15-021, ~~paragraph (a) of Section 15-215~~, paragraph (b) of Section 42-324, paragraph (c)(2) of Section 42-325 ~~or 74-782~~; or
  - (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
  - (3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.
- (b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, ~~and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-40.~~

No #building# that meets the density requirements of Section 15-111 ~~or paragraph (c) of Section 111-40~~, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may

**Commented [Z8]:** The Proposal would remove references to loft dwellings, which were a type of housing that applied in the Tribeca Area before general residences were permitted. The underlying conversion provisions of this chapter would instead apply.

subsequently add additional units or quarters except in accordance with the requirements of Section 15-111.

- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, ~~15-22, and 43-17 and 111-40~~, the following regulations shall apply:
- (1) The minimum size of a #dwelling unit#, or #joint living-work quarters for artists#, ~~or #loft dwelling#~~ may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:
    - (i) the unit or quarters shall contain one or more windows that open onto a #street# or 30 foot #yard#;
    - (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
    - (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
  - (2) The minimum size of a #dwelling unit#, or #joint living-work quarters for artists#, ~~or #loft dwelling#~~ may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:
    - (i) the unit or quarters shall contain one or more windows that open onto either:
      - (a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;
      - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;
      - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
      - (d) a #street#;
    - (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
    - (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;



- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

**15-10  
REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING  
BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, ~~EXCEPT C6-2M AND  
C6-4M DISTRICTS~~**

[REMOVING UNNECESSARY DISTRICTS TO ALIGN WITH PROPOSAL]

**15-11  
Bulk Regulations**

[ADDING COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS  
TO ALIGN WITH PROPOSAL]

The #conversion# of non-#residential# #floor area# to #residences# or #community facilities# with sleeping accommodations, including the #conversion# of #floor area# on a #zoning lot# that exceeds the maximum #floor area# permitted by the applicable district regulations, shall be permitted in accordance with the provisions of this Section.

For the #conversion# of non-#residential# #floor area# to #residences# or #community facilities# with sleeping accommodations, the applicable density requirements shall be modified in accordance with the provisions of Section 15-111 (Number of permitted dwelling units), and the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-112 (Light and air provisions) and 15-12 (Open Space Equivalent).

**15-111  
Number of permitted dwelling units**

[REMOVING DWELLING UNIT FACTOR AND ROOMING UNITS  
TO ALIGN WITH PROPOSAL]

The maximum number of #dwelling units# permitted shall be determined in accordance with the applicable district regulations. ~~However, where the total #floor area# on the #zoning lot# exceeds the maximum #floor area# permitted by the applicable district regulations, such excess #floor area# may be #converted# in its entirety to #residences#.~~ Such excess #floor area# shall be

included in the amount of #floor area# divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS) 23-50 (DENSITY), inclusive.

For the #conversion# of non-#residential# #floor area# to #residences#, pursuant to Section 74-71 (Landmark Preservation), in C7, C8 and #Manufacturing Districts#, ~~the maximum number of #dwelling units# shall equal the total #floor area# to be #converted# to #residential use# divided by the applicable factor listed in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.~~ the density regulations applicable to a #Residence District# shall apply.

**MAXIMUM NUMBER OF DWELLING UNITS**

District	Factor
C7 C8-1 C8-2 M1-1 M1-2 M2-1 M2-3 M3	680
C8-3 C8-4 M1-4 M1-5 M2-2 M2-4	740
M1-6	790

In addition, the following provisions shall apply:

~~No #floor area# shall be #converted# to #rooming units#. #Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section 15-112 (Light and air provisions).~~

Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

The density provisions of this Section may be replaced by the regulations of Section 15-024 for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

**15-112  
Light and air provisions**

- (a) Spaces other than #rooms#:

- (1) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.
  - (2) #Cellar# space is not permitted in #dwelling units# with three and one-half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.
  - (3) Spaces, other than "living rooms, " kitchens, bathrooms or mezzanines, with a minimum width of five feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in #dwelling units# with two #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.
- (b) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.
- (c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (b) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

**15-12**  
**Open Space Equivalent**  
**Required Recreation Space**

[REMOVING, AND ADDING NEW TEXT TO ALIGN WITH PROPOSAL]

~~At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30 (MINOR MODIFICATIONS).~~

The provisions of 23-63 (Required Recreation Space in Multi-family Buildings) shall apply to #conversions# resulting in the creation of nine or more #dwelling units#, except that paragraph (d) need not apply.

**15-13**

**Commented [Z9]:** The Proposal would subject all residential buildings to the same recreation space requirement and so this provision would no longer be necessary.

## Special Home Occupation Provision

[THE PROVISIONS IN SECTION 15-13, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In C6 Districts, and in C5 Districts in the Borough of Manhattan in the area south of Murray Street, its easterly prolongation, and the Brooklyn Bridge, the #home occupation# provisions of Section 12-10 shall apply, except that #home occupations# may occupy more than 1,000 square feet of #floor area#.

~~15-20~~

### ~~REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS~~

[PROPOSAL IS REMOVING,  
AS THE UNDERLYING WILL APPLY]

- ~~(a) The #lot area# requirements of the following Sections are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the #conversion# of non-#residential# #floor area# to #residences#:~~

~~Sections 23-20 (DENSITY REGULATIONS) through 23-26 (Special Provisions for Zoning Lots Divided by District Boundaries);~~

~~Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES);~~

~~Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS); and~~

~~Section 54-31 (Enlargements or Conversions).~~

~~In addition, the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-23 and 15-24.~~

- ~~(b) In C6-2M, C6-4M, M1-5M and M1-6M Districts, the requirements of Section 15-21 (Use Regulations—Transfer of Preservation Obligations and Conversion Rights) may be waived by authorization of the City Planning Commission in connection with the #conversion# of all or any portion of a #building# to a #residential use#, provided that:~~

~~(1) such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;~~

~~(2) any alterations to the subject #building#, required in connection with such~~

Commented [Z10]: The Proposal would remove the special preservation requirements in these geographies so these rules would no longer be necessary.

~~#conversion# to #residential use#, have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission;~~

- ~~(3) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission; and~~
- ~~(4) such #buildings#, or portions thereof, being #converted# to #residential use#, shall comply with the density requirements set forth in paragraph (a)(3) of Section 74-711 (Landmark preservation in all districts).~~

~~In order to grant an authorization, the City Planning Commission shall find that such waiver shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.~~

~~The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #building# and to minimize adverse effects on the character of the surrounding area.~~

#### **15-21**

#### **Use Regulations — Transfer of Preservation Obligations and Conversion Rights**

[PROPOSAL IS REMOVING,  
AS THE UNDERLYING WILL APPLY]

~~In C6-2M, C6-4M, M1-5M and M1-6M Districts, the #conversion# of #floor area# to #residences# in existing #buildings#, or portions thereof is permitted subject to the certification by the Chairperson of the City Planning Commission that #floor area# has been preserved for #commercial# or #manufacturing# #uses# in accordance with the provisions of this Section. For the purposes of this Section only, the following mixed #use# areas are defined:~~

~~Southeast Chelsea — All C6-2M, C6-4M, M1-5M and M1-6M Districts between 13th Street and 23rd Street, and between Park Avenue and Eighth Avenue.~~

~~Garment Center East — The C6-4M District located between West 34th Street and West 35th Street, and between Seventh Avenue and Eighth Avenue.~~

#### **15-211**

#### **Floor area preservation**

[REMOVING TO ALIGN WITH CITY OF YES FOR HOUSING OPPORTUNITY]

~~The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).~~

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing# #uses# shall be in accordance with Table I of this Section, if the #floor area# to be #converted# is located in a C6-2M or C6-4M District, and in accordance with Table II of this Section, if the #floor area# to be #converted# is located in an M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section 15-51. Such #floor area# shall be comparable to the #floor area# to be #converted#, as required by Section 15-213.

Such #floor area# may be preserved in the #building# to be #converted#, or in any other #building# within the same mixed #use# area, as defined in Section 15-21.

Except as provided in Section 15-215, #floor area# may not be preserved on portions of floors. If the #floor area# which must be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for permitted #commercial# or permitted #manufacturing# #uses#. #Floor area# used for #home occupations# may not be used to meet the requirements of #floor area# and #stories# which must be preserved for #commercial# or #manufacturing# #use#. No #accessory# living or sleeping accommodations shall be permitted in the #floor area# preserved for permitted #commercial# or permitted #manufacturing# #uses#.

All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#. For the purposes of this Section, any portion of the #building# to be #converted# that has a #residential# certificate of occupancy shall be excluded from the #building's# total #floor area#.

Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.

TABLE I  
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS  
FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR  
PERMITTED MANUFACTURING USE\*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	50.0
10,000 sq. ft. or more	66.6

TABLE II  
 FOR CONVERSION IN MI 5M OR MI 6M DISTRICTS  
 FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR  
 PERMITTED MANUFACTURING USE\*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	66.6
10,000 sq. ft. or more	66.6

\* All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

**15-212**

**Reduced floor area preservation**

[REMOVING TO ALIGN WITH PROPOSAL]

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing# #use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by #referenced commercial or manufacturing uses#, and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing# #use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by #referenced commercial and manufacturing uses#, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

Such lease shall:

(1) be for a period of not less than three years from the date of application for such certification with provision for two years renewal at the tenant's option; and

(2) not be subject to cancellation by the landlord.

(b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for #referenced commercial and manufacturing uses# for a period of five years from the date of such certification.

(c) Where the preserved #floor area# will be occupied by #referenced commercial and manufacturing uses# but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for #referenced commercial and manufacturing uses#, in the legal commitment required pursuant to Section 15-214.

TABLE I  
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS  
REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED  
COMMERCIAL OR PERMITTED MANUFACTURING USE\*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	33.3
10,000 sq. ft. or more	50.0

TABLE II  
FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS  
REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED  
COMMERCIAL OR PERMITTED MANUFACTURING USE\*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
------------	--



#Lot area#

	one floor, plus, in #buildings# of more than 6 #stories#;
less than 5,000 sq. ft.	25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	50
10,000 sq. ft. or more	50

\*—— All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

**15-213  
Comparability**

[REMOVING TO ALIGN WITH PROPOSAL]

Where the #floor area# to be preserved is not located within the #building# to be #converted#, such #floor area# must be comparable to #floor area# in the #building# to be #converted#. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a)—— Elevators: load and number

The load and number requirements of this paragraph shall not apply when the #floor area# to be preserved is located on the ground floor or has level access to a #street# or loading facility.

(1)—— Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

$$\frac{\text{Total load}}{\text{Gross \#floor area\# of \#building\# to be preserved}} \text{ is greater than or equal to } 80\% \text{ of } \frac{\text{Total load}}{\text{Gross \#floor area\# of \#building\# to be \#converted\#}}$$

(2)—— Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

Number of elevators	is greater than or equal to 80% of	Number of elevators
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# to be #converted#

Notwithstanding the above, where there is only one elevator servicing the #floor area# to be #converted#, there may be one elevator servicing the #floor area# to be preserved if the following exist:

- (i) — the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be #converted# by more than 10 percent; and
- (ii) — the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be #converted# to the #floor area# to be #converted#.

If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b) — Floor load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) — Size of floors

(1) — The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be #converted#, whichever is greater.

(2) — #Floor area# may not be preserved on portions of floors.

(d) — Loading facilities

The loading facilities shall be at least equal in number to those in the #building# to be #converted#. In addition, if such #building# has an off-street loading dock, the #building# containing the #floor area# to be preserved must have such off-street loading facilities.

(e) — Column spacing

There shall be a minimum distance between columns of 15 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the ~~building~~ to be ~~converted~~.

~~(f) Height of ~~stories~~~~

~~The ~~stories~~ shall have an average minimum height of 10 feet.~~

The Chairperson of the City Planning Commission may authorize a modification of the requirements listed in paragraphs (a), (c)(1) or (d) of this Section, pursuant to the regulations of paragraph (e) of Section 15-30 (MINOR MODIFICATIONS).

#### **15-214**

#### **~~Certification and other requirements of preservation and conversion~~**

[REMOVING TO ALIGN WITH PROPOSAL]

~~(a) Prior to the issuance of an alteration permit for the ~~conversion~~ of ~~floor area~~ to ~~residential use~~, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 15-21 upon proof of a legal commitment to preserve and maintain the required ~~floor area~~ for permitted ~~commercial~~ or permitted ~~manufacturing use~~. Such legal commitment shall be executed by all parties having any interest in the ~~floor area~~ to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.~~

~~A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.~~

~~A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.~~

~~(b) The ~~floor area~~ to be preserved shall not already have been preserved by a legal commitment under the provisions of Section 15-21, as evidenced by the report from the title company issued pursuant to (a) above.~~

~~(c) When preservation obligations pursuant to Section 15-211 or 15-212 are transferred~~

between ~~#buildings#~~, the amount of ~~#floor area#~~ required to be preserved shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the ~~#floor area#~~ in the ~~#building#~~.

- (d) ~~Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.~~

### **15-215**

#### **Modification for existing dwelling units**

[REMOVING TO ALIGN WITH PROPOSAL]

The requirements of Section 15-211 or 15-212 regarding the amount or configuration of ~~#floor area#~~ to be preserved for permitted ~~#commercial#~~ or permitted ~~#manufacturing#~~ ~~#uses#~~ may be modified by the Chairperson of the City Planning Commission provided that:

- (a) ~~such #floor area# has a #residential# certificate of occupancy, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, or was occupied as #dwelling units# as of September 1, 1980, and a complete application for determination of occupancy has been filed with the Department of City Planning by the owner of the #building# or the occupant of a #dwelling unit# in the #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as of right for such #floor area#; and~~
- (b) ~~as a result of such #residential# occupancy, the remaining amount of #floor area# in the #building# is less than the amount required to be preserved for permitted #commercial# or #manufacturing# #uses# pursuant to Section 15-211 or 15-212, or consists of portions of floors.~~

Such modification of the preservation requirement shall be the minimum necessary in order to permit the legalization of existing ~~#dwelling units#~~ for which a determination of occupancy has been made.

Notwithstanding the above, the Chairperson of the City Planning Commission shall not issue a certification pursuant to Section 15-21 until an application for such certification and modification is submitted by the owner of the ~~#building#~~.

### **15-22**

#### **Number of Permitted Dwelling Units**

[THE PROVISIONS IN 15-22, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF

YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; PROPOSAL IS REMOVING THIS SECTION AS THE UNDERLYING WILL APPLY]

- (a) ~~In #buildings# where #floor area# is #converted# to #residences# under Section 15-21 (Use Regulations — Transfer of Preservation Obligations and Conversion Rights) where there is more than one #dwelling unit# per #story#, there shall be a minimum #dwelling unit# size of 1,200 square feet of interior #floor area# unless modified pursuant to Section 15-30 (MINOR MODIFICATIONS).~~

~~However, the minimum #dwelling unit# size requirement may be replaced by the requirements of Section 15-026 for #dwelling units# existing on September 1, 1980:~~

- ~~(1) — for which the Chairperson of the City Planning Commission has made a determination of #residential# occupancy on September 1, 1980, pursuant to paragraph (a) of Section 15-021, paragraph (e) or Section 15-215; or~~
- ~~(2) — that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or~~
- ~~(3) — that the Loft Board determines were occupied for #residential use# on September 1, 1980.~~

~~#Dwelling units# existing on September 1, 1980 may not be subsequently divided into units of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.~~

- (b) ~~For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.~~

**15-23**

**Light and Air Provisions**

[REMOVING TO ALIGN WITH PROPOSAL]

- (a) ~~Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.~~

~~(b) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.~~

~~(c) Width to depth ratio~~

~~Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (a) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.~~

#### **15-24**

##### **Open Space Equivalent**

[REMOVING TO ALIGN WITH PROPOSAL]

~~At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational #use#. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided for recreational #use#, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30 (MINOR MODIFICATIONS).~~

#### **15-25**

##### **Home Occupations**

[PROVISIONS IN SECTION 15-25, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; CITY OF YES FOR HOUSING OPPORTUNITY IS REMOVING, AS WILL NOW FOLLOW THE UNDERLYING]

~~The #home occupation# provisions of Section 12-10 shall apply, except that #home occupations# may occupy more than 1,000 square feet of #floor area#.~~

#### **15-26**

##### **Collection of Residential and Commercial Refuse**

[REMOVING TO ALIGN WITH PROPOSAL]

All ~~residential~~ trash shall be consolidated with the trash from the ~~commercial~~ or ~~manufacturing~~ ~~use~~ tenants and collected in the same manner as the trash from such ~~commercial~~ or ~~manufacturing~~ tenants. Such collection shall be the responsibility of the owner of the ~~building~~ or portion thereof.

**15-30**  
**MINOR MODIFICATIONS**

[REMOVING TO ALIGN WITH PROPOSAL]

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

- (a) The requirements of paragraph (a) of Section 15-22, relating to ~~dwelling unit~~ size may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the division of one or more ~~stories~~ into ~~dwelling units~~ with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the ~~floor area~~ of such ~~story~~, exclusive of exterior walls, and common areas, is within five percent of a multiple of 1,200 square feet.
- (b) The requirements of Sections 15-12 and 15-24 relating to the ~~open space~~ equivalent may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at reasonable cost.
- (c)(b) The requirements of paragraphs (a) or (d) of Section 15-213 (Comparability) relating to comparability of elevators or loading facilities may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the elevators or loading facilities serving the ~~floor area~~ to be preserved provide facilities for ~~manufacturing~~ or ~~commercial~~ ~~uses~~ that are equivalent or superior to those serving the ~~floor area~~ to be ~~converted~~.

The requirements of paragraph (c)(1) of Section 15-213 relating to comparability of size of floors may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the ~~floor area~~ to be preserved consists of floors that are of equivalent or larger size than the floors in the ~~building~~ to be ~~converted~~.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Board meeting. If the Community Board chooses to comment on such requests it must do so within 31 days of such notification.

**15-40**  
**15-20**

Commented [Z11]: The Proposal would maintain this authorization to modify provisions of this chapter. Some updates are made to align with overall terminology.

## AUTHORIZATION

[UPDATING SECTION NUMBER]

~~15-41~~

15-21

### Enlargements of Converted Buildings

[UPDATING SECTION NUMBER; CONSOLIDATING TEXT AND SECTION CROSS REFERENCES]

~~In all #Commercial Districts# and #Residence Districts#, for #enlargements# of #buildings# #converted# to #residences#, the City Planning Commission may authorize:~~

- ~~(a) a waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# #converted# to #residences#; and~~
- ~~(b) the maximum #floor area ratio# permitted pursuant to Section 23-151 for the applicable district without regard for #height factor# or #open space ratio# requirements.~~

In all #Commercial Districts# and #Residence Districts#, for #enlargements# of #buildings# #converted# to #residences#, the City Planning Commission may authorize modifications to #bulk# regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREAS), inclusive, as modified for #height factor buildings#.

In order to grant such authorization, the Commission shall find that:

- (1) the #enlarged building# is compatible with the scale of the surrounding area;
- (2) open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot#, shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;
- (3) the site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#; and
- (4) the #enlarged# #building# will not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

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

15-50

**Commented [Z12]:** This provision would no longer be necessary as use of this chapter's provisions would be allowed without these restrictions.



**SPECIAL PERMIT**

[REMOVING, AS NO LONGER NEEDED PER PROPOSAL]

**~~15-51~~**

**~~Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts~~**

[ASSUMING CITY OF YES FOR ECONOMIC OPPORTUNITY EDITS AS BASELINE TEXT, REMOVING SECTION, AS NO LONGER NEEDED, SINCE THE UNDERLYING WILL APPLY]

~~In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of paragraph (c) of Section 15-021 or Section 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts).~~

\* \* \*

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 6  
Comprehensive Off-Street Parking Regulations in the Long Island City Area**

**Commented [Z1]:** Article I Chapter 6 includes the special parking rules for the Long Island City Area. The Proposal makes updates here to bring regulations in line with similar provisions in the Manhattan Core.

**16-00  
GENERAL PURPOSES**

The provisions of this Chapter establish special comprehensive regulations for off-street parking in the Long Island City area, as defined in Section 16-02 (Definitions).

These regulations will allow parking to be provided in a manner that supports a mass transit and pedestrian-oriented central mixed-use district.

\* \* \*

**16-05  
Applicability**

**16-051  
Applicability of parking regulations within the Long Island City area**

[ALIGNING WITH PROPOSED CHANGES TO MANHATTAN CORE]

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots# and #public parking garages#, as set forth in this Section.

- (a) For #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to October 25, 1995, or existing #buildings# #developed# without parking, the number of parking spaces required or permitted shall be set forth in Section 16-07 (Existing Buildings and Off-street Parking Facilities).

\* \* \*

**16-06  
Previously Approved Special Permits or Authorizations**

[ALIGNING WITH PROPOSED CHANGES TO MANHATTAN CORE]

Any authorization or special permit relating to parking regulations in the #Long Island City area# granted by the City Planning Commission or Board of Standards and Appeals prior to October

**Commented [Z2]:** Adding language to specify that pre-1961 parking special permits remain effective indefinitely and do not need to be renewed if they operate unchanged.

25, 1995, may be started or continued, in accordance with the terms thereof, or as such terms may subsequently be modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. However, any special permit granted for a parking facility in the #Long Island City area# by the Commission or Board prior to December 15, 1961, may be continued without the need for renewal pursuant to Section 11-411 (Renewals), provided that the facts upon which the special permit was granted have not substantially changed.

~~Such~~ All such authorizations or special permits requiring renewal shall be subject to the provisions of Sections 11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a #public parking lot#.

Any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be permitted by the applicable special permit provisions of Section 16-35.

#### **16-07**

#### **Existing Buildings and Off-street Parking Facilities**

##### [ALIGNING WITH PROPOSED CHANGES TO MANHATTAN CORE]

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to October 25, 1995, in the #Long Island City area#, as applicable, and to existing #buildings# #developed# without the provision of parking.

#### (a) Existing parking facilities

~~Within the #Long Island City area#, existing~~ Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to October 25, 1995, shall be subject to the applicable zoning district regulations in effect prior to October 25, 1995, except that:

- (1)(a) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to October 25, 1995, ~~shall not be permitted~~ shall only be allowed by authorization of the City Planning Commission pursuant to Section 16-342 (Reduction in the number of required existing parking spaces); and
- (2)(b) any increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking shall only be allowed by the Commission as follows:

**Commented [Z3]:** Adding language that stipulates that for existing buildings, whether or not parking was provided, new parking can be provided up to the amounts that would be permitted AOR if it were developed today (provided that it cannot exceed 15 spaces) by CPC authorization, and any amount beyond would need to be by SP. This eliminates a policy conflict between existing buildings with and without parking.

- (1) the Commission may authorize a limited increase pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings); and
- (2) the Commission may permit an increase in the number of off-street parking spaces beyond the thresholds of Section 16-341 only pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities that result in a capacity not otherwise allowed under the applicable regulations of Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA) shall only be permitted by special permit by the City Planning Commission pursuant to the applicable provisions of Section 16-35 (Special Permits).

(b) ~~Existing #buildings# #developed# without parking~~

~~Within the #Long Island City area#, existing #buildings# #developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings without parking).~~

#### **16-10 PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA**

No parking shall be required for the #Long Island City area#. Off-street parking spaces located within #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in the #Long Island City area# shall be allowed only as set forth in this Section, inclusive.

All such parking facilities shall be subject to the applicable regulations set forth in Section 16-20.

#### **16-11 Permitted Parking for Residences**

[ALIGNING WITH BROADER ALLOWANCES IN PROPOSAL  
TO MAKE ACCESSORY SPACES AVAILABLE TO THE PUBLIC]

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

- (a) within Area A, as shown on the map in Section 16-03, #accessory# off-street parking spaces may be provided for not more than 50 percent of the total number of new

#dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

- (b) within Areas B and C, as shown on the map, #accessory# off-street parking spaces may be provided for not more than 100 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#.

~~All such #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential# #development# or #enlargement#.~~

## 16-12

### Permitted Parking for Non-residential Uses

#### [ALIGNING WITH BROADER ALLOWANCES IN PROPOSAL TO MAKE ACCESSORY SPACES AVAILABLE TO THE PUBLIC]

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

- (a) #Transient hotels#

For #transient hotel# #developments# or #enlargements#, a maximum of 150 #accessory# off-street parking spaces are permitted if there is only one entrance to the #accessory# #group parking facility# and a maximum of 225 #accessory# off-street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 50 percent of the number of new #transient hotel# rooms. ~~All such parking spaces shall be used primarily for the personnel, guests and occupants of the #transient hotel#.~~

- (b) Hospitals

For hospital #developments# or #enlargements# in Area A, as shown on the map in Section 16-03, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Areas B and C, as shown on the map, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

~~All such parking spaces are to be used exclusively by the hospital staff, patients and visitors.~~

- (c) Other #commercial#, #community facility# and #manufacturing# #uses#

**Commented [Z4]:** The Proposal would allow accessory spaces to be made accessible to the public and this extends this concept here.

For #developments# or #enlargements# in Area A containing #community facility# #uses# other than hospitals, #commercial# #uses# other than #transient hotels#, or #manufacturing# #uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing# #floor area#, or 100 spaces, whichever is less. All such parking spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

Within Areas B and C, the maximum number of #accessory# off-street parking spaces permitted for each #development#, #enlargement# or alteration shall not exceed one space per 4,000 square feet of #floor area#, or 100 spaces, whichever is less. If the permitted number of #accessory# off-street spaces would be less than 15 spaces, an #accessory# parking facility of up to 15 spaces may be provided. ~~All spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.~~

\* \* \*

**16-20  
SPECIAL RULES FOR PARKING FACILITIES WITHIN THE LONG ISLAND CITY  
AREA**

All #accessory# off-street parking facilities, #public parking lots# and #public parking garages# #developed# or #enlarged# after October 25, 1995, in the #Long Island City area# shall comply with the applicable provisions of this Section, inclusive.

**16-21  
Public Use and Off-site Parking**

[ALIGNING WITH BROADER ALLOWANCES IN PROPOSAL  
TO MAKE ACCESSORY SPACES AVAILABLE TO THE PUBLIC]

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

\* \* \*

**16-24  
Minimum and Maximum Size of Parking Facilities**

**Commented [Z5]:** The Proposal would allow accessory spaces to be made accessible to the public and this extends this concept here.

**Commented [Z6]:** The Proposal would update various provisions to align with those in Manhattan Core.

[ALIGNING BETTER WITH MANHATTAN CORE REGS AND ALIGNING WITH  
MANHATTAN CORE PROPOSAL TO ALLOW CHAIR MODS TO MAXIMUMS]

The maximum gross unobstructed surface area, in square feet, of a permitted #accessory# #group parking facility# including stalls, aisles, driveways and maneuvering areas shall be as set forth in this Section.

(a) Attended parking facilities

For attended parking facilities without parking lift systems, the maximum gross surface area shall not exceed 200 times the number of #accessory# off-street parking spaces provided.

For attended parking facilities with parking lift systems, the maximum surface area of the portion of the facility allocated to non-elevated parking spaces shall not exceed 200 times the number of non-elevated spaces provided and the portion allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

No maximum surface area requirement shall apply to #automated parking facilities#.

(b) Self- Park facilities

~~This size limitation shall not be applicable to off-street parking spaces permitted under the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) where such spaces are exclusively #accessory#, no-charge, self-parking spaces in enclosed facilities with a capacity limited to 100 automobiles. In such facilities, the gross unobstructed surface area, in square feet, shall not exceed 300 times the number of #accessory# off-street parking spaces provided.~~

For self-parking facilities, the maximum gross surface area shall not exceed 350 times the number of #accessory# off-street parking spaces provided.

An off-street parking facility in the #Long Island City area# may provide a gross unobstructed surface area greater than the maximum size permitted by this Section upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. To make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

\* \* \*

16-30  
AUTHORIZATIONS AND SPECIAL PERMITS

\* \* \*

16-34  
Authorizations

**16-341**  
**Limited increase in parking spaces for existing buildings without parking**

[ALIGNING WITH PROPOSED CHANGES TO MANHATTAN CORE]

The City Planning Commission may, by authorization, allow an increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking, provided that the limitations of paragraph (a) and the findings of paragraph (b) of this Section are met. subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) ~~the #building# does not have #accessory# off street parking spaces;~~
- (b) ~~such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. For the purposes of this paragraph (b), such need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;~~
- (c) ~~the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic;~~
- (d) ~~the parking spaces will not adversely affect pedestrian movement;~~
- (e) ~~the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#; and~~
- (f) ~~the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.~~

(a) Limitations

**Commented [Z7]:** Modifying authorization to allow, in existing buildings, whether or not parking was provided, new parking spaces up to the amount that one would be permitted AOR if it were developed today, but not to exceed 15 spaces.



The total number of parking spaces in a parking facility, inclusive of any existing spaces, where applicable, shall not exceed what would be permitted if such facility were #developed# in accordance with the provisions of Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA). However, in no event shall the number of additional spaces authorized pursuant to this Section exceed 15 spaces.

(b) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (4) such parking facility will not be inconsistent with the character of the existing streetscape.

**16-342**

**Reduction in the number of required existing parking spaces**

[ALIGNING WITH BROADER POLICY TO ALLOW REDUCTIONS OF PARKING IN EXISTING BUILDINGS BY AUTHORIZATION]

For off-street parking facilities built prior to October 25, 1995, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

**16-342**

**16-343**

**Public parking lots**

**Commented [Z8]:** The Proposal would permit the removal of previously required existing parking spaces, consistent with similar allowances in the Manhattan Core.

\* \* \*

**16-343**  
**16-344**  
**Curb cuts**

\* \* \*

**16-35**  
**Special Permits**

**16-351**  
**Accessory off-street parking spaces**

[ALIGNING WITH PROPOSED CHANGES TO MANHATTAN CORE.  
BETTER ALIGNING FINDINGS WITH MANHATTAN CORE]

The City Planning Commission may, by special permit, ~~subject to the otherwise applicable zoning district regulations, allow on site or off site, open or enclosed, #accessory# off street parking facilities with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF STREET PARKING IN THE LONG ISLAND CITY AREA), provided the Commission finds that:~~ allow the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the findings of paragraph (b).

(a) Eligible parking facilities

The Commission may permit, on-site or off-site, open or enclosed, #accessory# off-street parking facilities:

- (1) associated with #developments# or #enlargements#, with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA); or
- (2) associated with an existing parking facility or an existing #building# #developed# without parking, beyond the capacity authorized pursuant to Section 16-341 (Limited increase in parking spaces for existing buildings).

(b) Findings

The Commission shall find that:

- (a) ~~such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20~~

**Commented [Z9]:** The Proposal updates the language here to better align with similar (and more recent) provisions in the Manhattan Core.

~~percent of all such parking spaces, whichever is greater;~~

- ~~(b) within the vicinity of the site, there are insufficient parking spaces available;~~
  - ~~(c) the facility will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement;~~
  - ~~(d) the facility is so located as to draw a minimum of vehicular traffic to and through local ~~#residential#~~ ~~#streets#~~; and~~
  - (1) within the vicinity of the site, there are insufficient parking spaces available;
  - (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of ~~#streets#~~, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
  - (3) such ~~#use#~~ will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
  - (4) such parking facility will not be inconsistent with the character of the existing streetscape; and
- ~~(e)~~(5) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on ~~#signs#~~ or requirements for shielding or floodlights or for locations of entrances and exits.

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 1**  
**Statement of Legislative Intent**

**21-00**  
**GENERAL PURPOSES OF RESIDENCE DISTRICTS**

The Residence Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.
- (b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.
- (d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces; to require the provision of open space in residential areas wherever practicable; and to encourage the provision of additional open space by permitting moderately higher bulk and density with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living in a congested metropolitan area.
- (e) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.
- (g) To provide appropriate space for those educational, religious, recreational, health and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create

**Commented [Z1]:** Article II Chapter 1 includes the legislative intent for Residence District. The Proposal makes some changes to reflect changes to the rules in some existing zoning districts and to reflect proposed new zoning districts.

objectionable influences.

- (h) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.
- (a) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the City's tax revenues.

## 21-10 PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

[ALIGNING WITH PROPOSAL TO INCLUDE ADDITIONAL HOUSING TYPES IN SOME EXISTING DISTRICTS AND CREATING NEW DISTRICTS]

### 21-11 R1 and R2 — Single-Family Detached Residence Districts

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities, as well as multiple dwellings in appropriate locations. These districts also include community facilities and open uses that serve the residents of these districts or benefit from an open residential environment.

**Commented [Z2]:** The Proposal updates the language for R1 and R2 districts to reflect the allowance for apartment buildings in certain locations. In addition, R2X would be folded back in to this section to reflect changes made to it.

### 21-12 ~~R2X — Single-Family Detached Residence District~~

~~This district is designed to provide for large single family detached dwellings on narrow zoning lots. This district also includes community facilities and open uses that serve the residents of the district or benefit from a residential environment.~~

~~This district may be mapped only within the Special Ocean Parkway District as well as Community Districts 8 and 14 in the Borough of Queens.~~

### 21-13 R3A, R3X and R4A — Detached Residence Districts

These districts are designed to provide for single- or two-family detached dwellings on zoning lots of specified lot widths, as well as multiple dwellings in appropriate locations. R3A Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

**Commented [Z3]:** The Proposal updates the descriptions of other low density districts to also reflect the allowance for apartment buildings in certain locations.

**21-14**

**R3-1 and R4-1 — Detached and Semi-Detached Residence Districts**

These districts are designed to provide for single- or two-family detached or semi-detached dwellings, as well as multiple dwellings in appropriate locations. R4-1 Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

**21-15**

**R3-2, R4, R4B, R5, R6, R7, R8, R9 and, R10, R11 and R12 — General Residence Districts**

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and as well as multiple dwellings in appropriate locations. In addition, zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

~~R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the Special Mixed Use Districts. In addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District and Special St. George District, and R9-1 Districts may be mapped in Mandatory Inclusionary Housing areas. R11, R11A and R12 Districts may only be mapped in Mandatory Inclusionary Housing areas.~~

**Commented [Z4]:** The Proposal updates the section to reflect the creation of new high-density districts (R11 and R12). These districts would only be able to be mapped in Mandatory Inclusionary Housing Area through public review.  
  
The Proposal also removes geographic limitations on where R7-3 and R9-1 districts can be mapped today to allow their future use through public review in a broader range of geographies.

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

**22-00  
GENERAL PROVISIONS**

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII and VIII, are permitted in #Residence Districts# subject to the provisions of the following Sections:

- (a) Sections 22-11 (Use Group I – Agriculture and Open Uses) through 22-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, which establish general #use# allowances in Use Groups I through VIII, including each #use# listed separately therein, by #Residence District#, and additional provisions for certain #uses# where applicable.
- (b) ~~Section 22-20 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS), which set forth special provisions applicable to:~~
  - (1) ~~#railroad or transit air space#, as set forth in Section 22-21 (Use of Railroad or Transit Air Space); and~~
  - (2) ~~#detached# and #semi-detached# #two-family residences# in certain districts, as set forth in Section 22-22 (Detached and Semi-Detached Two-Family Residences);~~
- ~~(c)~~(b) Section ~~22-30~~ 22-20 (SIGN REGULATIONS), inclusive, which sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

\* \* \*

**22-10  
USE ALLOWANCES**

**Commented [Z1]:** Article II Chapter 2 includes the use regulations for Residence Districts. The Proposal makes a series of changes to this chapter.

First, it allows multiple dwellings on transit accessible sites in districts that only permit single and two family residences. Second, it removes parking requirements for houses of worship and community facilities with sleeping accommodations. Finally, it updates the requirements for railroad right of ways (TBD).

\* \* \*

**22-12  
Use Group II – Residences**

[PROVISIONS AND TABLE INCLUDED IN SECTION 22-12, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 22-121 (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table; and
- (b) ~~Section 22-122 (Use Group II – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “♦” in the Use Group table; and~~
- (~~e~~)(b) Section ~~22-123~~ 22-122 (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

**22-121  
Use Group II – general use allowances**

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES).

<b>USE GROUP II – RESIDENTIAL USES</b>											
● = Permitted   ♦ = Permitted with limitations   ◊ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions											
<b>Uses</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>R6</b>	<b>R7</b>	<b>R8</b>	<b>R9</b>	<b>R10</b>	
<b>Residential Uses</b>											
#Single-family residence #	#Detached#	●	●	●	●	●	●	●	●	●	●
	#Zero lot line#	–	–	♦	♦	♦	●	●	●	●	●



	#Semi-detached#	-	-	◆	◆	◆	●	●	●	●	●	●
	Other Types	-	-	◆	◆	◆	●	●	●	●	●	●
#Two-family residence #	#Detached#	-	-	◆ P	◆ P	◆	●	●	●	●	●	●
	#Zero lot line#	-	-	◆	◆	◆	●	●	●	●	●	●
	#Semi-detached#	-	-	◆ P	◆ P	◆	●	●	●	●	●	●
	Other Types	-	-	◆	◆	◆	●	●	●	●	●	●
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		-	-	◆	◆	◆	●	●	●	●	●	●

**USE GROUP II – RESIDENTIAL USES**

● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required  
 - = Not permitted  
 S = Size restriction   P = Additional conditions

Uses		R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
<b>Residential Uses</b>													
#Single-family residence #	#Detached #	●	●	●	●	●	●	●	●	●	●	●	●
	Other Types	● P	● P	● P	● P	● P	●	●	●	●	●	●	●
#Two-family residence #	#Detached #	●	●	●	●	●	●	●	●	●	●	●	●
	Other Types	● P	● P	● P	● P	● P	●	●	●	●	●	●	●
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		● P	● P	● P	● P	● P	●	●	●	●	●	●	●

**Commented [Z2]:** The Proposal would permit a wider range of residence in various R1 through R5 Residence Districts. Conditions in 22-122 would allow multi-family residences on sites that meet the criteria of a "qualifying transit-accessible site".  
 It also adds 2 new districts, R11 and R12 to the Use Group table

**22-122**

**Use Group II – uses permitted with limited applicability**

For #uses# denoted with “◆” in Section 22-121 (Use Group II – general use allowances), the following limitations shall apply:

- (a) In R3 Districts, all #residential uses# shall be permitted except that:
  - (1) in R3A Districts, #residential uses# shall be limited to #single # or #two family# #detached# #residences# and #single # or #two family# #zero lot line buildings#;
  - (2) in R3-1 Districts, #residential uses# shall be limited to #single # or #two family# #residences#, #detached# or #semi-detached#; and
  - (3) in R3X Districts, #residential uses# shall be limited to #single # or #two family# #detached# #residences#.
- (b) In R4 Districts, all #residential uses# shall be permitted except that:
  - (1) in R4-1 Districts, #residential uses# shall be limited to #single # or #two family# #residences#, #detached# or #semi-detached#, or #single # or #two family# #zero lot line buildings#;
  - (2) in R4B Districts, #residential uses# shall be limited to #single # or #two family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#; and
  - (3) in R4A Districts, #residential uses# shall be limited to #single # or #two family# #detached# #residences#.
- (c) In R5 Districts, all #residential uses# shall be permitted except that in R5A Districts, #residential uses# shall be limited to #single # or #two family# #detached# #residences#.

**22-123**

**22-122**

**Use Group II – uses subject to additional conditions**

[REMOVING EXISTING PROHIBITION ON ‘SIDE BY SIDE’ UNITS IN CERTAIN DISTRICTS. ADDING ALLOWANCES FOR MULTI-FAMILY HOUSING ON QUALIFYING TRANSIT ACCESSIBLE SITES]

For #uses# denoted with a “P” in Section 22-121 (Use Group II – general use allowances), the following provisions shall apply:

**Commented [Z3]:** The additional text added in this section allows any type of residence on "qualifying transit-accessible site" in what would otherwise be a district restricted to single or two family homes.

In addition, regulations governing how two-unit buildings can be designed are removed to allow for greater design flexibility.

- (a) ~~In R3A, R3X or R4A Districts, #detached# #two-family-residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.~~
- (b) ~~In R3-1 or R4-1 Districts, each #semi-detached# #two-family-residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.~~
- (c) ~~The requirements of paragraph (a) or (b) may be waived pursuant to an authorization by the City Planning Commission, in accordance with Section 22-22 (Detached and Semi-detached Two-family Residences).~~
- (a) In R1 and R2 Districts, #residential uses# shall be limited to #single-family# #detached# #residences# or any type of #residence# on a #qualifying transit-accessible site#;
- (b) In R3 Districts, the following limitations shall apply:
  - (1) in R3A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# and #single-# or #two-family# #zero lot line buildings# or any type of #residence# on a #qualifying transit-accessible site#;
  - (2) in R3-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached# or any type of #residence# on a #qualifying transit-accessible site#; and
  - (3) in R3X Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# or any type of #residence# on a #qualifying transit-accessible site#.
- (c) In R4 Districts, all #residential uses# shall be permitted except that:
  - (1) In R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#, or #single-# or #two-family# #zero lot line buildings# or any type of #residence# on a #qualifying transit-accessible site#;
  - (2) In R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings# or any type of #residence# on a #qualifying transit-accessible site#.; and
  - (3) In R4A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# or any type of #residence# on a #qualifying transit-accessible site#.

- (d) In R5 Districts, all residential uses shall be permitted except that in R5A Districts, residential uses shall be limited to single- or two-family detached residences or any type of residence on a qualifying transit-accessible site.

## 22-13

### Use Group III – Community Facilities

[PROVISIONS AND TABLES INCLUDED IN SECTION 22-13, INCLUSIVE, ARE BEING PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group III consists of uses that provide educational, religious, health and other essential services. The provisions regulating uses classified in this Use Group are set forth as follows:

- (a) Section 22-131 (Use Group III – general use allowances) which includes the compilation of uses in the Use Group tables;
- (b) Section 22-132 (Use Group III – uses subject to size restrictions) for certain uses, as denoted with an “S” in the Use Group tables;
- (c) Section 22-133 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain uses, as denoted with a “P” in the Use Group tables;
- (d) Section 22-134 (Use Group III – uses permitted by special permit) for uses permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables; and
- (e) Section 22-135 (Use Group III – additional provisions for parking requirement category) for uses with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

## 22-131

### Use Group III – general use allowances

[REMOVING PARKING REQUIREMENTS FOR CERTAIN COMMUNITY FACILITY USES WITH SLEEPING ACCOMMODATIONS]

The following tables include uses classified as Use Group III and set forth their allowances by Residence District#. Such uses are categorized as community facilities with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 22-10 (USE ALLOWANCES).

**Commented [Z4]:** The Proposal would remove parking requirements for certain community facilities and so the Parking Requirement Category (PRC) is updated.

In addition, long term care facilities would be permitted in R1 and R2 districts on qualifying transit sites, like in all other Residence Districts. Nursing homes would no longer be restricted in three community districts.

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS													
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions													
Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12	PRC
<b>Educational Institutions</b>													
College or school student dormitories and fraternity or sorority student houses	○	○	●	●	●	●	●	●	●	●	●	●	E2 N/A
<b>Faith-based Institutions and Facilities</b>													
Monasteries, convents or novitiates	●	●	●	●	●	●	●	●	●	●	●	●	N/A
Rectories or parish houses with sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	N/A
Seminaries with sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	F1 N/A
<b>Health Institutions and Facilities</b>													
#Long-term care facilities#	⊖ ● P	⊖ ● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	E3 N/A
#Non-profit hospital staff dwellings#	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	F1 N/A
<b>Other Institutions and Facilities</b>													
Philanthropic or non-profit institutions with sleeping accommodations	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	E3 N/A
Settlement houses	●	●	●	●	●	●	●	●	●	●	●	●	N/A

B. Community Facilities without Sleeping Accommodations



Museums	●	●	●	●	●	●	●	●	●	●	●	●	G
Non-commercial art galleries	●	●	●	●	●	●	●	●	●	●	●	●	G
Non-commercial clubs	○	○	● P	● P	● P	● P	● P	● P	● P	● P	● P	● P	B3
Non-commercial recreation centers	●	●	●	●	●	●	●	●	●	●	●	●	B3
Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	● S	B3
Welfare centers	○	○	●	●	●	●	●	●	●	●	●	●	B3

\* \* \*

**22-135**

**Use Group III – additional provisions for parking requirement category**

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section 22-131 (Use Group III – general use allowances), the following provisions of this Section shall apply:

- (a) ~~#Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 25-021 (Applicability of regulations to non-profit hospital staff dwellings).~~
- (b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

\* \* \*

**22-133**

**Use Group III – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 22-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) ~~#Long-term care facilities# in R3 through R10 Districts are permitted except that in certain areas, the following provisions shall apply:~~

~~(1) in R1 and R2 Districts shall only be permitted as-of-right on #qualifying transit-accessible sites#. In all #Residence Districts# in the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.~~

~~\* \* \*~~

~~(2) In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, the #development# of nursing homes, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases the existing #floor area# by 15,000 square feet or more, are permitted only by special permit of the City Planning Commission pursuant to Section 74-131 (Long term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in paragraph (a)(1) of this Section.~~

~~\* \* \*~~

## 22-134

### Use Group III – uses permitted by special permit

For #uses# denoted with “o” in Section 22-131 (Use Group III – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals:
- (1) College or school student dormitories and fraternity or sorority student houses may be permitted in accordance with Section 73-131 (College or school student dormitories or fraternity or sorority student houses).
  - (2) Colleges or universities, including professional schools but excluding business colleges or trade schools may be permitted in accordance with Section 73-132 (Colleges or universities).



- (3) Non-commercial clubs may be permitted in accordance with Section 73-135 (Non-commercial clubs).
- (4) Welfare centers may be permitted in accordance with Section 73-136 (Welfare centers).
- (b) The following #uses# may be permitted in R1 or R2 Districts by special permit of the City Planning Commission:
  - (1) #Long-term care facilities# may be permitted in accordance with Section 74-131 (Long-term care facilities). However, #long-term care facilities# shall be permitted as-of-right on #qualifying transit-accessible sites#.

\* \* \*

~~22-20~~

~~SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS~~

[RELOCATING RAILROAD RIGHT-OF-WAY PROVISIONS TO THE BULK CHAPTERS AND MODIFYING, PER PROPOSAL]

~~22-21~~

~~Use of Railroad or Transit Air Space~~

~~In all #Residence Districts#, #railroad or transit air space# may be #developed# or used in accordance with the provisions of this Section.~~

- ~~(a) #Railroad or transit air space# may be #developed# or used only for a permitted #use# #accessory# to the railroad or transit right of way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-61 (Development Within or Over a Railroad or Transit Right of Way or Yard), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-148 (Railroad passenger stations) unless the right of way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.~~

~~If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-148 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.~~

~~However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-148 may be changed to another #use# listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of #use#.~~

**Commented [Z5]:** The Proposal would update the framework regulating railroad right of way. Rules would instead be located in bulk regulations and so this provision is deleted.

Any ~~building or other structure~~ within or over a railroad or transit right of way or yard, which ~~building or other structure~~ was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 through 11-33, inclusive, prior to December 5, 1991, may be ~~enlarged~~ or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the ~~enlargement~~ or replacement of such a ~~building or other structure~~ shall be deemed to be equivalent to ownership of a ~~zoning lot~~ or portion thereof, provided that such ~~enlargement~~ or replacement will be on one ~~block~~ and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the ~~zoning lot~~ definition in Section 12-10.

~~Enlargement~~ or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a ~~zoning lot~~.

(b) ~~When the use of a railroad or transit right of way or yard or portion thereof has been permanently discontinued or terminated and a large scale residential development, large scale community facility development or large scale general development requiring one or more special permits is proposed, no use or development of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all zoning lots on such property. As a condition for such authorization, the Commission shall find that:~~

(1) ~~the proposed zoning lots, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no development on any zoning lot would result in the potential for an excessive concentration of bulk that would be incompatible with allowable development on adjoining property; and~~

(2) ~~each resulting zoning lot has direct access to one or more streets. No subsequent alteration in size or configuration of any zoning lot approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such zoning lot designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the zoning lot and which is executed and recorded as specified in the definition of zoning lot in Section 12-10 (DEFINITIONS).~~

~~Prior to granting any zoning lot authorization relating to the above mentioned right of way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said~~

~~agencies have any plan to use such property or portion thereof for a railroad or transit use.~~

~~22-22~~

~~Detached and Semi-detached Two-family Residences~~

[REMOVING AUTHORIZATION, PER PROPOSAL]

~~The City Planning Commission may, upon application, authorize the waiver of requirements for detached two-family residences in R3A, R3X or R4A Districts, as set forth in paragraphs (a) of Section 22-123 (Use Group II—uses subject to additional conditions) or semi-detached two-family residences in R3-1 or R4-1 Districts, as set forth in paragraph (b) of Section 22-123 provided that:~~

- ~~(a) the development is compatible with the scale and character of the surrounding area; and~~
- ~~(b) in R3A, R3X or R4A Districts, the design does not give the appearance of a semi-detached building; or~~
- ~~(c) in R3-1 or R4-1 Districts, the design does not give the appearance of an attached building; and each dwelling unit has a perimeter wall with windows facing a side yard.~~

~~Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.~~

~~22-30~~

~~22-20~~

~~SIGN REGULATIONS~~

\* \* \*

~~22-31~~

~~22-21~~

~~Definitions~~

\* \* \*

~~22-32~~

~~22-22~~

**Commented [Z6]:** The Proposal would permit a wider range of design configurations of two-family buildings in some zoning districts so these provisions would no longer be necessary.

**Permitted Non-illuminated Accessory Signs**

\* \* \*

~~22-321~~

22-221

**Nameplates or identification signs**

\* \* \*

~~22-322~~

22-222

**“For sale” or “for rent” signs**

\* \* \*

~~22-323~~

22-223

**Signs for parking areas**

\* \* \*

~~22-33~~

22-23

**Signs on Lots Containing Certain Community Facilities**

\* \* \*

~~22-331~~

22-231

**Permitted illuminated accessory signs for hospitals and related facilities**

\* \* \*

~~22-332~~

22-232

**Flags, banners or pennants on lots containing certain community facilities**

\* \* \*

~~22-34~~

22-24

**Additional Regulations**

\* \* \*

~~22-341~~

22-241

Projecting signs

\* \* \*

~~22-342~~

22-242

Height of signs

\* \* \*

~~22-343~~

22-24

Number of signs Signs

\* \* \*

~~22-35~~

22-25

Advertising Signs on Waterways

\* \* \*

## ARTICLE II RESIDENCE DISTRICT REGULATIONS

### Chapter 3 Residential Bulk Regulations in Residence Districts

#### 23-00 APPLICABILITY AND GENERAL PURPOSES

##### 23-01 Applicability of This Chapter

[SEE NEW 23-01 TEXT BELOW]

The ~~bulk~~ regulations of this Chapter apply to any ~~zoning lot~~ or portion of a ~~zoning lot~~ located in any ~~Residence District~~ which contains any ~~residential~~ ~~building or other structure~~, or to the ~~residential~~ portion of a ~~building or other structure~~ used for both ~~residential~~ and ~~community facility~~ ~~uses~~. The ~~bulk~~ regulations of Article II, Chapter 4, shall apply to any ~~zoning lot~~ or portion of a ~~zoning lot~~ containing a ~~community facility building~~ or to the ~~community facility~~ portion of a ~~building~~ used for both ~~residential~~ and ~~community facility~~ ~~uses~~, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). In addition, the ~~bulk~~ regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing ~~buildings or other structures~~ that do not comply with one or more of the applicable ~~bulk~~ regulations are ~~non-complying~~ ~~buildings or other structures~~ and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to ~~large-scale residential developments~~ or ~~residential uses~~ in ~~large-scale community facility developments~~ are set forth in Article VII, Chapters 8 or 9, respectively.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the ~~conversion~~ of non ~~residential~~ ~~floor area~~ to ~~residences~~ in ~~buildings~~ erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such ~~conversions~~ meet the requirements for ~~residential~~ ~~developments~~ of Article II (Residence District Regulations).

Special regulations applying in the ~~waterfront area~~ are set forth in Article VI, Chapter 2.

**Commented [Z1]:** Article 2, Chapter 3 are the regulations for residential bulk. The Proposal makes significant changes to the organization and rules in this chapter. Most pertinently, these changes institute the UAP framework and update updating the bulk regulations for low-density residential buildings.

Given the scale of these changes, the Proposal reorganizes the chapter to better reflect these new rules. This increases the amount of deleted text shown in the amendment, but would make the rules easier to use. The new organization is shown below.

23-00 - Applicability  
23-10 - Lot Area / Lot Width  
23-20 - Floor Area  
23-30 - Yards, Courts, Open Areas  
23-40 - Height and Setback  
23-50 - Density  
23-60 - Additional Design Elements  
23-70 - Height Factor

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

23-011

### Quality Housing Program

[QUALITY HOUSING PROGRAM WILL BE APPLICABLE TO ALL MULTI-FAMILY RESIDENCES]

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(a) — In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings# #converted# pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of This Chapter).

R6 R7 R8 R9 R10

(b) — In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:

(1) — the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or

(2) — the existing #buildings# contain #residences#, and:

(i) — such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-662 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio# and #lot coverage# standards applicable to #Quality Housing buildings#;  
or

(ii) — for #developments# or #enlargements# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and

**Commented [Z2]:** The Proposal makes the current Quality Housing rules the baseline standard for all multi-unit residential buildings, except for height factor buildings. These (confusing) applicability rules are then no longer needed.

setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors):

- (a) — the entire #zoning lot# will comply with the #floor area ratio# set forth in Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable;
- (b) — the entire #zoning lot# will comply with the #lot coverage# regulations for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and the #development# or #enlargement#:
  - (1) — will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 1 of paragraph (b) of Section 23-664;
  - (2) — in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(3) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664; or
  - (3) — in R6, R7, R8 and R9-1 Districts, where the #zoning lot# meets the criteria set forth in paragraph (a)(4) of Section 23-664 and is located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664, will comply with the maximum base height and maximum #building# height of the applicable zoning district set forth in Table 2 of paragraph (c) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

R6 R7 R8 R9 R10

- (c) — In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:
  - (1) — Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), except that they may be permitted as an alternative to apply within #Large Scale Residential Developments# located:



~~(i) in C2-5 Districts mapped within R9-1 Districts in Community District 3 in the Borough of Manhattan.~~

~~(2) Special Purpose Districts~~

~~However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:~~

~~#Special 125th Street District#;~~

~~#Special Bay Street Corridor District#;~~

~~#Special Downtown Brooklyn District#;~~

~~#Special Downtown Far Rockaway District#;~~

~~#Special Downtown Jamaica District#;~~

~~#Special East Harlem Corridors District#;~~

~~#Special Flushing Waterfront District#;~~

~~#Special Gowanus Mixed Use District#;~~

~~#Special Grand Concourse Preservation District#;~~

~~#Special Harlem River Waterfront District#;~~

~~#Special Inwood District#;~~

~~#Special Jerome Corridor District#;~~

~~#Special Limited Commercial District#;~~

~~#Special Long Island City Mixed Use District#;~~

~~#Special Lower Manhattan District#, as modified in Section 91-05;~~

~~#Special Ocean Parkway District#;~~

~~#Special St. George District#;~~

~~#Special Transit Land Use District#; or~~

~~#Special Tribeca Mixed Use District#.~~

R6 R7 R8 R9 R10

(d) In the districts indicated, for ~~Quality Housing buildings~~ in which at least 50 percent of the ~~dwelling units~~ are ~~income restricted housing units~~, or at least 50 percent of the total ~~floor area~~ is a ~~long term care facility~~ or philanthropic or non profit institution with sleeping accommodation, the applicable ~~bulk~~ regulations of this Chapter may be modified for ~~zoning lots~~ with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

R6 R7 R8 R9 R10

(e) In the districts indicated, where a Special Purpose District modifies the ~~bulk~~ regulations for ~~Quality Housing buildings~~ set forth in this Chapter, the additional provisions for ~~Quality Housing buildings~~ set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non ~~Quality Housing buildings~~, all associated ~~floor area~~ exemptions shall apply.

**23-012**

**Lower density growth management areas**

[THE UNDERLYING BULK REGULATIONS APPLY WHILE MAINTAINING SPECIAL COMMUNITY FACILITY AND COMMERCIAL REGULATIONS]

For areas designated as ~~lower density growth management areas~~ pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS — Floor area; Lower density growth management area; Private road)

Section 22-14 (Use Group 4 — Ambulatory diagnostic or treatment health care facilities)

Section 23-12 (Permitted Obstructions in Open Space)

Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

**Commented [Z3]:** The Proposal applies the underlying residential bulk rules in Lower Density Growth Management Areas, while maintaining special rules for community facilities and commercial districts. As such, this list of applicable rules is no longer necessary in this chapter.

- Section 23-33 ——— (Special Provisions for Development of Existing Small Lots)
- Section 23-35 ——— (Special Provisions for Zoning Lots Containing Certain  
Community Facility Uses in Lower Density Growth Management Areas)
- Section 23-44 ——— (Permitted Obstructions in Required Yards or Rear Yard  
Equivalents)
- Section 23-462 ——— (Side yards for all other buildings containing residences)
- Section 23-532 ——— (Required rear yard equivalents)
- Section 23-63 ——— (Height and Setback Requirements in R1 Through R5 Districts)
- Section 23-711 ——— (Standard minimum distance between buildings)
- Section 23-881 ——— (Minimum distance between lot lines and building walls in lower density  
growth management areas)
- Section 24-012 ——— (Exceptions to the bulk regulations of this Chapter)
- Section 24-04 ——— (Modification of Bulk Regulations in Certain Districts)
- Section 25-028 ——— (Applicability of regulations to certain community facility uses in lower  
density growth management areas)
- Section 25-22 ——— (Requirements Where Individual Parking Facilities Are Provided)
- Section 25-23 ——— (Requirements Where Group Parking Facilities Are Provided)
- Section 25-31 ——— (General Provisions)
- Section 25-331 ——— (Exceptions to application of waiver provisions)
- Section 25-62 ——— (Size and Location of Spaces)
- Section 25-621 ——— (Location of parking spaces in certain districts)
- Section 25-622 ——— (Location of parking spaces in lower density growth management areas)
- Section 25-624 ——— (Special parking regulations for certain community facility uses in lower  
density growth management areas)
- Section 25-631 ——— (Location and width of curb cuts in certain districts)

- Section 25-632 ——— (Driveway and curb cut regulations in lower density growth management areas)
- Section 25-64 ——— (Restrictions on Use of Open Space for Parking)
- Section 25-66 ——— (Screening)
- Section 26-00 ——— (APPLICABILITY OF THIS CHAPTER)
- Section 26-30 ——— (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
- Section 32-11 ——— (Use Groups 1 and 2)
- Section 32-433 ——— (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)
- Section 37-10 ——— (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS)
- Section 54-313 ——— (Single or two family residences with non-complying front yards or side yards)
- Section 105-702 ——— (Applicability of lower density growth management area regulations)
- Section 107-412 ——— (Special bulk regulations for certain community facility uses in lower growth management areas)
- Section 107-42 ——— (Minimum Lot Area and Lot Width for Residences)
- Section 107-421 ——— (Minimum lot area and lot width for zoning lots containing certain community facility uses)
- Section 107-464 ——— (Side yards for permitted non-residential use)
- Section 107-62 ——— (Yard, Court and Parking Regulations)
- Section 119-05 ——— (Applicability of Parking Location Regulations)
- Section 119-214 ——— (Tier II requirements for driveways and private roads)
- Section 128-051 ——— (Applicability of Article I, Chapter 2)

**23-013**

**Commented [Z4]:** The Proposal moves these rules to the new "Administration" chapter in 27-00

**Harassment**

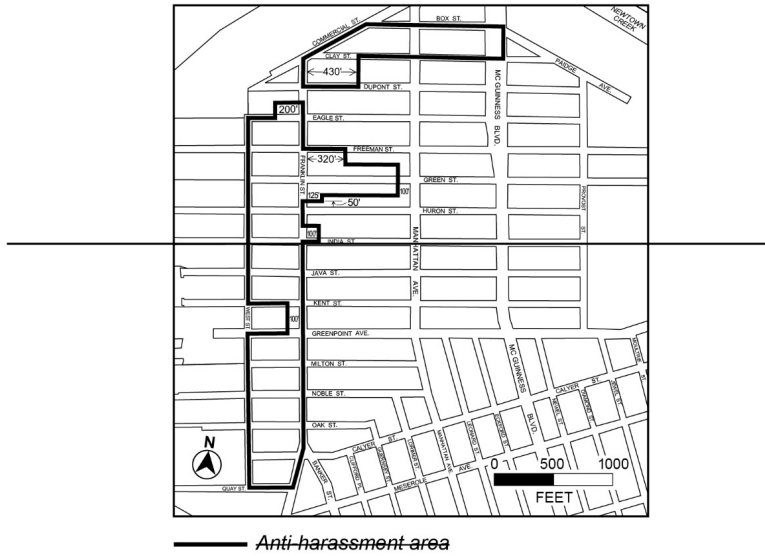
[MOVING TEXT TO SECTION 27-00]

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90, paragraph (a), shall be modified:

**Anti-harassment area**

“Anti-harassment area” shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



(23-013.1)



— Anti-harassment area

(23-013.2)

**Greenpoint-Williamsburg Anti Harassment Areas**

Referral date

“Referral date” shall mean October 4, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (i) — increase the #floor area ratio# pursuant to the provisions of Sections 23-90 or 62-352 (Inclusionary Housing); or
- (ii) — increase the maximum height of a #building# or the height above which the gross

area per ~~#residential#~~ ~~#story#~~ of a ~~#building#~~ is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d); or

- (iii) ~~satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.~~

### **23-02**

#### **General Purposes of Residential Bulk Regulations**

[SEE NEW 23-03 TEXT BELOW]

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

### **23-03**

#### **Street Tree Planting in Residence Districts**

[MOVING TEXT TO 23-611]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide ~~#street#~~ trees in accordance with Section 26-41 (Street Tree Planting):

- (a) ~~#developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single # or #two family# #residences#, except as provided in paragraphs (b) and (c) of this Section;~~
- (b) ~~#enlargements# of #single # or #two family# #residences# by 20 percent or more within the following special purpose districts:~~
  - ~~#Special Bay Ridge District#;~~
  - ~~#Special Bay Street Corridor District#;~~
  - ~~#Special Clinton District#;~~
  - ~~#Special Downtown Brooklyn District#;~~

~~#Special Downtown Far Rockaway District#;~~

~~#Special Downtown Jamaica District#;~~

~~#Special East Harlem Corridors District#;~~

~~#Special Grand Concourse District#;~~

~~#Special Hillside Preservation District#;~~

~~#Special Long Island City Mixed Use District#;~~

~~#Special Ocean Parkway District#;~~

~~#Special SoHo NoHo Mixed Use District#;~~

~~#Special South Richmond Development District#;~~

- ~~(c) — #enlargements#, pursuant to the Quality Housing Program, of #single # or #two family# #residences# by 20 percent or more;~~
- ~~(d) — #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or~~
- ~~(e) — construction of a detached garage that is 400 square feet or greater.~~

#### **23-04**

#### **Planting Strips in Residence Districts**

[MOVING TEXT TO 23-612]

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- ~~(a) — #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single # or #two family# #residences#, except as provided in paragraph (b) of this Section;~~
- ~~(b) — #enlargements# of #single # or #two family# #residences# by 20 percent or more within the following special purpose districts:~~
  - ~~#Special Bay Ridge District#;~~



~~#Special Downtown Jamaica District#;~~

~~#Special Hillside Preservation District#;~~

~~#Special Ocean Parkway District#;~~

~~#Special South Richmond Development District#;~~

~~(e) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or~~

~~(d) construction of a detached garage that is 400 square feet or greater.~~

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BEGINNING OF 23-00 THROUGH 23-09 NEW TEXT

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## **23-00**

### **APPLICABILITY AND GENERAL PURPOSES**

#### **23-01**

##### **Applicability of This Chapter**

[UPDATING CONVERSION PROVISIONS TO EXISTING TEXT]

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #residential# #building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential# and #community facility# #uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility# #uses#, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

#### **23-02**

##### **Applicability in Special Situations**

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the

**Commented [Z5]:** This section lays out the applicability of the residential bulk rules.

regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

The #development# or #enlargement# of a #building# that occurs on or over a #railroad right-of-way#, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than four acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be authorized by the Commission pursuant to 75-22.

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

### **23-03**

#### **General Purposes of Residential Bulk Regulations**

[EXISTING PROVISIONS, UNCHANGED]

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

### **23-04**

#### **Zoning Lots Divided by District Boundaries**

[CONSOLIDATING VARIOUS PROVISIONS (23-18, 23-26, 23-34, 23-55, 23-68) INTO A SINGLE, GENERAL RULE]

In all districts, whenever a #zoning lot# is divided by a boundary between districts or is subject to different #bulk# regulations for different portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

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END OF 23-00 THROUGH 23-09 NEW TEXT

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**~~23-10~~**  
**~~OPEN SPACE AND FLOOR AREA REGULATIONS~~**

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~[FLOOR AREA PROVISIONS MOVING TO 23-20 AND OPEN SPACE PROVISIONS  
MOVING TO 23-30]~~

~~In all districts, as indicated, the #open space# and #floor area# provisions for a #building or other structure# shall be as set forth in this Section, inclusive.~~

~~The regulations for permitted obstructions in required #open space# in all districts are set forth in Section 23-12. The regulations for balconies in all districts are set forth in Section 23-13.~~

~~#Open space# and #floor area# regulations applicable to R1 through R5 Districts are set forth in Section 23-14. #Open space# and #floor area# regulations applicable to R6 through R10 Districts are set forth in Section 23-15.~~

~~Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower on a base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).~~

**~~23-11~~**  
**~~Definitions~~**

~~[REMOVING REDUNDANT PROVISION]~~

~~Words in *italics* are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively in this Chapter, in this Section.~~

**Commented [Z6]:** The Proposal moves and updates the current mix of rules in 23-10 into separate new sections that better reflect the topic (floor area, open space, etc). Current rules here for height factor buildings are moved to new 23-70. Comment bubbles in the deleted text highlight provisions that are updated or deleted.

## 23-12

### Permitted Obstructions in Open Space

[MOVING TEXT TO 23-30]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

- (a) — Balconies, unenclosed, subject to the provisions of Section 23-13;
- (b) — Breezeways;
- (c) — Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
- (d) — #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;
- (e) — Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open space##;
- (f) — Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three #family# #residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family# #residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (g) — Solar energy systems:
  - (1) — on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or
  - (2) — affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
- (h) — Steps;

- (i) ~~Swimming pools, #accessory#, above grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;~~
- (j) ~~Fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.~~

~~However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.~~

**23-13**  
**Balconies**

[ENTIRE 23-13 TEXT MOVING TO 23-62]

**23-131**  
**Balconies in R1 through R5 Districts**

R1 R2 R3 R4 R5

In the districts indicated, balconies that are:

- (a) ~~unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height; and~~
- (b) ~~located at or above the floor level of the second #story# provided that such balcony is not lower than seven feet above #curb level# or adjacent natural grade, whichever is higher;~~

~~may, as permitted in this Section, project into or over any required open area set forth in the following Sections:~~

- (1) ~~#front yards#, as defined in Section 12-10 (DEFINITIONS);~~
- (2) ~~#rear yards# or #rear yard equivalents#, as defined in Section 12-10;~~
- (3) ~~#open space#, as defined in Section 12-10, excluding:~~
  - (i) ~~#side yards#, as defined in Section 12-10;~~
  - (ii) ~~required minimum dimensions of #courts#, as defined in Section 12-10; and as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA~~

**Commented [Z7]:** The Proposal simplifies the framework for balconies and relocates the rules for them to 23-60. It also allows the use of safety glass on balconies subject to design controls.

REQUIREMENTS); and

- (iii) required distances between #buildings#, as set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning lot).

If the depth of the #front yard# is greater than 12 feet, balconies may project six feet into such #front yard# provided that, in R1, R2 or R3 Districts, the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project and, in R4 or R5 Districts, such aggregate width does not exceed 67 percent.

If the depth of the #front yard# is 12 feet or less, balconies may project to a distance equal to one-half the depth of such #front yard# provided the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project.

Balconies may, by a distance not to exceed eight feet, project into a #rear yard# or other #open space# not specifically excluded in paragraphs (2) and (3) of this Section. At the level of the second #story#, the aggregate width of such balconies is not limited but at the level of the third #story# or higher such aggregate width shall not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which the balconies project.

In addition, balconies may be enclosed by #building# walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by #building# walls shall not exceed six feet in depth.

### **23-132**

#### **Balconies in R6 through R10 Districts**

R6 R7 R8 R9 R10

In the districts indicated, balconies may project into or over any required open area within a #publicly accessible open area#, a #rear yard#, an #initial setback distance#, any open areas not occupied by towers, any required side or rear setbacks, or any required #open space#, provided that such balcony shall:

- (a) not project by a distance greater than seven feet as measured from the plane surface of the #building# wall from which it projects;
- (b) not project into the minimum required distance between #buildings# on the same #zoning lot#;
- (c) not cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-20 (RECREATION SPACE AND PLANTING AREAS);

- (d) be unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet or railing;
- (e) be located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level#, except that for #buildings# containing #residences# not more than 32 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and
- (f) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects.

**23-14**

**Open Space and Floor Area Regulations in R1 Through R5 Districts**

[ENTIRE 23-14 TEXT MOVING TO SECTION 23-21]

**R1 R2 R3 R4 R5**

In the districts indicated for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R1 and R2 Districts without a letter suffix, the #floor area# and #open space# provisions of Section 23-141 shall apply. In R1 and R2 Districts with a letter suffix, and R3, R4 and R5 Districts, the provisions of Section 23-142 shall apply.

In R4 and R5 Districts without a letter suffix, the provisions of Section 23-143 shall apply to #buildings# utilizing the optional provisions for a #predominantly built up area#. In R3-2, R4 and R5 Districts without a letter suffix, the provisions of Section 23-144 shall apply to #affordable independent residences for seniors#.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the sum of all #floor area# allocated to #uses# other than #affordable

**Commented [Z8]:** The Proposal treats R1 and R2 districts like other low-density districts and subjects them to yard, coverage, and height controls. Similar changes have been made to the other low density districts over time.

**Commented [Z9]:** The Proposal removes the "Predominantly Built Up Area" rules. These improved rules for these districts would instead apply.

independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-142 or 23-143, as applicable.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

**23-141**

**Open space and floor area regulations in R1 and R2 Districts without a letter suffix**

[MOVING TEXT TO SECTION 23-211]

**R1 R2**

In the districts indicated, except R1-2A, R2A and R2X Districts, the minimum required #open space ratio# shall be 150.0, and the maximum #floor area ratio# shall be 0.50.

**23-142**

**Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts**

[MOVING TEXT TO SECTION 23-211, AND MODIFYING]

**R1 R2 R3 R4 R5**

In R1 and R2 Districts with a letter suffix and R3 through R5 Districts, the maximum #lot coverage#, minimum #open space# and maximum #floor area ratio# shall be as set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	N/A — governed by #yard# requirements		.85

**Commented [Z10]:** Today, low density districts follow a mix of separate coverage and yard requirements. The Proposal simplifies this framework so all low density districts can follow a single set of rules.



R3-1 R3-2	35	65	.50
R3A R3X	N/A — governed by #yard# requirements		.50
R4	45	55	.75
R4-1 R4A	N/A — governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	N/A — governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

\* — For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (a) — In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.
- (b) — In R3, R4-1 and R4A Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

[RELOCATING AND SIMPLIFYING FLOOR AREA MODIFICATIONS FOR PROVISION OF PARKING TO THE DEFINITION OF “FLOOR AREA” IN SECTION 12-10]

- (c) — In R3, R4 and R5 Districts, the permitted #floor area# of a #single # or #two family# #detached# or #semi-detached# #residence# #developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-443 (Location of garages in side yards of corner lots) or 23-444 (Location of garages in side yards of other zoning lots).
- (d) — In R1-2A Districts and in R3, R4-1 and R4A Districts within #lower density growth management areas#, the permitted #floor area# of a #single # or #two family# #detached# or #semi-detached# #residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-443 or 23-444, except that in R1-2A Districts, such

**Commented [Z11]:** The Proposal removes the sloped roof bonuses to simplify floor area calculations. Similar changes were made in the floodplain in 2021.

**Commented [Z12]:** The Proposal replaces a complicated mix of floor area exemptions for parking spaces in low density districts with a simpler exemption and locates it with other similar exemptions in the floor area definition.

parking spaces need not be located in the #side lot ribbon#.

- (e) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.
- (f) In R3 Districts, except for #zoning lots# containing #single #, #two # or three #family# #residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off street parking spaces or open or enclosed #accessory# off street loading berths.
- (g) In R4 and R5 Districts, except for #zoning lots# containing #single #, #two # or three- #family# #residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard# or, in R5D Districts, the open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off street parking spaces, or open or enclosed #accessory# off street loading berths.

**23-143**

**Optional regulations for predominantly built-up areas**

[REMOVING SECTION, REPLACING PREDOMINANTLY BUILT-UP AREA WITH NEW FRAMEWORK]

**R4 R5**

In the districts indicated without a letter suffix, the maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built up area# are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

**Commented [Z13]:** As noted earlier, the Proposal removes the "Predominantly Built Up Area" option for these districts. The updated bulk framework would instead apply in these districts.

**23-144**

**Affordable independent residences for seniors**

**Commented [Z14]:** The Proposal would maintain the higher FAR concept afforded to affordable senior housing but align these FARs with the updated FARs for these zoning districts.

[MOVING TEXT TO SECTION 23-213, AND MODIFYING]

R3-2 R4 R5

In the districts indicated, except R4-1, R4A, R4B, R5A, R5B and R5D-Districts, the maximum #lot coverage# and maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the table in this Section.

In R5D-Districts, the #open space# and #floor area# regulations set forth in Section 23-142 (Open space and floor area regulations in R-1 and R-2 Districts with a letter suffix and R3 through R5 Districts) shall apply to #affordable independent residences for seniors#.

MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN R3-2, R4 AND R5 DISTRICTS

District	Maximum #Lot Coverage# (in percent)	Maximum #Floor Area Ratio#
R3-2	35	0.95
R4	45	1.29
R5	55	1.95

23-15

Open Space and Floor Area Regulations in R6 Through R10 Districts

[FLOOR AREA PROVISIONS MOVING TO 23-20, OPEN SPACE REGULATIONS MOVING TO 23-30, AND HEIGHT FACTOR PROVISIONS MOVING TO 23-70]

R6 R7 R8 R9 R10

In the districts indicated, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# containing #residences# shall comply with the #floor area ratio# and #lot coverage# regulations for #Quality Housing buildings# set forth in Section 23-153 (For

Commented [Z15]: The Proposal establishes that residential buildings in R6+ districts follow the same framework and so these complicated applicability rules would not be necessary. Height factor buildings, where permitted, would follow the rules in new 23-70.

Quality Housing buildings).

In R6, R7, R8, R9 and R10 Districts without a letter suffix, #buildings# containing #residences# may be #developed# or #enlarged# pursuant to the basic #floor area# and #open space# regulations set forth in Section 23-151 (Basic regulations for R6 through R9 Districts) or 23-152 (Basic regulations for R10 Districts), as applicable, or the regulations for #Quality Housing buildings# set forth in Section 23-153.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

The applicable #floor area ratio# for the district may be increased for #buildings# on #zoning lots# containing #affordable housing# or #affordable independent residences for seniors#, pursuant to Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable.

Special #lot coverage# provisions for shallow #zoning lots#, and #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block# are set forth in Section 23-156 (Special lot coverage provisions for certain interior or through lots).

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the total #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-151 or 23-153, as applicable. Furthermore, for such #zoning lots# providing #affordable independent residences for seniors# and other #residential uses# within R10 Districts or within #Inclusionary Housing designated areas#, the maximum #floor area ratio# on the #zoning lot# shall not exceed the base #floor area ratio# for the Inclusionary Housing Program set forth in Section 23-154 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING). #Zoning lots# used exclusively for #affordable independent residences for seniors# within R10 Districts or within #Inclusionary Housing designated areas# shall remain subject to the maximum #floor area ratios# set forth in Section 23-155.

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**23-151**  
**Basic regulations for R6 through R9 Districts**

**Commented [Z16]:** The optional framework for height factor buildings would be available for buildings in R6+ non-contextual districts. The rules would be located in 23-70.

[MOVING TEXT TO 23-70]

R6 R7 R8 R9

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO  
R6 through R9 Districts

For #zoning lots# with a #height factor# of	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52

16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.52
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.52
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.41
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	Minimum Required #Open Space Ratio# at #Height Factor# of 21	Additional Required #Open Space Ratio# for each Additional #Height Factor#
R6	37.5	0.5
R7	25.5	0.5
R8	11.9	0.3
R9	9.0	0.4

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.\*

\* ——— The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{F.A.R.}{100} = \frac{O.S.R.}{100} + \frac{H.F.}{100}$$

**23-152**

**Basic regulations for R10 Districts**

[REMOVING OVERALL FAR CAP. MOVING FAR TO 23-221]

In R10 Districts, the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0.

**23-153**

**For Quality Housing buildings**

[LOT COVERAGE PROVISIONS MOVING TO 23-362 AND FLOOR AREA PROVISIONS MOVING TO 23-221]

R6 R7 R8 R9 R10

In the districts indicated, for #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be as set forth in the table in this Section. The maximum #residential# #lot coverage# for a #corner lot# shall be 100 percent.

**MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS**

District	Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot# (in percent)	Maximum #Floor Area Ratio#
R6	60	2.20
R6 <sup>2</sup>	60	2.43
R6 <sup>1-3</sup> R6A R7B	65	3.00
R6B	60	2.00
R7	65	3.44
R7 <sup>1</sup> R7A	65	4.00
R7D	65	4.20
R7X	70	5.00
R8 R8A R8X	70	6.02
R8 <sup>1</sup>	70	7.20

R8B	70	4.00
R9 R9A	70	7.52
R9D R9X	70	9.00
R10	70	10.00

<sup>1</sup> for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#

<sup>2</sup> for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#

<sup>3</sup> for #zoning lots# in an R6 District without a letter suffix the maximum #lot coverage# for any #MIH development# utilizing the height and setback provisions of paragraph (c) of Section 23-664 in Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017 in Community District 9 in the Borough of the Bronx and in Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

**Commented [Z17]:** The Proposal removes these rules that suppress the maximum residential FAR on wide streets in the Manhattan Core compared to other parts of the borough and the rest of the city.

**23-154  
Inclusionary Housing**

[FLOOR AREA PROVISIONS MOVING TO 23-222, AND AFFORDABLE HOUSING PROGRAM ELEMENTS MOVING TO 28-00]

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

(a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential# #floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate

**Commented [Z18]:** The Proposal replaces the current "voluntary" inclusionary housing framework with the citywide Universal Affordability Preference (UAP) framework. The voluntary program was available in limited areas of the city, while UAP will be available in all R6+districts that aren't MIH areas. This optional program will allow sites that provide permanent affordable housing a higher maximum FAR.

The Mandatory Inclusionary Housing program will continue to exist for places where a rezoning significantly increases permitted residential FAR.



set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this paragraph (a), the #floor area# of the #compensated zoning lot# may be increased by the amount of square feet set forth in the table, as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

#### OPTIONS

Without #public funding#	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
With #public funding#	#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#	1.25

(b) — #Inclusionary Housing designated areas#

The #residential# #floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low 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#.

#### MAXIMUM RESIDENTIAL FLOOR AREA RATIO

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 <sup>1</sup>	2.20	2.42
R6 <sup>2</sup> R6A R7-2 <sup>1</sup>	2.70	3.60
R7A R7-2 <sup>2</sup>	3.45	4.60
R7-3	3.75	5.0

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	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

<sup>1</sup> for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

<sup>2</sup> for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(e) Special provisions for specified #Inclusionary Housing designated areas#

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (e)(1), inclusive, modify the provisions of paragraph (b) of this Section:

(i) 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 paragraph (b) of this Section;

(ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (e)(1)(ii). 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 #middle income households# and #low 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#.~~

~~For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.~~

~~(2) — Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens~~

~~Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:~~

- ~~(i) — For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential# #development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor non #residential# #floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor non #residential# #floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area#; and~~
- ~~(ii) — The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).~~

~~(3) — Special provisions for #compensated zoning lots#~~

~~Special provisions shall apply to #compensated zoning lots# located within:~~

- ~~(i) — R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or~~

(ii) — the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

(d) — Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) — Affordable housing requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (d)(4) of this Section 23-154, no #residential# #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 23-911 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 23-911, pursuant to the provisions set forth in paragraph (d)(3)(i) through (d)(3)(v) and (d)(5) of this Section, inclusive.

(2) — Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

(i) — in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:

(a) — Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(b) — Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) — in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section;

(iii) — in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and

(iv) — in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non #residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

**(3) — Options for compliance with affordable housing requirement**

Options for compliance with the affordable housing requirement of paragraph (d)(1) of this Section are set forth in the following paragraphs (d)(3)(i) through (d)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in [APPENDIX F](#) of this Resolution. The Deep Affordability Option or the Workforce Option shall only be made applicable in combination with Option 1 or Option 2. Regardless of whether every option specified in this paragraph (d)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (d)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. The Workforce Option shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non #residential# to #residential use# shall comply with either Option 1, Option 2, the Deep Affordability Option, the Workforce Option, or the Affordable Housing Fund Option, as applicable.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (d)(3), inclusive: #residential# #floor area# that is reconstructed, or #residential# #floor area# that is located within a #dwelling unit# where the layout has been changed.

**(i) — Option 1**

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income

**Commented [Z19]:** The requirements for compliance with UAP and MIH will be located in the new administration chapter 27-00.

index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 40 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) — Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) — Deep Affordability Option

For #MIH developments# utilizing the Deep Affordability Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 40 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) — Workforce Option

For #MIH developments# utilizing the Workforce Option, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least 5 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index#, and in addition, at least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

The Workforce Option shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in [APPENDIX F](#) of this Resolution. However, the Workforce Option shall apply to an #MIH development# that has filed an #MIH application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Workforce Option in such #Mandatory Inclusionary Housing area#.

The Workforce Option shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non #residential# to #residential use# within the #Manhattan Core#.

(v) — Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non #residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential# #floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(4) — Exceptions

The requirements of paragraph (d) of this Section shall not apply to:

- (i) — A single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential# #floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area#;
- (ii) — a #development#, #enlargement#, or #conversion# from non #residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#; or

(iii) — a #development#, #enlargement#, or #conversion# from non #residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (d)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

(5) — Additional requirements where #affordable housing# is provided off site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 23-96 (Requirements for Generating Sites or MIH Sites), the amount of #affordable floor area# required pursuant to paragraphs (d)(3)(i) through (d)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential# #floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (d)(3)(i) through (d)(3)(iv) of this Section, as applicable to the #MIH development#.

**23-155**

**Affordable independent residences for seniors**

[FLOOR AREA PROVISIONS MOVING TO 23-222]

R6 R7 R8 R9 R10

In the districts indicated, the maximum #floor area ratio# for #affordable independent residences for seniors# utilizing the Quality Housing #bulk# regulations shall be as set forth in the table in this Section:

In R6, R7, R8, R9 or R10 Districts without a letter suffix, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# utilizing the basic #bulk# regulations shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

**MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN QUALITY HOUSING BUILDINGS**

District	Maximum #Floor Area Ratio#
R6 R6A R7B	3.90

**Commented [Z20]:** The Proposal maintains the higher FAR available for affordable senior housing and uses these as the basis for the new UAP program.



R6B	2.20
R7 R7A	5.01
R7D	5.60
R7X	6.00
R8 R8A R8X	7.20
R8B	4.00
R9	8.00
R9-1	9.00
R9A	8.50
R9X	9.70
R9D	10.00
R10 R10A R10X	12.00

**23-156**

**Special lot coverage provisions for certain interior or through lots**

[MOVING TEXT TO 23-363]

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# set forth in Section 23-153 (For Quality Housing buildings), may be increased for shallow #zoning lots# in accordance with paragraph (a) of this Section, and may be increased for #interior# or #through lots# within 100 feet of corners or located along the short dimension of the #block#, in accordance with paragraph (b) of this Section.

(a) — Shallow #zoning lots#

The maximum #lot coverage# for shallow #interior# or #through lots# may be increased as follows:

(1) — For shallow #interior lots#

In the districts indicated, if an #interior lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961,

and on the date of application for a #building permit#, and is less than 90 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 90 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(2) — For shallow #through lots#

In the districts indicated, if a #through lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 180 feet deep at any point, the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 180 feet. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

(3) — Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraphs (a)(1) and (a)(2) of this Section, the special #lot coverage# provisions of this Section may be applied to a #zoning lot#, or portion thereof, created after December 15, 1961, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

(4) — For #zoning lots# with shallow portions

Where a portion of a #zoning lot# is less than 90 feet for an #interior lot#, or 180 feet for a #through lot#, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by multiplying the maximum percent of #lot coverage# permitted for the shallow portion of the #zoning lot# established pursuant to paragraphs (a)(1) or (a)(2) of this Section by the percentage such portion constitutes of the #lot area# of the #zoning lot#, and by multiplying the maximum percent of #lot coverage# permitted for the non-shallow portion of the #zoning lot# established pursuant to Section 23-153 (For Quality Housing buildings) by the percentage such portion constitutes of the #lot area# of the #zoning lot#. The sum of the areas of #lot coverage# thus obtained shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

(5) — Maximum coverage

In no event shall the maximum #lot coverage# of an #interior lot# or #through

lot# exceed 80 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# set forth in paragraph (a)(4) of this Section complies with such maximum.

(b) Within 100 feet of corners or along the short dimension of the #block#

The maximum #lot coverage# for #interior# or #through lots#, or portions thereof, within 100 feet of the corner, or located along the short dimension of the #block#, may be increased as follows:

(1) Within 100 feet of the corner

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(2) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.

## 23-16

### Special Floor Area and Lot Coverage Provisions for Certain Areas

[CONSOLIDATING R9 TOWER FLOOR AREA PROVISION WITH SECTION 23-221, R9/R10 TOWER RELATED PROVISIONS MOVING TO 23-242, AND CONSOLIDATING COVERAGE PROVISIONS WITH 23-36. COMMUNITY DISTRICT SPECIFIC PROVISIONS MOVING TO 23-444]

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

(a) For standard tower and tower on a base #buildings# in R9 and R10 Districts

(1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower on a base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.

(2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section

23-65 (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

- (i) — occupies the predominant portion of a #story#;
- (ii) — is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential# #floor area#; and
- (iii) — exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

(b) — For R10 Districts in Community District 7 in the Borough of Manhattan

~~Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).~~

**Commented [Z21]:** The Proposal removes these requirements in CD7 Manhattan which suppressed the maximum residential FAR. Removing this will allow the UAP framework to be available in this area.

(e) — For R8 Districts in Community District 9 in the Borough of Manhattan

~~Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-153 (For Quality Housing buildings).~~

(d) — Optional provisions for certain R5 and R6 Districts in Community District 12 in the Borough of Brooklyn

~~Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community District 12, in the Borough of Brooklyn, special optional provisions are established for #zoning lots# containing #buildings# used exclusively as #single #, #two # or three #family# #residences#, as set forth in this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.~~

**Commented [Z22]:** The Proposal removes these special rules because the new rules for R5 and R6 districts since the changes in the proposal mean they no longer are needed.

- (1) ~~##Floor area#, ##lot coverage#, ##open space#, density and ##height factor# regulations~~

Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to ##floor area ratio#, ##open space#, density and ##height factor# are hereby made inapplicable. In lieu thereof, the maximum ##floor area ratio# for a ##corner lot# shall not exceed 1.65 and the ##floor area ratio# for an ##interior# or ##through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of ##floor area# in Section 12-10, the lowest ##story# shall be included in the definition of ##floor area#, and floor space used for ##accessory# off-street parking spaces shall be included in the definition of ##floor area# unless such spaces are located in a ##cellar#. The ##lot coverage# for a ##corner lot# shall not exceed 55 percent and the ##lot coverage# for an ##interior# or ##through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

- (2) ~~##Building# height~~

No ##building# shall exceed a height of 35 feet above ##curb level#, or three ##stories#, whichever is less. Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable, except that the provisions of Section 23-62 (Permitted Obstructions) shall apply.

- (3) ~~##Front yards#~~

In R5 Districts, the following ##front yard# regulations are applicable. A ##front yard# shall be provided with a depth of not less than five feet provided that, for ##corner lots#, one ##front yard# with a depth of not less than 10 feet is required. If the depth of the ##front yard# exceeds 10 feet, such ##front yard# shall have a depth of not less than 18 feet. In R6 Districts, a ##front yard# is not required.

- (4) ~~##Side yards#~~

In R5 Districts, the following ##side yard# regulations shall apply:

- (i) ~~Where an existing ##building# on an adjacent ##zoning lot# is located on the common ##side lot line#, no ##side yard# is required. However, if an open area extending along such common ##side lot line# is provided, it shall be at least eight feet wide.~~
- (ii) ~~Where an existing ##building# on an adjacent ##zoning lot# is located less than eight feet from, but not on, the common ##side lot line#, a ##side yard# at least four feet wide is required. However, in no case shall the distance between a new or ##enlarged# ##building# and an existing ##building# across~~

a common #side lot line# on an adjacent #zoning lot# be less than eight feet.

- (iii) — Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (iv) — In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet or more in depth, an eight foot #side yard# or an #outer court#, as set forth in paragraph (d)(6) of this Section, is required.
- (v) — Notwithstanding the provisions of paragraphs (d)(1) and (d)(3) of this Section, #detached# #single #, #two # and three #family# #residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# #single #, #two # and three #family# #residences# on #corner lots# shall provide one #side yard# of 20 feet.

(5) — #Rear yards#

#Single # or #two-family# #residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to 10 feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(6) — #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# with a minimum width of 10 feet across such common #side lot line#. The requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) are hereby made inapplicable.

(7) — Off street parking in R5 and R6 Districts

No #accessory# off street parking is required in R5 and R6 Districts.

[MOVING TEXT TO 23-244 ]

- (a) ~~Elimination or reduction in size of non-bonused 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 open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.~~

- (b) ~~Nighttime closing of existing public open areas~~

~~In all #Residence Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).~~

- (c) ~~Elimination or reduction in size of existing public amenities~~

~~In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).~~

### **23-18**

#### **Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations**

[MOVING TO SECTION 23-03 INTO A CONSOLIDATED RULE]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.~~

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BEGINNING OF 23-10 THROUGH 23-19 NEW TEXT

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### **23-10**

**Commented [Z23]:** The Proposal includes all requirements for the minimum size of lots with residences in this section. Low density rules are split from higher density rules, as they are today.

**LOT AREA AND LOT WIDTH REGULATIONS**

[MOVING TEXT FROM SECTION 23-30, AND MODIFYING]

Minimum #lot area# and #lot width# regulations are set forth in Section 23-11 for R1 through R5 Districts and Section 23-12 for R6 through R12 Districts.

However, such #lot area# and #lot width# regulations shall not apply to #developments# or #enlargements# on #zoning lots# in existence on [date of adoption] where the #lot area# or #lot width# was less than the prescribed minimums of such Sections, and after [date of adoption] such #lot area# or #lot width# has not decreased.

Where two or more #buildings# that are #single-# or #two-family# #detached# or #zero lot line# #residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table in this Section shall be multiplied by the number of such #buildings# on the #zoning lot#.

**23-11**

**Lot Area and Lot Width Regulations in R1 Through R5 Districts**

[MOVING TEXT FROM SECTION 23-32, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

**REQUIRED MINIMUM LOT AREA AND LOT WIDTH**

<b><u>Type of #Residence#</u></b>	<b><u>District</u></b>	<b><u>Minimum #Lot Area# (in sq. ft)</u></b>	<b><u>Minimum #Lot Width# (in ft)</u></b>
<u>#Single-# or #two-family# #detached#, where permitted</u>	<u>R1-1 R1-2 R1-2A</u>	<u>4,750</u>	<u>50</u>
	<u>R2 R2A R2X R3X</u>	<u>2,850</u>	<u>30</u>
<u>#Single-# or #two-family# #detached# or #zero lot line#, where permitted</u>	<u>R3-1 R3A R4-1 R4A R4B R5A</u>	<u>2,375</u>	<u>25</u>
<u>#Single-# or #two-family# #detached# or #zero lot line#</u>	<u>R3-2 R4 R5 R5B R5D</u>	<u>2,375</u>	<u>25</u>
<u>Other #residences#, where permitted</u>	<u>R1 – R5</u>	<u>1,700</u>	<u>18</u>

**Commented [Z24]:** The Proposal expands a rule that applies in Lower Density Growth Management areas to ensure that the same number of units can be constructed on a large lot regardless of whether it is split into smaller lots. This provides consistency across the city.

**Commented [Z25]:** The Proposal updates the lot width and area requirements in many low density districts. These changes are informed by the lot sizes of existing lots found in these zoning districts, which often are smaller than the current rules require.



**23-12**

**Lot Area and Lot Width Regulations in R6 through R12 Districts**

[MOVING TEXT FROM SECTION 23-32, AND MODIFYING]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

<u>Type of #Residence#</u>	<u>District</u>	<u>Minimum #Lot Area# (in sq. ft)</u>	<u>Minimum #Lot Width# (in ft)</u>
<u>#Single-# or #two-family# #detached# or #zero lot line#</u>	<u>R6 - R12</u>	<u>2,375</u>	<u>25</u>
<u>Other #residences#</u>	<u>R6 - R12</u>	<u>1,700</u>	<u>18</u>

END OF 23-10 THROUGH 23-19 NEW TEXT

**23-20**

**DENSITY REGULATIONS**

[ENTIRE DENSITY PROVISIONS MOVING TO 23-50, INCLUSIVE]

**23-21**

**Required Floor Area per Dwelling Unit**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to existing #buildings# in which the number of #dwelling units# is increased as well as to all new #development#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

**Commented [Z26]:** The Proposal creates new higher-density Residence Districts (R11 and R12) with higher maximum FARs than the current R10 districts. They could be mapped through future zoning changes as well as changes in state law that limit maximum residential density to 12.0 FAR.

**Commented [Z27]:** The Proposal moves these density provisions to 23-50. Comment bubbles in the deleted text highlight provisions that are updated or deleted.

In all districts, as indicated, the #floor area# requirement per #dwelling unit# shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings Containing Multiple Uses) or Section 23-25 (Special Provisions for Existing Small Zoning Lots).

**23-22**

**Maximum Number of Dwelling Units**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# shall equal the maximum #residential# #floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts), notwithstanding the #height factor# of the #zoning lot#, the maximum #residential# #floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential# #floor area ratio# shall be as specified in Section 23-151, or 2.2, whichever is greater.

For #affordable independent residences for seniors#, there shall be no applicable #dwelling unit# factor.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, special provisions are set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses) to determine the maximum number of #dwelling units# permitted.

**FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS**

District	Factor for #Dwelling Units#
R1-1	4,750
R1-2	2,850
R2-R2A	1,900
R2X	2,900
R3-1 R3-2 <sup>1</sup>	625

**Commented [Z28]:** The Proposal replaces the current framework, which is based on the zoning district, with one based on citywide geography.

R3A	710
R3-2 R4 R4-1 R4B	870
R3X	1,000
R4A	1,280
R4 <sup>2</sup> R5 <sup>2</sup> R5B	900
R5 R5D	760
R5A	1,560
R5B <sup>3</sup>	1,350
R6 R7 R8 R9 R10	680

<sup>1</sup> — for #single# and #two-family# #detached# and #semi-detached# #residences#

<sup>2</sup> — for #residences# in a #predominantly built-up area#

<sup>3</sup> — for #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#

**23-23**

**Minimum Size of Dwelling Units**

[REMOVING TEXT]

**R3 R4 R5**

(a) — In the districts indicated, for all #buildings# other than #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 300 square feet of #floor area#. For #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 325 square feet of #floor area#.

**R3 R4-1 R4A**

(b) — In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-detached# and #zero lot line buildings#, one #dwelling unit# shall contain at least 925 square feet.

**R6 R7 R8 R9 R10**

(c) — In the districts indicated, for #affordable independent residences for seniors#, each #dwelling unit# shall contain at least 325 square feet of #floor area#.

**Commented [Z29]:** The Proposal will remove these special unit size requirements that often made it difficult to provide more than one unit on lots in low density districts. The citywide rules would instead apply.

**23-24**

**Special Provisions for Buildings Containing Multiple Uses**

[MOVING TEXT TO 23-52]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum number of #dwelling units# permitted on the #zoning lot# shall equal the maximum #residential# #floor area# permitted on the #zoning lot#, divided by the applicable factor in Section 23-22 (Maximum Number of Dwelling Units). For the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non #residential# #floor area# and #floor area# allocated to #affordable independent residences for seniors#. Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

**23-25**

**Special Provisions for Existing Small Zoning Lots**

[REMOVING TEXT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Maximum Number of Dwelling Units), one #single family# #detached# #residence# or, where permitted, one #single family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

**Commented [Z30]:** The Proposal would update this rule which often hampered the construction of two-family houses in low density districts and multiple dwellings in higher density districts. The proposed density framework would apply to these existing smaller lots.

**23-26**

**Special Provisions for Zoning Lots Divided by District Boundaries**

[REMOVING TEXT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different requirements for density, the provisions set forth in Article VII, Chapter 7, shall apply.

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BEGINNING OF 23-20 THROUGH 23-29 NEW TEXT

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**23-20**

**FLOOR AREA REGULATIONS**

[MOVING TEXT FROM SECTION 23-10, AND MODIFYING]

#Floor area# regulations are set forth in Section 23-21 for R1 through R5 Districts and Section 23-22 for R6 through R12 Districts. Special allowances for multi-family #buildings# are set forth in Section 23-23. Special rules governing certain areas are set forth in Section 23-24.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or as provided in the respective #floor area# provisions of another Chapter of this Resolution. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

**23-21**

**Floor Area Regulations for R1 through R5 Districts**

[MOVING TEXT FROM SECTION 23-14]

R1 R2 R3 R4 R5

In the districts indicated, the basic #floor area ratio# for #residences# shall be set forth in Section 23-211. Such #floor area ratios# may be modified on #qualifying transit-accessible sites# or on #zoning lots# containing #qualifying senior housing# pursuant to Sections 23-212 or 23-213, respectively.

**23-211**

**Basic floor area regulations**

[MOVED FROM SECTIONS 23-141 AND 23-142, AND MODIFIED]

**Commented [Z31]:** The Proposal increases the maximum FAR in a number of low density districts to better align the rules with existing buildings found in these areas. These changes can help homeowners expand their buildings or new construction better match their surroundings.

R1 R2 R3 R4 R5

In the districts indicated, the maximum #floor area ratio# shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO FOR R1-R5 DISTRICTS

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R1-1 R1-2 R1-2A R2 R2A R3-1 R3-2 R3A R3X</u>	<u>0.75</u>
<u>R2X R4 R4-1 R4A R4B</u>	<u>1.00</u>
<u>R5 R5A R5B</u>	<u>1.50</u>
<u>R5D</u>	<u>2.00</u>

**23-212**

**Floor area regulations for qualifying transit-accessible sites**

[NEW TEXT]

R1 R2 R3 R4 R5

In the districts indicated, the maximum #floor area ratio# for #qualifying transit-accessible sites# at shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO FOR #QUALIFYING TRANSIT-ACCESSIBLE SITES#

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X</u>	<u>1.00</u>
<u>R4 R4-1 R4A R4B</u>	<u>1.50</u>
<u>R5 R5A R5B</u>	<u>2.00</u>

**Commented [Z32]:** The Proposal would provide a higher FAR to lots close to transit and that meet other location criteria. This would allow small apartment buildings in these areas similar to those often already found in neighborhoods near transit.

**23-213**

**Qualifying senior housing**

[MOVING TEXT FROM SECTION 23-144, AND MODIFYING]

**R3-2 R4 R5 R5B**

In the districts indicated, the maximum #floor area ratio# for #qualifying senior housing# shall be as set forth in the following table:

**MAXIMUM FLOOR AREA RATIO FOR QUALIFYING SENIOR HOUSING**

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R3-2</u>	<u>1.00</u>
<u>R4</u>	<u>1.50</u>
<u>R5 R5B</u>	<u>2.00</u>

**23-22**

**Floor Area Regulations for R6 Through R12 Districts**

[NEW TEXT]

**R6 R7 R8 R9 R10 R11 R12**

In the districts indicated, the basic #floor area ratio# for #residences# shall be set forth in Section 23-221. Such #floor area ratios# may be modified for #qualifying affordable housing# or #qualifying senior housing# pursuant to Sections 23-222.

**23-221**

**Basic floor area regulations**

[MOVING TEXT FROM SECTIONS 23-151 AND 23-153, AND MODIFYING,

**Commented [Z33]:** Affordable senior housing is already afforded a higher FAR compared to other residences in some low density districts. The Proposal would maintain this concept, but align the FARs with those proposed for transit-accessible sites. The Proposal would also allow R5B districts, which already permit multi-family housing, to have the same FAR as R5 districts.

**Commented [Z34]:** The section will contain the general FARs for R6+ zoning districts. These generally reflect the current rules for "quality housing" buildings. The Proposal also includes a new family of R6 districts (R6-2 and R6D) with maximum FARs between R6A and R6B districts. This could be a useful tool in areas with a mix of low and medium density building types.

ADDING NEW DISTRICTS]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, basic #floor area ratio# for #residences# shall be as set forth in the table in this Section.

MAXIMUM FLOOR AREA RATIO FOR R6-R12 DISTRICTS

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R6B</u>	<u>2.00</u>
<u>R6</u>	<u>2.20</u>
<u>R6-2 R6D</u>	<u>2.50</u>
<u>R6<sup>1</sup> R6-1 R6A R7B</u>	<u>3.00</u>
<u>R7-1 R7-2</u>	<u>3.44</u>
<u>R7-1<sup>1</sup> R7-2<sup>1</sup> R7A R8B</u>	<u>4.00</u>
<u>R7D</u>	<u>4.66</u>
<u>R7X R7-3</u>	<u>5.00</u>
<u>R8 R8A R8X</u>	<u>6.02</u>
<u>R8<sup>1</sup></u>	<u>7.20</u>
<u>R9 R9A</u>	<u>7.52</u>
<u>R9-1 R9D R9X</u>	<u>9.00</u>
<u>R10 R10A R10X</u>	<u>10.00</u>
<u>R11</u>	<u>12.50</u>
<u>R12</u>	<u>15.00</u>



<sup>1</sup> for #zoning lots#, or portions thereof, located within 100 feet of a #wide street#

**23-222**

**Floor area regulations for affordable or senior housing**

[MOVING TEXT FROM SECTION 23-15, INCLUSIVE, AND MODIFYING]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#, shall be as set forth in the following table:

**Commented [Z35]:** The Proposal units the higher FAR available for UAP, MIH, and affordable senior housing in this section. In most districts, these higher FARs are available for buildings with affordable senior housing, but the Proposal adds new FARs for districts which currently do not have one (for example, R8B). The R11 and R12 districts, which would have an FAR above 12.0 are also shown here.

**MAXIMUM FLOOR AREA RATIO FOR QUALIFYING AFFORDABLE OR QUALIFYING SENIOR HOUSING**

<u>District</u>	<u>Maximum #floor area ratio#</u>
<u>R6B</u>	<u>2.40</u>
<u>R6-2 R6D</u>	<u>3.00</u>
<u>R6 R6-1 R6A R7B</u>	<u>3.90</u>
<u>R8B</u>	<u>4.80</u>
<u>R7A R7-1 R7-2</u>	<u>5.01</u>
<u>R7D</u>	<u>5.60</u>
<u>R7X R7-3</u>	<u>6.00</u>
<u>R8 R8A R8X</u>	<u>7.20</u>
<u>R8<sup>1</sup></u>	<u>8.64</u>
<u>R9 R9A</u>	<u>9.02</u>
<u>R9-1 R9D R9X</u>	<u>10.80</u>
<u>R10 R10A R10X</u>	<u>12.00</u>

<u>R11</u>	<u>15.00</u>
<u>R12</u>	<u>18.00</u>

<sup>1</sup> for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

**23-23**

**Special Floor Area Provisions for Multi-family Buildings**

[NEW TEXT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the #floor area# provisions of this Section may be applied to #developments#, #enlargements#, #conversions# or alterations after [date of adoption] in all #buildings# containing three or more #dwelling units#.

**Commented [Z36]:** The Proposal would extend the current amenity framework for quality housing buildings to all multi-family buildings. Changes are made to better reflect contemporary residential design.

**23-231**

**Floor area provisions for amenities**

[MOVING TEXT FROM SECTION 28-13 AND MODIFYING]

Floor space in a #building# allocated to #residential# amenities, including, but not limited to, recreational space, lounge, communal workspaces, package room, fitness centers, laundry facilities, wellness services or pools, pet amenities, or pools, may be exempted from the definition of #floor area#, in an amount not to exceed five percent of the #residential floor area# of the #building#. However, amenity space shall not include floor space for circulation through the #building#, including, corridors or vertical circulation spaces.

**Commented [Z37]:** Zoning currently allows quality housing buildings to exempt ~3 percent of their area if devoted to recreation space. The Proposal extends this to all multi-family buildings and expands the allowance to 5 percent to cover a wider range of shared amenity spaces found in contemporary residential buildings. A recreation space requirement is found in 23-60.

**23-232**

**Floor area provisions for corridors**

[RELOCATING FROM SECTION 28-12 AND 28-31, AND MODIFYING]

Floor space in a #building# in allocated to corridors may be exempted from #floor area# pursuant to the provisions of paragraphs (a) or (b) of this Section. Such provisions may be applied individually or in combination.

**Commented [Z38]:** The Proposal would maintain the current exemptions for corridors but update them to improve their usability. Corridors can now be terminated by apartments with more bedrooms or outdoor spaces, in addition to windows. They could also include a more varied number of units along the corridor.

(a) Corridors Termination

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area# where one of the following criteria are met:

- (1) the corridor provides direct access to outdoor space on a balcony or terrace on the same #story#;
- (2) the corridor is served by a stairwell where the enclosing walls contain transparent materials;
- (3) the corridor terminates with a #dwelling unit# that contains at least three bedrooms; or
- (4) the corridor contains a window with a clear, non-tinted, glazed area of at least 20 square feet.

(b) Length of Corridor

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area#, where the length of the corridor, as measured from the elevator core to furthest #dwelling unit# on the #story#, does not exceed 100 linear feet.

**23-233**

**Floor area provisions for refuse storage and disposal**

[RELOCATING FROM 28-12, AND MODIFYING]

Floor space in a #building# allocated to refuse storage and disposal may be exempted from the definition of #floor area# in an amount not to exceed a maximum of three square feet per #dwelling unit# in the #building#.

**Commented [Z39]:** The Proposal would replace the current quality housing requirement for refuse rooms on each floor and related floor area exemption with a simpler exemption per unit. This would give designers greater flexibility to comply with current codes as well as DSNY plans for waste in buildings.

**23-234**

**Floor area provisions for elevated ground floor units**

[RELOCATING FROM SECTION 28-11]

For #buildings# with entryways at #curb level# that accommodate ramps, stairs or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be exempted from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet of floor space may be exempted from the definition of #floor area# for each #building#.

**Commented [Z40]:** The current allowance to encourage elevated ground floor units would be maintained.

**23-24**

**Special Provisions for Certain Areas**

**23-241**

**Special provisions for height factor buildings**

[NEW TEXT]

In R6 through R9 Districts without a letter suffix, for #height factor buildings#, the #floor area ratio# shall be as set forth in Section 23-70, inclusive.

**Commented [Z41]:** Height factor buildings, where possible, would instead follow the current FAR rules for these buildings.

**23-242**

**Special tower provisions**

[RELOCATING FROM SECTION 23-65, INCLUSIVE, AND MODIFYING]

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-436 or 23-723 (Tower regulations), any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

- (a) occupies the predominant portion of a #story#;
- (b) is located above the #base plane# or #curb level#, as applicable, and below the highest story containing #residential floor area#; and
- (c) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

**Commented [Z42]:** The Proposal would maintain the special floor area rules for R9 and R10 towers.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

**23-243**

**Special provisions for certain Community Districts**

[RELOCATING FROM SECTIONS 23-16 AND 73-622, AND MODIFYING]

(a) Borough of Brooklyn

For R1 through R3 Districts in Community Districts 11, 14 and 15 in the Borough of Brooklyn, the maximum #floor area ratio# set forth in Section 23-211 shall be increased to 1.0.

**Commented [Z43]:** In this general geography, an existing BSA permit allows bulk modifications which result in larger buildings. The Proposal would replace that with a simpler as of right framework that allowed for a similar result.

(b) Community District 9

In R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street, #height factor buildings# shall not be permitted.

**Commented [Z44]:** The Proposal would maintain the current restriction on height factor buildings in this geography.

**23-244**

**Existing Public Amenities for Which Floor Area Bonuses Have Been Received**

[MOVING FROM 23-17]

(a) Elimination or reduction in size of non-bonused 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 open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

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END OF 23-20 THROUGH 23-29 NEW TEXT

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~~23-30~~

~~LOT AREA AND LOT WIDTH REGULATIONS~~

[MOVING TEXT TO SECTION 23-10, AND MODIFYING]

**23-31**

**Definitions**

Words in *italics* are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

**23-32**

**Minimum Lot Area or Lot Width for Residences**

[MOVING TEXT TO SECTION 23-11 AND 23-12, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Development of Existing Small Lots), no *#residence#* is permitted on a *#zoning lot#* with a total *#lot area#* or *#lot width#* less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of <i>#Residence#</i>	Minimum <i>#Lot Area#</i> (in sq. ft)	Minimum <i>#Lot Width#</i> (in ft)	District
<i>#Single family# #detached#</i>	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	2,850	30	R2X
<i>#Single # or #two- family# #detached# or #zero lot line#</i>	3,800	40	R3-1 R3-2 R4- R10
	3,325	35	R3X

**Commented [Z45]:** The Proposal would move these rules to Section 23-10. Comment bubbles in the deleted text highlight provisions that are updated or deleted.

where permitted	2,850	30	R4A* R5A
	2,375	25	R3A* R4 1* R4B R5B R5D
Any other permitted	1,700	18	R3 R10*

~~In lower density growth management areas, for two family detached and two family zero lot line residences, where permitted, in R3A, R4 1 and R4A Districts, and for two family semi detached residences in R3 1, R3 2 and R4 1 Districts, the minimum lot area shall be 3,135 square feet and the minimum lot width shall be 33 feet.~~

However, in lower density growth management areas in the Borough of Staten Island, the following rules shall apply:

(a) ~~Where two or more buildings that are single or two family detached or semi detached residences are located on a zoning lot, the applicable minimum lot area requirement set forth in the table in this Section shall be multiplied by the number of such buildings on the zoning lot.~~

(b) ~~The lot width requirements set forth in this Section shall be applied as set forth in the definition of lot width in Section 12 10, provided that the applicable lot width, in feet, set forth in the table shall be met along at least one street line of the zoning lot or, for corner lots, along each intersecting street line. No residence, or portion thereof, shall be permitted between opposing side lot lines where such lot lines would be nearer to one another at any point where such residence is located than the applicable minimum lot width, in feet, set forth in the table.~~

**23 33**

**Special Provisions for Development of Existing Small Lots**

[REMOVING TEXT. ALLOWANCE FOR DEVELOPMENT ON EXISTING SMALL LOTS ALLOWED BY 23-10]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one single family detached residence or, where permitted, one single or two family residence may be developed upon a zoning lot that:

(a) ~~has less than the prescribed minimum lot area or lot width or, in lower density growth management areas in the Borough of Staten Island, does not comply with the provisions of Section 23 32 (Minimum Lot Area or Lot Width for Residences);~~

(b) ~~was owned separately and individually from all other adjoining tracts of land, both on~~

**Commented [Z46]:** The Proposal would remove this requirement for larger lots in Lower Density Growth Management Areas since it was based on a higher parking requirement that would no longer apply.

**Commented [Z47]:** The Proposal would import this rule as a citywide provision.

**Commented [Z48]:** The Proposal would replace this mix of rules with the simplified framework that would give existing small lots greater flexibility to provide the number of units that the zoning district allows.

December 15, 1961, and on the date of application for a building permit or, in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the #zoning maps# and on the date of application for a building permit or, in #lower density growth management areas#, both on December 8, 2005, and on the date of application for a building permit; and

- (e) — if #developed# as a #two family# #residence#, meets the applicable density requirement of the zoning district in which such #zoning lot# is located.

### 23-34

#### Special Provisions for Zoning Lots Divided by District Boundaries

[MOVING TEXT TO 23-03 AS A GENERAL PROVISION]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different requirements for minimum #lot area# or #lot width# for #residences#, the provisions set forth in Article VII, Chapter 7, shall apply.

### 23-35

#### Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

[RELOCATING TEXT TO SECTION 24-05]

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) — ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long term care facilities#, and
- (b) — child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in

**Commented [Z49]:** The Proposal would move this rule to the community facility bulk chapter (24-00) where it more accurately belongs.



~~the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.~~

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BEGINNING OF 23-30 THROUGH 23-39 NEW TEXT

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**23-30**  
**YARDS, COURTS AND OTHER OPEN AREA REGULATIONS**

[NEW TEXT REFLECTING NEW CHAPTER ORGANIZATION]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, regulations governing #yards#, #courts#, #lot coverage#, and other open areas shall be set forth in Section 23-30, inclusive.

General provisions shall be as set forth in Section 23-31, inclusive.

#Front yard# requirements shall be as set forth in Section 23-32, inclusive, #side yard# requirements shall be as set forth in Section 23-33, inclusive, and #rear yard# and #rear yard equivalent# requirements shall be as set forth in Section 23-34, inclusive.

#Court# regulations, including those for #inner courts# and #outer courts#, shall be as set forth in Section 23-35, inclusive.

Maximum #lot coverage# requirements shall be as set forth in Section 23-36, inclusive.

Other regulations governing open areas, including minimum distances between #buildings# and minimum distances between #legally required windows# and #lot lines#, shall be as set forth in Sections 23-37, inclusive.

Special rules for certain areas shall be as set forth in Section 23-38, inclusive.

**23-31**  
**General Provisions**

**23-311**  
**Permitted obstructions in all yards, courts and open areas**

**Commented [Z50]:** The Proposal would collect all rules for yards, courts, and open areas into this section. This would make it easier for practitioners to understand the range of rules that apply to lots.

**Commented [Z51]:** The Proposal would maintain these permitted obstructions that apply in all types of open areas.

[MOVING TEXT FROM SECTION 23-441, AND MODIFYING]

In all #Residence Districts#, the following obstructions shall be permitted within any required #yard#, #rear yard equivalent#, #court# or other required open area. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

- (1) #Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;
- (2) Arbors or trellises;
- (3) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (4) Bicycles or micromobility parking, including necessary ancillary structures;
- (5) Canopies;
- (6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (7) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (8) Electric vehicle charging equipment;
- (9) Flagpoles;
- (10) #Qualifying exterior wall thickness#;
- (11) Ramps or lifts for people with physical disabilities;
- (12) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#;

- (i) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or
- (ii) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;
- (13) Terraces or porches, open;
- (14) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches.

**23-312**

**Additional permitted obstructions generally permitted in all yards**

[MOVING TEXT FROM SECTION 23-441, AND MODIFYING]

In all #Residence Districts#, the obstructions set forth in Section 23-311 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within any #yard# or #rear yard equivalent#:

- (a) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-62. Such balconies are not permitted in required #side yards#;
- (b) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (c) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (d) Overhanging portions of a #single-# or #two-family residence# , which are above the first #story# including the #basement# and which project not more than three feet into the #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (e) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;

**Commented [Z52]:** The Proposal maintains these obstruction allowances for yards and make some limited updates reflecting other changes in low density districts.

(f) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:

- (1) in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
- (2) in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
- (3) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District, or the #front yard# of a #building# containing #residences# on a #qualifying transit-accessible site# in an R1 through R5 District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

**Commented [Z53]:** The Proposal applies the streetscape regulations for multi-family buildings to buildings built pursuant to the qualifying transit accessible site regulations.

(g) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

- (1) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (2) the size of all equipment, including any screening or portions of any #building# or other structure# enclosing such equipment, shall not exceed:
  - (i) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;
  - (ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and
  - (iii) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

(h) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building#

fronting on a #street#, which may include a #story# located directly above a #basement#;

- (i) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#, #Accessory# swimming pools are not permitted obstructions in any #front yard#;
- (j) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#.

**23-313**  
**Level and measurement of yards**

[MOVING TEXT FROM SECTION 23-42 AND 23-43]

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except where permitted as an obstruction pursuant to Section 23-30, inclusive.

The width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

**23-32**  
**Front Yard Requirements**

**23-321**  
**Basic front yard requirements in R1 through R5 Districts**

[MOVING TEXT FROM SECTION 23-45, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except as further modified by the provisions of this Section.

<u>District</u>	<u>Front Yard</u>

**Commented [Z54]:** This section includes the rules for front yards in low density districts. The Proposal maintains the general concept of front yards but provides allowances for buildings in some situations to provide shallower yards. These are similar to changes made in the floodplain in 2021.

<u>R1</u>	<u>20 feet</u>
<u>R2 R2A R2X R3-1 R3-2</u>	<u>15 feet</u>
<u>R3A R3X R4 R4-1 R4A R5 R5A</u>	<u>10 feet</u>
<u>R4B R5B R5D</u>	<u>5 feet</u>

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Minimum #front yard# yards shall be modified as follows:

- (a) For #qualifying transit-adjacent sites# with a #lot width# of at least 150 feet, the applicable #front yard# depth set forth in the table may be reduced by five feet, except that a #front yard# shall be no shallower than 5 feet;
- (b) for a #corner lot#, one #front yard# may have a depth that is five feet shallower than the applicable depth set forth in the table, except that a #front yard# shall be no shallower than 5 feet;
- (c) Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# of the #zoning lot# containing #buildings# may be as shallow as the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than 5 feet;
- (d) In R4B and R5B Districts, a #front yard# shall be no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than 5 feet. Furthermore, where the #street walls# beyond such adjacent #front yards# surrounding the subject #building# do not have a #prevailing street wall frontage#, these provisions need not apply; and
- (e) To accommodate #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may encroach into a required #front yard#, provided that no encroachment exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof.

**Commented [Z55]:** The Proposal provides for shallower yards for large buildings, those on corner lots, and those where adjacent buildings already provide shallow lots.  
  
In addition, allowances are provided for common building elements like bay windows to encroach in yards. This mimics allowances in higher density districts and is intended to encourage design articulation.

**23-323**  
**Front yard requirements for R6 through R12 Districts**

**Commented [Z56]:** The Proposal maintains the current rules for R6+ districts.

[NEW TEXT]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #front yard# requirements shall apply.

**23-33**

**Side Yard Requirements**

**23-331**

**Basic side yard requirements in R1 through R5 Districts**

[MOVING TEXT FROM 23-461 and 23-462, AND MODIFYING]

R1 R2 R3 R4 R5

(a) #Detached# and #zero lot line buildings#

In all districts, as indicated, for #zoning lots# containing only #single-family# #detached# #residences# or, where permitted, for #two-family# #detached# #residences# or #single-# or #two-family residences# in #zero lot line buildings#, or any combination thereof, #side yards# shall be provided as set forth in the table in this paragraph:

MINIMUM REQUIRED SIDE YARDS

<u>District</u>	<u>Number Required</u>	<u>Required Total Width (in feet)</u>	<u>Required Minimum Width of any #Side Yard# (in feet)</u>
<u>R1-1 R1-2 R2 R2A R3-1 R3-2 R4 R5 R2X R3X R4A R5A</u>	<u>2</u>	<u>10</u>	<u>5</u>
<u>R3A R4-1 R4B R5B R5D</u>	<u>1</u>	<u>5</u>	<u>0</u>

**Commented [Z57]:** The Proposal updates the side yard requirements in low density districts. Current rules often call for 8' side yards, which make it difficult to construct new buildings and don't match the narrow yards older buildings provide. The width would be lowered to 5', which is more in line with older buildings.

R3-1 R3-2 R4 R4-1 R4B R5

(b) #Semi-detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #semi-detached# #residences#, a #side yard# of 5 feet shall be provided, except that on #corner lots#, one #side yard# shall be at least 20 feet in width.

R3-2 R4 R4B R5 R5B R5D

(c) Other #residences#

In the districts indicated, for #zoning lots# containing #residences# in #buildings# other than #detached#, #zero lot line# or #semi-detached# #buildings#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.

R1 R2 R3 R4 R5

(d) Permitted obstructions in open areas between #buildings#

Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in the applicable provisions of Sections 23-311 and 23-312 shall be permitted obstructions in open areas between #buildings#, provided that such obstructions, not including #accessory# off-street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.

**23-332**

**Modified side yard requirements for qualifying transit-accessible sites**

[NEW TEXT]

R1 R2 R3 R4 R5

In the districts indicated, for #residences# on #qualifying transit-accessible sites# that are not otherwise subject to the provisions of paragraph (c) of Section 23-331, #side yards# shall only be required where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard#. In such instances, an open area with a minimum width of five feet and parallel to the #side lot line# shall be required along the common #side lot line# between such #buildings#. Obstructions permitted pursuant to Sections 23-311 and 23-312 shall be permitted in such open areas.

**Commented [Z58]:** The Proposal requires lots using the transit accessible rules that encourage small apartment buildings to provide a side yard if adjacent buildings also do so. This encourages these buildings to better relate to their surroundings.



**23-333**

**Modified side yard requirements for existing narrow zoning lots**

[MOVING TEXT FROM 23-48, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, where the width of a #zoning lot# is less than that required under the provisions of Section 23-11 (Minimum Lot Area or Lot Width for Residences), the required total width of #side yards# for a #single-family# #detached# or #two-family# #detached# #residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required, provided that either:

- (a) the #zoning lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; or
- (b) the #zoning lot# was created after December 15, 1961, but the narrow lot condition was in existence on December 15, 1961, and, subsequently, such narrow lot condition has neither increased nor decreased in depth.

However, in no event shall the required width of a #side yard# be less than three feet.

**Commented [Z59]:** Current zoning rules provide relief for narrow lots. The Proposal maintains these provisions but updates them in line with the 5' side yard requirement.

**23-335**

**Side yard requirements for R6 through R12 Districts**

[MOVING PARAGRAPH (a) PROVISIONS FROM SECTION 23-461 AND MODIFYING. PARAGRAPH (b) IS MOVED FROM 23-462 AND EXPANDED]

R6 R7 R8 R9 R10 R11 R12

- (a) #Detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-family# or #two-family# #detached# #residences#, two #side yards#, each with a minimum width of five feet shall be provided.

- (b) All other #buildings#

In the districts indicated, for #zoning lots# containing all other types of #residences#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.

**Commented [Z60]:** Zoning does not require side yards in R6+ districts, but requires buildings that do provide them to comply with minimum dimensions. These would be updated to reflect the proposed 5' side yard in low density districts.

23-34

Rear Yard and Rear Yard Equivalent Requirements

23-341

Permitted obstructions in required rear yards or rear yard equivalents

[COMBINING SECTIONS 23-441(b) AND 23-442(b) AND MODIFYING;  
SECTIONS 23-441(a) and 23-442(a) MOVING TO 23-311 AND 23-312, RESPECTIVELY]

- (a) In all #Residence Districts#, the obstructions set forth in Section 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.
- (1) Breezeways;
  - (2) Fire escapes;
  - (3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
  - (4) Recreational or drying yard equipment;
  - (5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
  - (6) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
    - (i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a detached #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or
    - (ii) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
  - (7) Water-conserving devices required in connection with air conditioning or

**Commented [Z61]:** The Proposal would maintain the current framework of allowances for rear yards, but update some provisions, as described below.

refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

(b) In all #Residence Districts#, the obstructions set forth in Section 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#.

(1) Balconies, unenclosed, subject to the provisions of Section 23-62:

(2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#.

(ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 15 feet above #base plane#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#.

(iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

(3) for #buildings# containing three or more #dwellings#, any portion of a #building# used for #residential uses# other than #dwelling units#, provided that:

(i) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less; and

(ii) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

(4) for #zoning lots# with #single-# or #two- family residences#, any portion of a

**Commented [Z62]:** The Proposal would extend an allowance to all multi family buildings currently available for affordable senior buildings to provide shared interior spaces on the ground floor in the rear yard area.

#building# used for #residential uses#, provided that:

- (i) the height shall be limited to two #story# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof, and limited to an area not exceeding 50 percent of the #rear yard# or #rear yard equivalent#; and
- (ii) such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#.

**Commented [Z63]:** The Proposal would allow single and two family buildings to provide small buildings in the rear yard area subject to size requirements. This would support the construction of ADUs as well as other housing areas.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

### 23-342

#### Rear yard requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yard equivalents# shall be provided on #through lots# in accordance with this Section.

- (a) Standard lots

[MOVING FROM 23-47 AND MODIFYING]

In the districts indicated, for #buildings# or portions thereof at or below a height of 75 feet, a #rear yard# with a depth of not less than 20 feet shall be provided, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided above adjoining grade shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

**Commented [Z64]:** The Proposal would update the rear yard requirements for all residential buildings. For buildings, or portion thereof, the minimum rear yard would be 20 feet. Taller portions would maintain the current 30 foot requirement.

This change would align with the rear yard depths of many older buildings and encourage new construction to be shorter.

- (b) Shallow lots

[MOVING FROM 23-52 AND STANDARDIZING]

In the districts indicated, the provisions of this Section may be modified where an #interior lot# is less than 95 feet deep at any point; and either:

- (1) the #zoning lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; or
- (2) the #zoning lot# was created after December 15, 1961, but the shallow lot

**Commented [Z65]:** The Proposal would extend relief already available for shallow lots in R6+ districts to all districts. It would update the rules to reflect the rear yard depth changes.

condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

For such shallow #interior lots#, or portions thereof, the depth of a required #rear yard# set forth for standard lots may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

### **23-343**

#### **Additional rear yard modifications**

[MOVING 23-54, WITH CROSS REFERENCE MODIFICATION;  
MOVING AND MODIFYING 23-471 AS 23-343(a). AND, 23-541, 23-542, 23-543, 23-544.  
AS 23-343(b), (c), (d), (e)]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

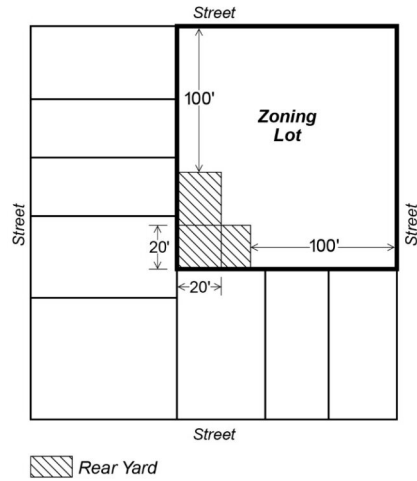
In all districts, as indicated, the #rear yard# requirements set forth in Section 23-342 (Rear yard requirements) shall be modified as set forth in this Section.

(a) Beyond one hundred feet of a #street line#

In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

(1) In all districts, a #rear yard# shall be provided in accordance with Section 23-342 (Rear yard requirements), where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

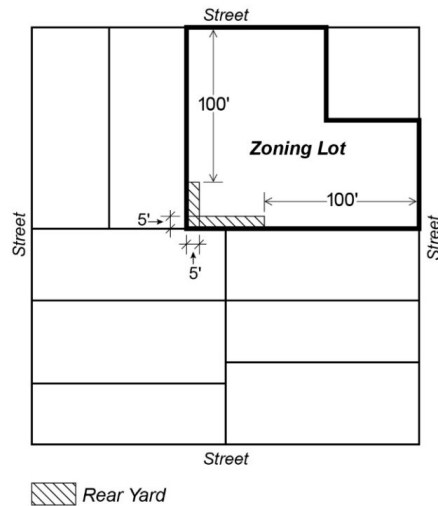
CORNER LOT



NOT TO SCALE

- (2) In R1 through R5 Districts, a rear yard with a minimum depth of five feet shall be provided where such rear lot line coincides with a side lot line of an adjoining zoning lot.

ZONING LOT BOUNDED BY TWO OR MORE STREETS  
(NEITHER A CORNER LOT NOR A THROUGH LOT)



NOT TO SCALE

(3) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(b) Within one hundred feet of corners

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

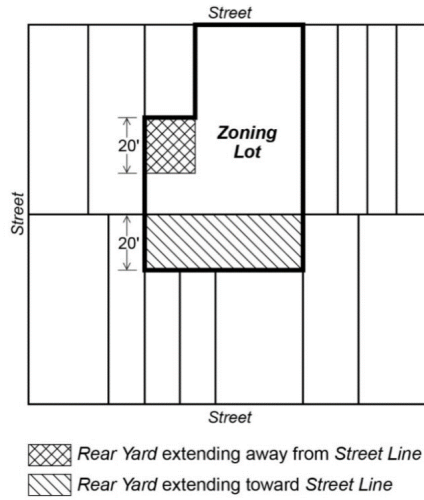
(c) Along #short end of the block#

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #short end of the block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

(d) For zoning lots with multiple #rear lot lines#

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line# :

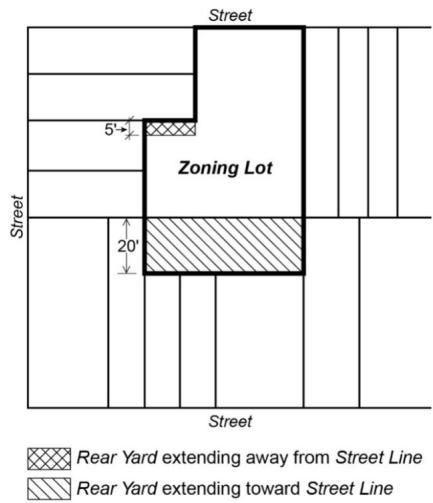
(1) In all districts, where any such #rear lot line# coincides with the #rear lot line# of an adjoining #zoning lot#, a #rear yard# shall be provided in accordance with Section 23-342 (Rear yard requirements).



NOT TO SCALE ☒

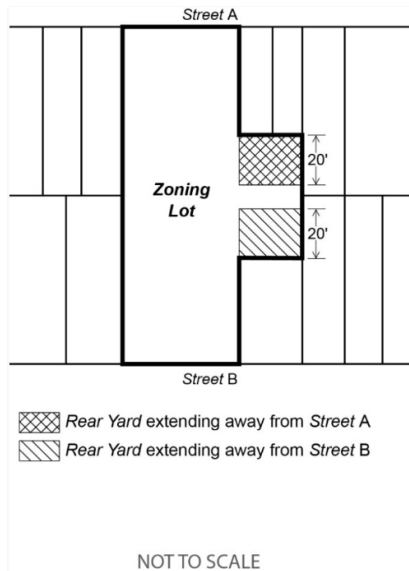
- (2) In R1 through R5 Districts, a rear yard with a minimum depth of five feet shall be provided where such rear lot line coincides with a side lot line of an adjoining zoning lot.





NOT TO SCALE

- (3) In R6 through R12 Districts, no rear yard shall be required where such rear lot line coincides with a side lot line of an adjoining zoning lot.
- (4) In all districts, for portions of through lots that have multiple rear lot lines and such portions are not subject to interior lot regulations, the street line bounding the zoning lot closest to such rear lot line shall be used to determine compliance with this Section.



**23-344**

**Rear yard equivalent requirements**

[COMBINING AND MODIFYING SECTIONS 23-53, INCLUSIVE]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yard equivalents# shall be provided on #through lots# in accordance with this Section.

**(a) Exceptions**

No #rear yard equivalent# regulations shall apply:

- (i) to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#;
- (ii) to instances where, either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres; or

**Commented [Z66]:** The Proposal would afford large lots, like campuses, relief from rear yard requirements. They would still be subject to coverage and distance between building requirements. This would provide greater design flexibility.

(iii) to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of a #street#.

(b) Depth requirement

(1) For standard lots

On any #through lot# that is 190 feet or more in maximum depth from #street# to #street#, for #buildings# or portions thereof at or below a height of 75 feet, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet shall be provided, and above a height of 75 feet, where permitted, a #rear yard equivalent# of 60 feet shall be provided.

**Commented [Z67]:** The Proposal would maintain the current requirement for rear yards to be provided in the middle of the block, but update the rules to reflect the dimension changes for rear yards described earlier.

(2) For shallow lots

The depth of a #rear yard equivalent# may be reduced where a #through lot# is less than 190 feet deep at any point; and either:

- (i) the #zoning lot# was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; or
- (ii) the #zoning lot# was created after December 15, 1961, but the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

**Commented [Z68]:** The Proposal would provide rear yard relief to shallow lots in all zoning districts. Similar relief is provided in R6+ districts.

For such shallow #through lots#, or portions thereof, the depth of a required #rear yard equivalent# set forth for standard #through lots# in this Section, may be reduced by one foot by which the depth of a #zoning lot#, or portion thereof, is less than 190 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(c) Location requirement

(1) Standard location

A #rear yard equivalent# shall be provided midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts.

(2) Alternative location allowances

Alternatively, for #zoning lots# utilizing the height at setback provisions for eligible sites set forth in Section 23-435 or #height factor buildings# set forth in

Section 23-72, or for shallow lots eligible for the provisions of paragraph (b)(2) of this Section, the following options may be applied:

- (i) open areas adjoining and extending along the full length of either or both #street lines#, where the combined depth of such open areas is equivalent to the depth of the required #rear yard equivalent#;
- (ii) open areas adjoining and extending along the full length of either or both #side lot lines#, where the combined width of such open areas is equivalent to the depth of the required #rear yard equivalent#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-341 (Permitted obstructions in required yards or rear yard equivalents).

### **23-35**

#### **Court Regulations**

[PROVISIONS MOVING FROM SECTION 23-83]

#Inner court# regulations are set forth in Section 23-352 and #outer court# regulations are set forth in Section 23-353. Permitted obstructions in such #courts# are set forth in Section 23-351.

These regulations shall not apply to any #single-# or #two-family detached residence#.

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

### **23-351**

#### **Permitted obstructions in courts**

[RELOCATING FROM SECTION 23-87, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the obstructions permitted in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within

**Commented [Z69]:** The Proposal maintains the current framework of court regulations but would extend the same rules to all multi-family buildings and make some adjustments to reflect changes to yard dimensions described earlier.

the minimum area and dimensions needed to satisfy the requirements for a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) Fences;

(b) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312;

(d) Recreational or drying yard equipment.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, shall be permitted.

### **23-352**

#### **Inner court regulations**

[COMBINING AND MODIFYING SECTIONS 23-85, 23-851, 23-852]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #inner court# regulations shall apply:

(a) where #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of an #inner court# shall not be less than 800 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet, and above a height of 75 feet, where permitted, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet;

(b) where no #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a

height of 75 feet, where permitted, the area of such small #inner court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and

- (c) the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed the minimum dimension for an #inner court#, relative to the height.

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

### **23-353**

#### **Outer court regulations**

[COMBINING AND MODIFYING SECTIONS 23-84, 23-841, 23-842, 23-843]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #outer court# regulations shall apply:

- (a) where #legally required windows# face onto an #outer court#, the width of such #outer court# shall be at least equal to the depth of such #outer court#, except that an #outer court# may extend to any depth where the width of the #outer court# exceeds 20 feet in #buildings# or portions thereof, at or below a height of 75 feet, or where the width of the #outer court# exceeds 30 feet above a height of 75 feet, where permitted;
- (b) where no #legally required windows# face onto an #outer court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a height of 75 feet, where permitted, the area of such small #inner court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and
- (c) the width of an #outer court recess# shall be at least equal to the depth of the #outer court recess#, except where such width permits any depth for an #outer court#, relative to the height.

### **23-36**

#### **Maximum Lot Coverage**

[NEW TEXT]

For #developments# or #enlargements# of #residences#, the maximum #lot coverage# regulations are set forth in Section 23-361 for R1 through R5 Districts and Section 23-362 for R6

**Commented [Z70]:** The Proposal would subject all zoning district to coverage rules. They would be updated to reflect changes to yard dimensions described earlier.

through R12 Districts. Special rules for certain #interior# or #through lots# are set forth in Section 23-363.

**23-361**

**Maximum lot coverage in R1 through R5 Districts**

[MOVING RULES FROM 23-142 AND MODIFYING PER PROPOSAL]

R1 R2 R3 R4 R5

In the districts indicated, for #buildings# containing #single-# or #two-family residences#, the maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 60 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 80 percent.

In the districts indicated, for #buildings# containing three or more #dwelling units#, the maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

However, where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres, the maximum #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such limitation, subject to the standard limitations.

**23-362**

**Maximum lot coverage in R6 through R12 Districts**

[MOVING RULES FROM 23-153 AND MODIFYING PER PROPOSAL]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

However, where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres, the maximum #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such limitation, subject to the standard limitations.

**Commented [Z71]:** While the Proposal would subject all districts to yard requirements, it would also subject them to coverage rules. This is how R6+ districts are treated today. Separate coverages would be available for single- and two-family buildings, multi-family buildings and large campus sites.

**Commented [Z72]:** The Proposal would update coverage requirements to reflect changes to yard requirements described earlier. In addition, a new lower coverage would apply to large campus sites.

**23-363**

**Special rules for certain interior or through lots**

[MOVING FROM 23-156, EXPANDING TO INCLUDE R1 THROUGH R5 DISTRICTS,  
AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #lot coverage# set forth in Section 23-361 or 23-362, as applicable, may be increased in accordance with the provisions of this Section.

(a) Shallow #zoning lots#

For #zoning lots# eligible for the #rear yard# modifications for shallow #interior lots# set forth in Section 23-342 (Rear yard requirements) or the #rear yard equivalent# modifications for shallow #through lots# set forth in Section 23-344 (Rear yard equivalent requirements), the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 95 feet for #interior lots# or 190 feet for #through lots#. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

Where only a portion of a #zoning lot# is shallow, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by multiplying the maximum percent of #lot coverage# permitted for the shallow portion of the #zoning lot# established pursuant to this Section by the percentage such portion constitutes of the #lot area# of the #zoning lot#, and by multiplying the maximum percent of #lot coverage# permitted for the non-shallow portion of the #zoning lot# established pursuant to Section 23-361 or 23-362, respectively, by the percentage such portion constitutes of the #lot area# of the #zoning lot#. The sum of the areas of #lot coverage# thus obtained shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 90 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# complies with such maximum.

(b) Within 100 feet of corners

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(c) Along the short dimension of the block

**Commented [Z73]:** The Proposal would extend current rules for special lot conditions in R6+ districts to all zoning districts.



In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.

### 23-37

#### Other Open Area Regulations

### 23-371

#### Distance between buildings

[CONSOLIDATING RULES FROM 23-711 AND 23-82 AND UPDATING PER PROPOSAL]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section.

For the purpose of this Section, #abutting buildings# on a single #zoning lot# may be considered a single #building#. However, if two or more portions of a #building# are not connected or not #abutting# at a particular level, such separated portions shall comply with the applicable provisions of this Section. In applying such provisions, the height of such separated portions shall be measured from the roof of the connecting or #abutting# portion of such #building#, as applicable, instead of from the #base plane#.

(a) Exceptions

The provisions of this Section shall not apply to:

- (1) #buildings# that are separated from each other by a #rear yard equivalent#; or
- (2) space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

(b) For single- and two-family residences

For #zoning lots# with #residences# that are comprised of exclusively #single-# or #two-family residences#, the required minimum distance between any such #residences# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings#. Such minimum distance shall be measured perpendicular to the #building# wall or window, as applicable.

**Commented [Z74]:** The Proposal would update the current framework for distance between building rules. For multiple dwellings, it would bring the requirement into line with the state's Multiple Dwelling Law. For other residences, the requirements would be modified to permit ADUs and to reflect yard changes made earlier in the chapter.

	<u>Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)</u>		
	<u>35 or less</u>	<u>Between 35 and 50</u>	<u>Over 50</u>
<u>Minimum distance</u>	<u>10</u>	<u>20</u>	<u>30</u>

(c) For #residences# that contain three or more #dwelling units#

For #zoning lots# with #residences# that contain three or more #dwelling units#, the provisions of this paragraph shall apply. Where two or more portions of a #building#, including #abutting# portions thereof, are not connected at a particular level above grade, such separated portions shall comply with paragraph (c)(1) of this Section. Where there are multiple #buildings# on a single #zoning lot# that do not connect at any level, such #buildings# shall comply with paragraph (c)(2) of this Section.

(1) For separated portions of a #building#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other portion of the #building#, including #abutting# portions thereof, as applicable, on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be as indicated in the table below, and shall be measured perpendicular to the #building# wall or window, as applicable.

For the purposes of this Section, wall condition shall be defined as follows:

“wall to wall” is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

“wall to window” is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

“window to window” is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

	<u>Maximum #Building# Height above Roof of Connecting Portion (in feet)</u>
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<u>Wall Condition</u>	<u>25</u>	<u>35</u>	<u>40</u>	<u>50</u>	<u>Over 50</u>
<u>#Wall to Wall#</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>
<u>#Wall to Window#</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>#Window to Window#</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>

(2) Two or more #buildings# on a single #zoning lot#

The minimum distance between two or more #buildings# on the same #zoning lot# that are not connected at any level shall be 40 feet, as measured between the closest points of such #buildings#, for portions of #buildings# lower than 125 feet, as measured from the #base plane# or #curb level#, as applicable.

Portions of such #buildings# higher than 125 feet shall be at least 80 feet apart, as measured between the closest points of such #buildings#. However, such minimum distance need not exceed 40 feet if such portions of #buildings# above a height of 125 feet do not exceed, in aggregate, a #lot coverage# of 40 percent or, for lots of less than 20,000 square feet, the percentage set forth in the table below:

AGGREGATED LOT COVERAGE OF PORTIONS OF  
BUILDINGS ON A SMALL ZONING LOT

<u>Area of #Zoning Lot# (in square feet)</u>	<u>Maximum Percent of #Coverage#</u>
<u>10,500 or less</u>	<u>50</u>
<u>10,501 to 11,500</u>	<u>49</u>
<u>11,501 to 12,500</u>	<u>48</u>
<u>12,501 to 13,500</u>	<u>47</u>
<u>13,501 to 14,500</u>	<u>46</u>
<u>14,501 to 15,500</u>	<u>45</u>
<u>15,501 to 16,500</u>	<u>44</u>

<u>16,501 to 17,500</u>	<u>43</u>
<u>17,501 to 18,500</u>	<u>42</u>
<u>18,501 to 19,999</u>	<u>41</u>

(d) In addition, the following rules shall apply to:

- (1) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;
- (2) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;
- (3) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (c)(2) of this Section; and
- (4) the obstructions permitted in Section 23-311 shall be permitted in such minimum distance.

**23-372**

**Distance between legally required windows and lot lines**

[MOVING RULES FROM 23-86 AND UPDATING PER PROPOSAL]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

The minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

(a) Exceptions

This Section shall not apply to #legally required windows# in #buildings# containing #residences# with a maximum height of 35 feet, as measured from #base plane#, and with a maximum of three #dwelling units# units;

**Commented [Z75]:** The Proposal would maintain the framework for where legally required windows can be provided, but update them to reflect changes made to yard regulations earlier in the Chapter.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

(b) Basic provisions

The minimum distance between a #legally required window# and:

- (1) any wall;
- (2) a #rear lot line#, or vertical projection thereof; or
- (3) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

The obstructions permitted for any #yard# set forth in Section 23-311 shall be permitted in such minimum distance.

(c) For shallow lots

For #interior lots#, where the depth is less than 95 feet deep at any point, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be modified to equal the #rear yard# depth required for shallow lots pursuant to the provisions of Section 23-342 (Rear yard requirements). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 10 feet.

(d) Special provisions for R3 through R5 Districts

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15-foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15-foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, #qualifying exterior wall thickness#, gutters, open #accessory# off-street parking spaces, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in Sections 23-311 or 23-312, provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

**23-38**

**Special Rules for Certain Areas**

**23-381**

**Special provisions for height factor buildings**

[NEW TEXT]

In R6 through R9 Districts without a letter suffix, for #height factor buildings#, minimum #open space ratios# shall be as set forth in Section 23-70, inclusive.

**Commented [Z76]:** Height factor buildings would have to follow the current open space framework for that building type.

**23-382**

**Special provisions in other geographies**

[NEW TEXT]

In all districts, for #buildings# containing three or more #dwelling units# on #zoning lots# that adjoin a #public park#, the minimum distance between a #legally required window# and a #lot lines# need not apply to portions of #buildings# facing such #public park# where the Commissioner of the Department of Parks and Recreation determines that the #public park# will provide sufficient access to light and air for such #building's# #legally required windows#. Where the Commissioner makes such determination, the #public park# shall be considered a #street# for the purposes of applying other applicable laws or statutes to such #legally required window#.

**Commented [Z77]:** The Proposal would extend provisions found in some special districts that clarify that parks can be treated like streets for legal window requirement purposes if approved by the Parks Department.

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**END OF 23-30 THROUGH 23-39 NEW TEXT**

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**23-40**

**YARD REGULATIONS**

[ENTIRE YARD REGULATIONS MOVING TO 23-30]

**Commented [Z78]:** The Proposal moves yard regulations to 23-30. Comment bubbles in the deleted text highlight provisions that are updated or deleted.

**23-41**

**Definitions**

[REMOVING TEXT]

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

**23-42**

**Level of Yards**

[TEXT MOVING TO 23-313]

~~In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).~~

### ~~23-43~~

#### ~~Measurement of Yard Width or Depth~~

[REMOVING TEXT AND CONSOLIDATING WITHIN 23-30 PROVISIONS]

~~In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.~~

### ~~23-44~~

#### ~~Permitted Obstructions in Required Yards or Rear Yard Equivalents~~

[REMOVING TEXT]

~~In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted within a required #yard# or #rear yard equivalent#.~~

### ~~23-441~~

#### ~~General permitted obstruction allowances~~

[MOVING TEXT TO SECTION 23-311 AND 23-312, AND MODIFYING]

~~In all #Residence Districts#, the following obstructions shall be permitted within any required #yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.~~

(a) — ~~In any #yard# or #rear yard equivalent#:~~

(1) — ~~#Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;~~

(2) — ~~Arbors or trellises;~~

(3) — ~~Awnings and other sun control devices, provided that when located at a level~~

higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

- (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
- (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(4) Bicycles or micromobility parking, including necessary ancillary structures;

(5) Canopies;

(6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(7) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(8) Electric vehicle charging equipment;

(9) Flagpoles;

(10) #Qualifying exterior wall thickness#;

(11) Ramps or lifts for people with physical disabilities;

(12) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

- (i) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or

- (ii) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;

(13) Terraces or porches, open;

(14) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches.

(b) In any #rear yard# or #rear yard equivalent#:



- (1) — Breezeways;
- (2) — Fire escapes;
- (3) — Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (4) — Recreational or drying yard equipment;
- (5) — Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (6) — Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
  - (i) — on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a detached #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or
  - (ii) — affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
- (7) — Water conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

## 23-442

### Additional permitted obstructions

[MOVING TEXT TO SECTION 23-313, AND MODIFYING]

In all #Residence Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within a required #yard# or #rear yard equivalent#:

(a) — In any #yard# or #rear yard equivalent#:

- (1) — Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
- (2) — Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (3) — Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (4) — Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (5) — Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;
- (6) — Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
  - (i) — in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
  - (ii) — in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
  - (iii) — in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in

an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

(7) ~~#Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:~~

(i) ~~all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);~~

(ii) ~~the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:~~

(a) ~~an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;~~

(b) ~~in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and~~

(c) ~~in R6 through R10 Districts, a height of 15 feet above the adjoining grade;~~

(8) ~~Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;~~

(9) ~~Swimming pools, #accessory#, above grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;~~

(10) ~~Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;~~

(b) ~~In any #rear yard# or #rear yard equivalent#:~~

(1) ~~Balconies, unenclosed, subject to the provisions of Section 23-13;~~

- (2) ~~Parking spaces, off street, #accessory#, for automobiles or bicycles, provided that:~~
- (i) ~~if #accessory# to a #single # or #two family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;~~
  - (ii) ~~if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 10 feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;~~
  - (iii) ~~enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single # or #two family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);~~
- (3) ~~any portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors); provided that:~~
- (i) ~~such #zoning lot# is located in an R6 through R10 District other than an R6B, R7B or R8B District;~~
  - (ii) ~~the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less;~~
  - (iii) ~~such #building# portion is located within 100 feet of a #wide street#; and~~
  - (iv) ~~such space shall be accessible to all residents of the #building#.~~

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-62 (Permitted Obstructions), limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

**23-443**

**Location of garages in side yards of corner lots**

[ PROVISION NOW REDUNDANT WITH REDUCED SIDE YARDS]

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that, in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

**23-444**

**Location of garages in side yards of other zoning lots**

[ PROVISION NOW REDUNDANT WITH REDUCED SIDE YARDS]

In all #Residence Districts#, on #zoning lots# other than #corner lots#, where no #rear yard# is required under the provisions of Sections 23-541 (Within one hundred feet of corners) or 23-542 (Along short dimension of block), enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# that is within 30 feet of the #rear lot line#.

**23-45**

**Minimum Required Front Yards**

[MOVING TEXT TO SECTION 23-321, AND MODIFYING]

R1 R2 R3 R4 R5

- (a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

--	--

Front Yard	District
20 feet	R1
20 feet*	R1-2A
15 feet	R2 R2X R3-1 R3-2
15 feet*	R2A
10 feet*	R3A R3X R4-1 R4A R5A
10 feet**	R4 R5
5 feet*	R4B R5B R5D

\* — Except as provided in paragraphs (b) and (c) of this Section

\*\* — If the depth of a #front yard# exceeds 10 feet, the depth of the #front yard# shall be at least 18 feet. Furthermore, #developments# or #enlargements# pursuant to the optional regulations applicable in a #predominantly built-up area# shall provide a #front yard# with a depth of at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #building# containing #residences#, there shall be an open area between the opening and the #street line# which is at least 8 feet, six inches in width by 18 feet in depth, except this provision shall not apply in R5D Districts.

R1-2A R2A R3A R3X R4-1 R4A R4B R5A R5B R5D

(b) — For the purpose of paragraphs (b) and (c) the area between the #street line# and the front #building# wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #buildings# containing #residences# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

- (1) — in R1-2A, R2A, R3A, R3X, R4-1, R4A or R5A Districts is at least as deep as an adjacent #front yard#; and
- (2) — in R4B, R5B or R5D Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth, except that in R1-2A Districts, a #front yard# need not exceed 25 feet in depth.

In determining the depth of the adjacent #front yards#, balconies and projections from the front #building# wall that do not exceed 33 percent of the width of the #building# shall be disregarded.

For #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the width of all projections at the level of any #story# does not exceed 33 percent of the width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(c) — The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:

(1) — on #corner lots#, these provisions shall apply on only one #street# frontage; and

(2) — these provisions shall not apply to:

(i) — any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;

(ii) — any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or

(iii) — a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

(d) — For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

## 23-451

### Planting requirement

[MOVING TEXT TO SECTION 23-613, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted, which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls. Any planted area within a driveway or parking space shall not qualify towards meeting the minimum planting requirements of this Section. For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front yard#. For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

Where multiple #buildings# on a single #zoning lot# front upon the same #street#, the planting requirements of this Section shall be determined by the #street# frontage allocated to the area occupied by each such #building# and applied separately to the entire area between the #street line# and the #street wall# of each #building# and its prolongation. The allocation of planting requirements to open areas between #buildings# shall be determined by dividing such open area evenly, with an equal portion attributed to each #building# on both sides of such open area.

Any #zoning lot# occupied by a #building# constructed after April 30, 2008, shall provide planted areas in accordance with the provisions of this Section. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

#Street# frontage of #zoning lot#, #street wall# width of #building segment#, or #street# frontage allocated to each of multiple #buildings# on a single #zoning lot#, as applicable	Percentage of #front yard# to be planted (minimum)
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30
60 feet or greater	50

23-46

**Minimum Required Side Yards**



[MOVING TEXT TO SECTION 23-33, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, ~~#side yards# shall be provided on any #zoning lot# as specified in this Section, except as otherwise provided in the following Sections:~~

~~Section 23-48 (Special Provisions for Existing Narrow Zoning Lots)~~

~~Section 23-49 (Special Provisions for Side Lot Line Walls)~~

~~Section 23-51 (Special Provisions for Yards Adjacent to R1 Through R5 Districts)~~

**23-461**

**Side yards for single or two family residences**

[MOVING TEXT TO SECTION 23-331, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) ~~#Detached# and #zero lot line buildings#~~

~~In all districts, as indicated, for #zoning lots# containing only #single family# #detached# #residences# or, where permitted, for #two family# #detached# #residences# or #single # or #two family residences# in #zero lot line buildings#, or any combination thereof, #side yards# shall be provided as set forth in the table in this paragraph, except that on #corner lots# in R1, R2, R3, R4 and R5 Districts, one #side yard# shall be at least 20 feet in width:~~

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R2A R3-1 R3-2 R4 R10
2	10*	2*	R2X R3X R4A R5A
1	8*	0*	R3A R4-1 R4B R5B R5D

\* Additional regulations apply pursuant to paragraph (c) of this Section

~~R3-1 R3-2 R4 R4-1 R4B R5~~

(b) ~~#Semi-detached# #buildings#~~

~~In the districts indicated, for #zoning lots# containing only #single # or #two-family# #semi-detached# #residences#, a #side yard# shall be provided as set forth in the table in this paragraph, except that on #corner lots#, one #side yard# shall be at least 20 feet in width:~~

**MINIMUM REQUIRED SIDE YARD**

Feet	District
8	<del>R3-1 R3-2 R4 R5</del>
4*	<del>R4-1 R4B R5B R5D</del>

\* Additional regulations apply pursuant to paragraph (c) of this Section

(c) Additional regulations

(1) Eight foot open area required between ~~#buildings# containing #residences#~~

~~An open area with a minimum total width of eight feet is required between #buildings# containing #residences# on adjacent #zoning lots#. Such open area must be parallel to the #side lot line# and may be located on either one or both sides of such common #side lot line#. (See Figure A)~~

Open area at least 8' wide required between residential buildings

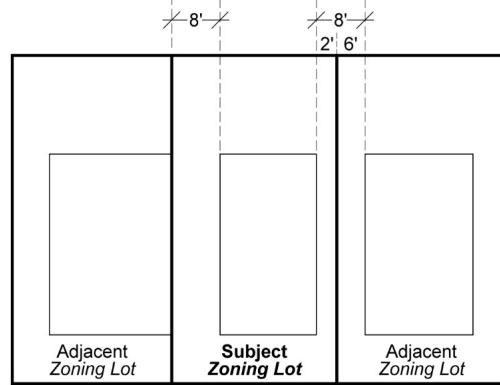


Figure A  
(23-461e1)

(2) — When #side yards# total more than 13 feet

However, where such open area requirements result in #side yards# totaling more than 13 feet on the subject #zoning lot#, the width of such #side yards# may be reduced to not less than five feet, provided that the total width of both #side yards# on the subject #zoning lot# is at least 13 feet. (See Figure B)

Open area requirement results in *side yards* totaling 16'. Therefore, *side yards* may be reduced to not less than 5' provided both sides total at least 13'.

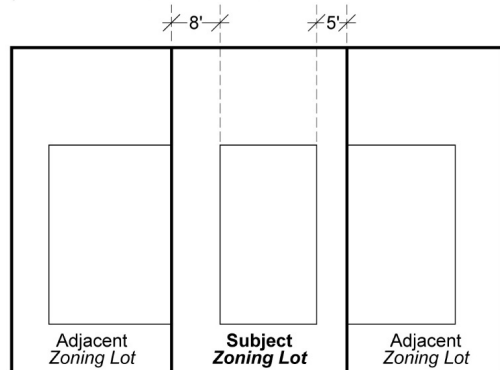


Figure B  
(23-461e2)

(3) ~~Permitted obstructions in open areas between #buildings#~~

~~Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, gutters, open #accessory# off street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in the applicable provisions of Section 23-44, inclusive, shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, provided that such obstructions, not including #accessory# off street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.~~

(4) ~~Minimum #side yard# requirements for #zoning lots# adjacent to certain #side yards#~~

~~A #side yard# at least five feet wide shall be provided on any #zoning lot# along the common #side lot line# of any adjacent #zoning lot# with an existing #detached# #residence# whose #side yards# total at least 13 feet in width, with both #side yards# on such adjacent #zoning lot# at least five feet in width, or with an existing #semi-detached# #residence# with a #side yard# at least eight feet in width. (See Figure C)~~

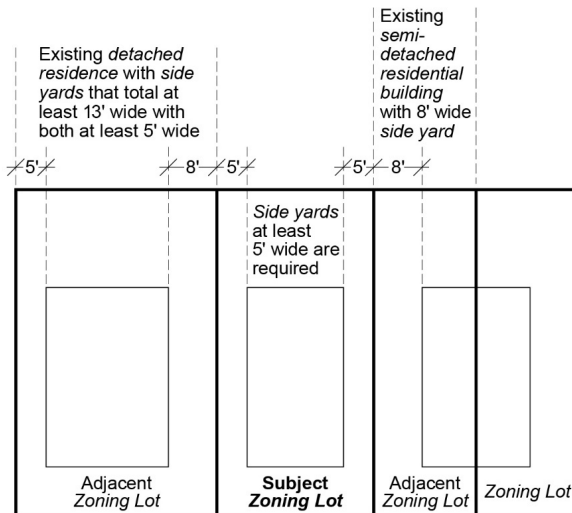


Figure C  
(23-461e4)

**23-462**

**Side yards for all other buildings containing residences**

[MOVING TEXT TO SECTION 23-333, AND MODIFYING]

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), ~~side yards shall be provided for all zoning lots with buildings containing residences as provided in this Section:~~

R3-2 R4 R5

- (a) — In the districts indicated, except R4B, R5B or R5D Districts, two ~~side yards~~, each with a minimum required width of eight feet, shall be provided. However, if the ~~aggregate width of street walls~~ of a ~~residential~~ ~~building~~ is more than 80 feet or, for ~~abutting~~ ~~buildings~~ if the combined ~~aggregate width of street walls~~ of all such ~~abutting~~ ~~buildings~~ on a ~~zoning lot~~ is more than 80 feet, then two ~~side yards~~ shall be provided, each equal to not less than 10 percent of such ~~aggregate width of street walls~~. For ~~zoning lots~~ where no such ~~buildings~~ exceed a height of two ~~stories~~ and a ~~basement~~, ~~side yards~~ need not exceed 15 feet in width.

However, on all ~~corner lots~~ in ~~lower density growth management areas~~, one ~~side yard~~ shall be at least 20 feet in width.

R4B R5B R5D

- (b) — In the districts indicated, no ~~side yards~~ are required; however, where a ~~building~~ containing ~~residences~~ on an adjacent ~~zoning lot~~ has a ~~side yard~~, an open area with a minimum width of eight feet and parallel to the ~~side lot line~~ is required along the common ~~side lot line~~ between such ~~buildings~~. Obstructions permitted pursuant to paragraph (c)(3) of Section 23-461 shall be permitted in such open areas.

R6 R7 R8 R9 R10

- (c) — In the districts indicated, no ~~side yards~~ are required. However, if any open area extending along a ~~side lot line~~ is provided at any level, it shall have a minimum width of eight feet, measured perpendicular to the ~~side lot line~~, and extend along the entire ~~side lot line~~, except where a ~~court~~ is provided in accordance with the applicable provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS). The allowances for permitted obstructions in any ~~yard~~ or ~~rear yard equivalent~~ set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall

be permitted in such open areas.

**23-463**

**Maximum aggregate width of street walls**

[MOVING TEXT TO 23-426]

R3-2 R4 R5

In the districts indicated, except R4B, R5B or R5D Districts, the #aggregate width of street walls# of a #building# containing #residences# or, for #abutting buildings# the combined #aggregate width of street walls# of all such #abutting buildings# on a #zoning lot#, shall not exceed the width set forth in the following table:

MAXIMUM AGGREGATE WIDTH OF STREET WALLS

District	Feet
R3-2	125
R4 R5	185

However, the City Planning Commission may authorize, in R4 and R5 Districts, #aggregate width of street walls# in excess of 185 feet, provided the Commission finds that:

- (1) the #street wall# is adequately articulated by such design features as variable setbacks, stoops, bay windows or changes in the heights of the #buildings#; and
- (2) the #development# or #enlargement# will not be incompatible with #buildings# on the surrounding #blocks#.

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

**23-464**

**Side yards for buildings used for permitted non-residential uses**

[REMOVING TEXT. 24-00 APPLIES]

R1 R2 R3 R4 R5

- (a) In the districts indicated, if a #building# used for permitted non-#residential uses# has an #aggregate width of street walls# equal to 60 feet or less, two #side yards# shall be

**Commented [Z79]:** The Proposal replaces this rule with an articulation requirement meant to better reflect existing apartment building designs in lower density districts.

**Commented [Z80]:** The Proposal removes these provisions since community facility bulk regulations should apply in this situation.

provided, each with a minimum required width of eight feet. If such #building# has an #aggregate width of street walls# equal to more than 60 feet, two #side yards# shall be provided, each equal to not less than 15 percent of the #aggregate width of street walls#.

R6 R7 R8 R9 R10

(b) — In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide.

### ~~23-47~~

#### ~~Minimum Required Rear Yards~~

[ENTIRE TEXT MOVING TO 23-34]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 23-52 (Special Provisions for Shallow Interior Lots), 23-53 (Special Provisions for Through Lots) or 23-54 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 23-471 (Beyond one hundred feet of a street line).

### ~~23-471~~

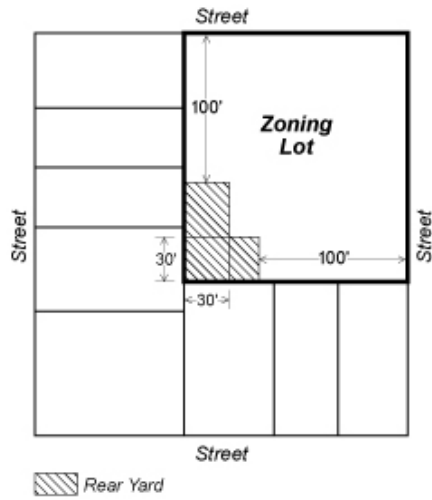
#### ~~Beyond one hundred feet of a street line~~

[ENTIRE TEXT MOVING TO 23-343]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

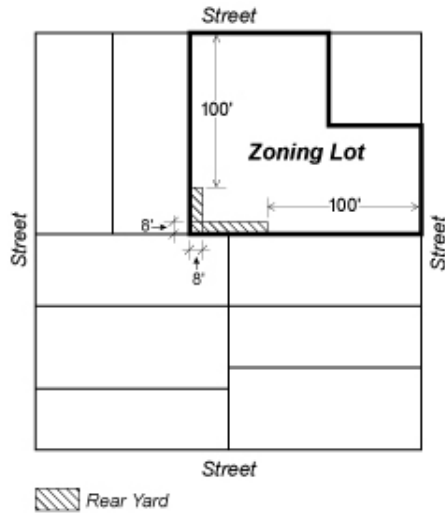
In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

(a) — In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



**CORNER LOT**  
(23-471a)

(b) In R1 through R5 Districts, a rear yard with a minimum depth of eight feet shall be provided where such rear lot line coincides with a side lot line of an adjoining zoning lot.





~~ZONING LOT BOUNDED BY TWO OR MORE STREETS  
(NEITHER A CORNER LOT NOR A THROUGH LOT)  
(23-471b)~~

- (c) ~~In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.~~

**23-48**

**Special Provisions for Existing Narrow Zoning Lots**

[MOVING TEXT TO SECTION 23-333, AND MODIFYING]

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, except R2X, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, the required total width of #side yards# for a #single family# #detached# or #two-family# #detached# #residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such #zoning lot#:~~

- (a) ~~has less than the prescribed minimum #lot width#; and~~
- (b) ~~was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.~~

~~However, in no event shall the required width of a #side yard# be less than five feet.~~

~~In R5D Districts, no #side yards# shall be required for any #zoning lot# having a width of less than 30 feet along a #street# and existing on the effective date of establishing such district on the #zoning map#.~~

**23-49**

**Special Provisions for Side Lot Line Walls**

[MOVING TEXT TO SECTION 23-332, AND MODIFYING]

~~R3-1 R3-2 R4 R5~~

~~In the districts indicated, except R4A and R5A Districts, a #building# containing #residences# may:~~

- (a) ~~#abut# an existing #building# located along a #side lot line#, where such #building# was~~

existing on December 15, 1961, or lawfully erected under the terms of this Resolution, provided that walls of the #building# containing #residences# and walls of the existing #building# shall #abut# for a length equal to or greater than one half of the distance between the #street wall line# and #rear wall line# of the existing #building#. For the purposes of this paragraph (a), an “existing #building#” shall not include an #accessory building# located on an #interior# or #through lot#;

(b) #abut# other #buildings# containing #residences# being erected at the same time on an adjoining #zoning lot# or #zoning lots#.

For such #buildings# containing #residences#, the #side yard# requirements shall be waived along the #side lot line# of the #zoning lot# coincident with the #abutting# #buildings#, and one #side yard# shall be provided along any #side lot line# of the #zoning lot# without an #abutting# #building# with a width of at least eight feet in R3-1, R3-2, R4 or R5 Districts, and four feet in R4-1, R4B or R5B Districts.

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## BEGINNING OF 23-40 THROUGH 23-49 NEW TEXT

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### 23-40

#### HEIGHT AND SETBACK REGULATIONS

[MOVING TEXT FROM SECTION 23-60, AND MODIFYING]

Height and setback regulations are set forth in Section 23-42, inclusive, for R1 through R5 Districts and Section 23-43, inclusive, for R6 through R12 Districts. Special rules governing certain areas are set forth in Section 23-44. Permitted obstructions to maximum heights are set forth in Section 23-41.

### 23-41

#### Permitted Obstructions

[MOVING FROM SECTION 23-62]

In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 23-43 (Height and Setback Requirements for R6 Through R12 Districts) or 23-44 (Special Provisions for Certain Areas).

### 23-411

#### General permitted obstructions

[MOVING FROM 23-621. MODIFYING TO ADD SAFETY GUARDS]

**Commented [Z81]:** The Proposal would include all height and setback regulation in this section.

**Commented [Z82]:** The permitted obstruction sections below are unchanged except for edits noted below.

In all #Residence Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or #sky exposure plane#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
  - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
  - (3) may rise above the permitted #building# height, up to the height of a parapet wall or railing permitted in accordance with this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;
- (b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;
- (c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;
- (e) Flagpoles or aerials;
- (f) Parapets, railings, or safety guards, provided that:
  - (i) parapets shall not exceed four feet in height;
  - (ii) railings shall not exceed 4 feet, 6 inches in height, and shall be at least 50 percent open; and
  - (iii) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height;
- (g) #Qualifying exterior wall thickness#

**Commented [Z83]:** The Proposal would update permitted obstructions to allow safety glass as a permitted obstruction. This would encourage use of rooftop spaces.

- (h) Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to [date of adoption]. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#.
- (i) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (j) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
  - (1) on the roof, or any portion thereof, of a #building#, with a slope less than 20 degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or
  - (2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;
- (k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;
- (m) Window washing equipment mounted on a roof;
- (n) Wire, chain link or other transparent fences.

### **23-412**

#### **Additional permitted obstructions**

[MOVING FROM 23-622 AND MODIFYING]

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#.

- (a) Balconies, unenclosed, subject to the provisions of Section 23-62 (Balconies);

(b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;

(c) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;

(3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and

(4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:

(i) in R1 through R5 Districts, for #buildings# on #qualifying transit-accessible sites#, or in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for any #building#, a height of 25 feet above the maximum permitted height;

(ii) in R6 through R12 Districts:

(a) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and

(b) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(5) all equipment shall be subject to the applicable provisions of Section 26-60

**Commented [Z84]:** The Proposal would allow transit accessible sites to use the rules designed for apartment buildings in these districts.

(SPECIAL SCREENING AND ENCLOSURE PROVISIONS):

- (d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
  - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
  - (3) the diameter of the swept area of the rotor does not exceed 15 feet.

**23-413**

**Permitted obstructions in certain districts**

[MOVING FROM SECTION 23-623. UPDATING DORMERS]

R2A R2X R3 R4 R4-1 R4A R5A

- (a) In the districts indicated, for those #buildings# that are subject to Section 23-421 (Basic pitched-roof envelopes for certain districts), permitted obstructions are limited to chimneys, dormers, #qualifying exterior wall thickness#, flagpoles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-411 (General permitted obstructions).

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

- (b) In the districts indicated, for those #buildings# subject to any height and setback regulations other than Section 23-42 (Basic pitched-roof envelopes for certain districts), within a required front setback distance above a maximum base height, the following rules shall apply:
- (1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, either one of the following methods is applied:
    - (i) the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story#entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height; or
    - (ii) the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease

**Commented [Z85]:** The Proposal would extend optional dormer provisions found in many special purpose districts to buildings in all zoning districts. These would provide greater design flexibility.

in width as the height above the maximum base height increases.

Where towers allowances are utilized pursuant to the provisions of Section 23-436, dormers may only rise to a height equivalent to 75 percent of the height of the #building# and shall be included in the calculation of tower coverage.

- (2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.
- (3) Wind energy systems shall not be allowed as permitted obstructions.
- (4) Window washing equipment shall not be allowed as permitted obstructions.

#### **23-42**

#### **Height and Setback Requirements in R1 Through R5 Districts**

[MOVING TEXT FROM 23-63, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts) and 23-422 (Basic flat-roof envelopes for certain districts). Where applicable, standard setback provisions are set forth in Section 23-423.

Such heights may be increased on #qualifying transit-accessible sites# or on #zoning lots# containing #qualifying senior housing#, or for certain large #zoning lots#, pursuant to Sections 23-424 or 23-425, respectively.

Additional provisions are set forth in Section 23-426.

The height of all #buildings or other structures# shall be measured from the #base plane#.

#### **23-421**

#### **Basic pitched-roof envelopes for certain districts**

[MOVING TEXT FROM SECTION 23-631, AND MODIFYING]

**Commented [Z86]:** The Proposal would maintain the basic pitched-roof envelope rules with some updates. First, they would be extend to R1 and R2 districts that previously used sky exposure plane envelopes. This change has been made to other zoning districts over time and this would bring them into the same, more reliable framework. Second, perimeter wall heights would be aligned in all zoning districts. This would make it easier to provide more contextual buildings in these districts.

R1 R2 R3A R3X R3-1 R3-2 R4 R4A R4-1 R4A R5A

In the districts indicated, the height and setback regulations for #single-# or #two-family# #detached#, #semi-detached#, or #zero lot line# #buildings or other structure#, where permitted, shall be set forth in this Section.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of 25 feet.

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the following steps set forth in paragraphs (a) through (g):

- (a) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 25 feet above the #base plane#. (See Figure A)

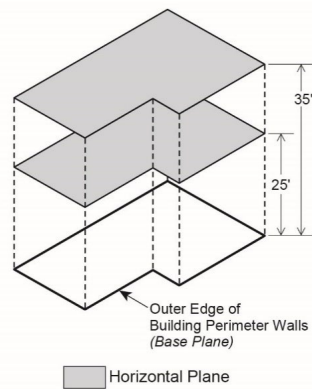
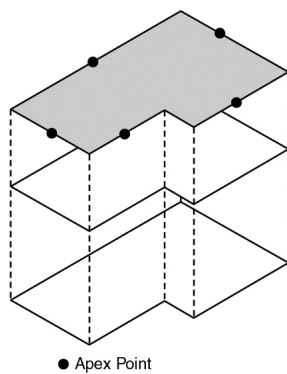


Figure A

- (b) Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35-foot-high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each

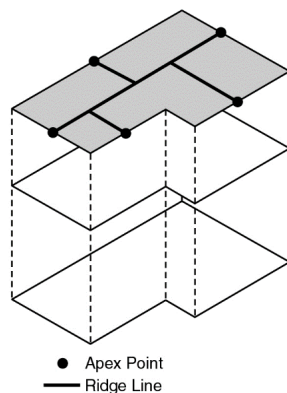


qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.



● Apex Point  
Figure B

- (c) One "ridge line" is extended in a straight line from each apex point along the 35-foot-high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)



● Apex Point  
— Ridge Line  
Figure C

- (d) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees

to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.

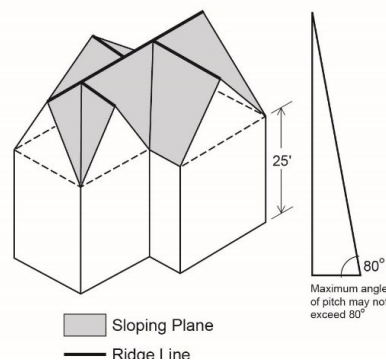


Figure D

(e) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (d). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F).

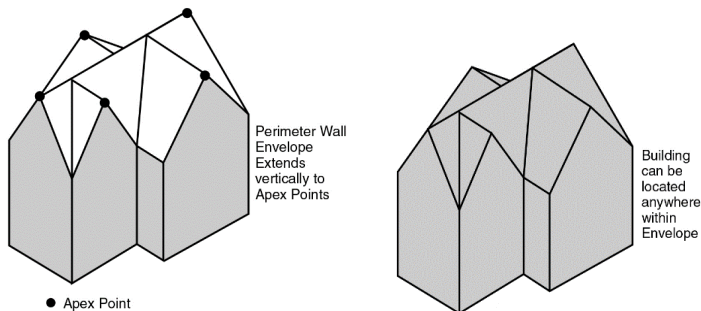


Figure E and F

(f) Special Situations

For convex curved perimeter walls, the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35-foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

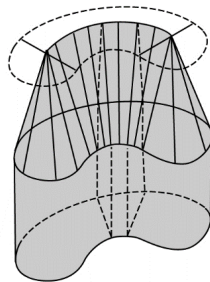


Figure G

23-422

Basic flat-roof envelopes for certain districts

[MOVING TEXT FROM SECTION 23-631, AND MODIFYING]

R3-2 R4 R4B R5 R5B R5D

In the districts indicated, the height and setback regulations for #building or other structure# shall be set forth in this Section.

R3-2 R4

- (a) In the districts indicated, for #residences# not subject to the provisions of Section 23-421, the maximum #building# height shall be 35 feet.

R4B

- (b) In the district indicated, the maximum #building# height shall be 25 feet.

R5B

- (c) In the district indicated, the maximum #building# height shall be 35 feet.

**Commented [Z87]:** The Proposal would update the building envelopes in some situations. In R3-2 and R4 districts, multi-unit buildings would be provided a flat roof envelope. The flat roof envelope for R5 districts would be updated in line with changes made during the Zoning for Accessibility project in 2021. Minor design changes would be made for R5B and R5D.

R5

- (d) In the district indicated, except R5 Districts with a letter suffix, minimum base height shall be 20 feet, the maximum base height shall be 35 feet, and the maximum #building# height shall be 45 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

R5D

- (e) In the district indicated, the maximum #building# height shall be 45 feet.

**23-423**

**Standard setback regulations**

[APPLYING SETBACK MODIFICATIONS FROM CURRENT SECTION 23-662 (c) TO NEW LOW-DENSITY ENVELOPES]

Where minimum setback regulations are specific for a particular #building# envelope for a particular district, the following shall apply.

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such minimum setbacks may be modified as follows:

- (a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the minimum required #front yard#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.
- (b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.
- (c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

**Commented [Z88]:** The Proposal would extend the setback framework available in R6+ districts to lower density districts.

(d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

**23-424**

**Height and setback requirements for qualifying transit-accessible sites and qualifying senior housing**

[NEW TEXT FOR QUALIFYING TRANSIT-ACCESSIBLE SITES, PER PROPOSAL]  
 [MOVING TEXT FOR SENIOR HOUSING FROM SECTION 23-631, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) shall apply.

(a) Eligible sites

The provisions of this Section shall apply to:

- (1) #qualifying transit-accessible sites#; or
- (2) #zoning lots# located in R3-2, R4, R5, R5B or R5D districts, where such #zoning lot# contains #qualifying senior housing#.

(b) Modified height and setback provisions

For eligible #zoning lots#, the minimum base height, maximum base height and maximum #building# height shall be as set forth in the following table. At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

**MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS FOR #QUALIFYING TRANSIT-ACCESSIBLE SITES# AND #QUALIFYING SENIOR HOUSING#**

<u>District</u>	<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X</u>	<u>20</u>	<u>35</u>	<u>35</u>

**Commented [Z89]:** The Proposal would provide an envelope for small multifamily buildings using the new transit accessible provisions as well as the current affordable senior housing rules. The envelopes would range in height based on the underlying zoning district.

<u>R4 R4-1 R4A R4B</u>	<u>20</u>	<u>35</u>	<u>45</u>
<u>R5 R5A R5B R5D</u>	<u>20</u>	<u>45</u>	<u>55</u>

**23-425**

**Height and setback requirements for large zoning lots**

[NEW TEXT, PER PROPOSAL]

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) shall apply.

(a) Eligible sites

The provisions of this Section shall apply to:

- (1) #qualifying transit-accessible sites#; or
- (2) #zoning lots# located in R3-2, R4, R5, R5B or R5D districts,

where, either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres.

(b) Modified height and setback provisions

For eligible #zoning lots#, the minimum base height, maximum base height and maximum #building# heights set forth in Section 23-424 shall apply, except that the maximum permitted #building# height may be increased by 10 feet.

**Commented [Z90]:** The Proposal would also provide an envelope for large campuses that would encourage infill buildings in scale with buildings often found on these sites.

**23-426**

**Additional height and setback provisions**

[MOSTLY NEW TEXT ADAPTED FROM MEDIUM AND HIGH-DENSITY ALLOWANCES. PARAGRAPH (c) IS A REPLACEMENT OF 23-463]

R1 R2 R3 R4 R5

In the districts indicated, the following additional regulations shall apply:

**Commented [Z91]:** The Proposal would extend rules found in R6+ districts to low density districts to encourage design flexibility and contextual design.

- (a) No minimum base height provisions of Section 23-42, inclusive, shall apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered, or to #buildings# that are #developed# or #enlarged# and do not exceed such minimum base heights.
- (b) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable minimum or maximum base height regulations of Section 23-42, inclusive, or as modified in any applicable Special District, may be modified as follows:
- (1) The minimum base height of a #street wall# may vary between the minimum set forth in Section 23-432, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and
  - (2) The maximum base height of a #street wall# may vary between the maximum set forth in Section 23-432, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.
- (c) For #buildings# containing three or more #dwelling units# in #buildings# with #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, a minimum of 20 percent of the entire surface area of each #street wall# shall either recess or project a minimum of three feet from the #street wall#. The depth of required recesses or projections of a #building# shall be measured from the #street wall#.

**23-43**

**Height and Setback Requirements in R6 Through R12 Districts**

[CONTENT OF SECTION 23-66 MOVING TO 23-43 AND UPDATED PER PROPOSAL]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the #street wall# location of a #building# shall be as set forth in 23-431, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-432, and standard setback provisions shall be as set forth in Section 23-433.

Such heights may be increased on #zoning lots# qualifying for the floor area regulations of Section 23-222 (Floor area regulations for affordable or senior housing) pursuant to Section 23-434 or for #zoning lots# meeting certain criteria pursuant to Section 23-435.

Towers are permitted in certain districts pursuant to Section 23-436.

Additional provisions are set forth in Section 23-437.

**Commented [Z92]:** The Proposal would extend the current framework for quality housing buildings to all buildings in R6+. Height factor buildings would have to follow the requirements in 23-70.

The height of all #buildings or other structures# shall be measured from the #base plane#.

## 23-431

### Street wall location requirements

[CONTENT OF SECTION 23-661 MOVING TO 23-431 AND UPDATED PER PROPOSAL]

#### R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the applicable minimum base height set forth in Section 23-432. Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

#### (a) Line-up rules

In R6B R7B R8B districts, the #street wall# of a #building# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage. Eligible adjoining #buildings# shall be located within 15 feet of the #street line#, within 25 feet of the subject #building#, and have a height that exceeds 35 feet. Where an existing adjacent #building# has multiple #street walls# located at varying depths from the #street line#, the subject #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width and extends to at least half the height of the #building#.

On #corner lots#, such provisions shall apply to both #street# frontages, except that along one #street line#, the #street wall# need not be located further than five feet from the #street line#, where applicable.

However, where, the #street wall# surrounding the subject #building# do not have a #prevailing street wall frontage#, the applicable #street wall# regulations of paragraph (b) may be applied.

#### (b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) the following shall apply:

- (1) Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at

**Commented [Z93]:** The Proposal would update some of the street wall requirements in R6+ districts to address contexts where the current rules led to unforeseen outcomes. They mainly provide limited flexibility for situations where surrounding buildings have no prevailing context, as well as for sites adjacent to heavy infrastructure.



least the minimum base height specified in Section 23-432 (Basic height and setback requirements), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

- (2) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, at least 50 percent of the #street wall# shall be located within eight feet of the #street line#. Up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 15 feet are located within an #outer court#.

However, where, the #street wall# surrounding the subject #building# have a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of this Section may be applied.

(c) Modifications along certain frontages

Notwithstanding the provisions of paragraph (a) or (b) of this Section, the following may be applied:

- (1) for #street walls# facing a #transportation infrastructure adjacent frontage#, no #street wall# location provisions shall apply; and
- (2) for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or is coincident with the #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432 (Basic height and setback requirements), or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

**23-432**

**Basic height and setback requirements**

[CONTENT OF SECTION 23-662 MOVING TO 23-432 AND UPDATED PER PROPOSAL]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the minimum base height, maximum base height and maximum #building# height shall be as set forth in the following table. At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided in accordance with Section 23-433. For #buildings# in certain districts, towers shall be permitted as an alternative to the maximum #building# height, in accordance with the provisions of Section 23-436.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,  
AND MAXIMUM BUILDING HEIGHTS

<u>District</u>	<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>R6A R6<sup>1</sup> R6-1</u>	<u>40</u>	<u>65</u>	<u>75</u>
<u>R6B R6<sup>2</sup></u>	<u>30</u>	<u>45</u>	<u>55</u>
<u>R6D R6-2</u>	<u>30</u>	<u>45</u>	<u>65</u>
<u>R7A R7-1<sup>1</sup> R7-2<sup>1</sup></u>	<u>40</u>	<u>75</u>	<u>85</u>
<u>R7B R7-1<sup>2</sup> R7-2<sup>2</sup></u>	<u>40</u>	<u>65</u>	<u>75</u>
<u>R7D</u>	<u>60</u>	<u>85</u>	<u>105</u>
<u>R7X R7-3</u>	<u>60</u>	<u>95</u>	<u>125</u>
<u>R8A</u>	<u>60</u>	<u>95</u>	<u>125</u>
<u>R8B</u>	<u>55</u>	<u>65</u>	<u>75</u>
<u>R8X</u>	<u>60</u>	<u>95</u>	<u>155</u>
<u>R8<sup>2</sup></u>	<u>60</u>	<u>85</u>	<u>115</u>

**Commented [Z94]:** This section contains the maximum building heights for basic buildings in R6+. These generally follow the quality housing heights that apply today. However, some changes are made for wide streets in the Manhattan Core in line with FAR changes described earlier.

<u>R8<sup>1</sup></u>	<u>60</u>	<u>95</u>	<u>135</u>
<u>R9A<sup>1</sup> R9<sup>1</sup></u>	<u>60</u>	<u>105</u>	<u>145</u>
<u>R9A<sup>2</sup> R9<sup>2</sup></u>	<u>60</u>	<u>95</u>	<u>135</u>
<u>R9D R9-1</u>	<u>60</u>	<u>125</u>	<u>175</u>
<u>R9X<sup>1</sup></u>	<u>105</u>	<u>125</u>	<u>175</u>
<u>R9X<sup>2</sup></u>	<u>60</u>	<u>125</u>	<u>165</u>
<u>R10A<sup>1</sup> R10X<sup>1</sup> R10<sup>1</sup></u>	<u>125</u>	<u>155</u>	<u>215</u>
<u>R10A<sup>2</sup> R10X<sup>2</sup> R10<sup>2</sup></u>	<u>60</u>	<u>125</u>	<u>185</u>
<u>R11 R11A</u>	<u>125</u>	<u>155</u>	<u>255</u>
<u>R12</u>	<u>125</u>	<u>155</u>	<u>325</u>

<sup>1</sup> For #zoning lots# or portions thereof within 100 feet of a #wide street#

<sup>2</sup> For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# or, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

**23-433**

**Standard setback regulations**

[MOVING FROM 23-662 (c)]

R6 R7 R8 R9 R10 R11 R12

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such minimum setbacks may be modified as follows:

- (a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the minimum required #front yard#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

**Commented [Z95]:** The Proposal would maintain the current setback requirements for these districts.

- (b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.
- (c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

**23-434**

**Height and setback modifications for affordable or senior housing**

[MOVING FROM SECTION 23-664 AND UPDATING PER PROPOSAL]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, for #zoning lots# qualifying for the floor area regulations of Section 23-222 (Floor area regulations for affordable or senior housing), the maximum base height and maximum #building# height set forth in Section 23-432 shall be modified by the provisions of this Section. For #buildings# in certain districts, towers shall be permitted as an alternative to the maximum #building# height, in accordance with the provisions of Section 23-436.

**MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT  
FOR AFFORDABLE OR SENIOR HOUSING**

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>R6A R6 R6-1</u>	<u>65</u>	<u>95</u>
<u>R6B</u>	<u>45</u>	<u>65</u>
<u>R6D R6-2</u>	<u>55</u>	<u>75</u>
<u>R7A R7-1 R7-2</u>	<u>85</u>	<u>115</u>
<u>R7B</u>	<u>65</u>	<u>95</u>
<u>R7D</u>	<u>95</u>	<u>125</u>

**Commented [Z96]:** The Proposal would provide higher maximum heights for buildings that provide UAP, MIH, or affordable senior housing. These heights are in line with current heights in these districts, except for situations where new higher FARs are available for these forms of affordable housing.

<u>R7X R7-3</u>	<u>105</u>	<u>145</u>
<u>R8A</u>	<u>105</u>	<u>145</u>
<u>R8B</u>	<u>85</u>	<u>105</u>
<u>R8X</u>	<u>105</u>	<u>175</u>
<u>R8</u>	<u>105</u>	<u>145</u>
<u>R8<sup>1</sup></u>	<u>125</u>	<u>175</u>
<u>R9A R9</u>	<u>135</u>	<u>185</u>
<u>R9X R9D R9-1</u>	<u>155</u>	<u>215</u>
<u>R10A R10X R10</u>	<u>155</u>	<u>235</u>
<u>R11A R11</u>	<u>155</u>	<u>325</u>
<u>R12</u>	<u>155</u>	<u>395</u>

<sup>1</sup> for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

**23-435**

**Height and setback modifications for eligible sites**

[NEW PROVISIONS, ADAPTED FROM SECTION 23-664(c), AND EXPANDED]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, without a letter suffix, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) shall apply. For #buildings# in certain districts, towers shall be permitted as an alternative to the maximum #building# height, in accordance with the provisions of Section 23-436.

(a) Eligible sites

The provisions of this Section shall apply to:

- (1) #zoning lots# with a #transportation-infrastructure-adjacent frontage#;
- (2) #zoning lots# that have a #lot area# of at least 20,000 square feet or are coincident with the #block#; or

**Commented [Z97]:** The Proposal would also provide a framework for additional height in non-contextual zoning districts for large campus-like sites or with challenging site conditions. These heights are already achievable through the height factor building framework available in these districts, but would facilitate the FAR provided for affordable housing.

(3) #zoning lots# where one of the following irregularities exists on [date of adoption] and the date of application for a building permit:

- (i) an #interior lot#, or portions thereof, has a depth that is less than 85 feet, or a #through lot#, or portion thereof, has a depth that is less than 170 feet;
- (ii) an #interior lot#, or portions thereof, has a depth that is greater than or equal to 115 feet, or a #through lot#, or portion thereof, has a depth that is greater than or equal to 230 feet;
- (iii) #corner lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is greater than or less than 15 degrees of being perpendicular;
- (iv) #through lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is greater than or less than 15 degrees of being parallel;
- (v) #zoning lots# where, over the depth of the lot, as measured perpendicular from the #front lot line#, there is a slope of at least 15 percent to the horizontal;

(b) Modified height and setback provisions

For eligible #zoning lots#, the maximum permitted #building# height may be increased as follows:

MAXIMUM BUILDING HEIGHT FOR ELIGIBLE SITES

<u>District</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>R6 R6-1</u>	<u>125</u>
<u>R7-1 R7-2</u>	<u>155</u>
<u>R7-3</u>	<u>185</u>

<u>R8</u>	<u>215</u>
<u>R8<sup>1</sup></u>	<u>255</u>
<u>R9</u>	<u>285</u>
<u>R9-1</u>	<u>315</u>
<u>R10</u>	<u>355</u>
<u>R11</u>	<u>405</u>
<u>R12</u>	<u>495</u>

<sup>1</sup> for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

Notwithstanding the above, where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 40,000 square feet, the maximum heights may be increased by 25 percent.

**23-436**

**Tower regulations**

[PROVISIONS MOVING FROM 23-65 AND UPDATED, PER PROPOSAL]

R9D R9 R9-1 R10X R10 R11 R12

In the districts indicated, other than R10A and R11A, as an alternative to the maximum #building# heights set forth in Sections 23-432, 23-434 or 23-435, as applicable, towers shall be permitted pursuant to the provisions of this Section.

Above the maximum base height specified for the particular district, a tower with a maximum #lot coverage# of:

- (a) 65 percent shall be permitted up to a height of 300 feet; and
- (b) 50 percent shall be permitted above a height of 300 feet.

**Commented [Z98]:** The Proposal would update the tower regulations available in zoning districts where they are allowed. These would increase the permitted tower coverage so as to encourage shorter buildings. Similar rules apply in Downtown Brooklyn and Lower Manhattan today.

For certain areas, additional tower regulations are set forth in Section 23-44.

**23-437**

**Additional height and setback provisions**

[MOVING FROM SECTION 23-665 AND UPDATED, PER PROPOSAL]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following additional regulations shall apply:

- (a) Existing buildings may be vertically #enlarged# by up to one story or 15 feet without regard to the #street wall# location requirements of Section 23-431.
- (b) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 23-431 shall be mandatory along only one #street# frontage.
- (c) The #street wall# location and minimum base height provisions of Sections 23-431 and 23-432, respectively, shall not apply along any street frontage of a zoning lot occupied by buildings whose #street wall# heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 23-432 shall not apply to #buildings# that are #developed# or #enlarged# and do not exceed such minimum base heights.
- (e) For any zoning lot located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum or maximum base height regulations of Section 23-43, inclusive, or as modified in any applicable Special District, may be modified as follows:
  - (1) The minimum base height of a #street wall# may vary between the applicable minimum set forth in Section 23-432, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and
  - (2) The maximum base height of a #street wall# may vary between the applicable maximum set forth in Section 23-43, inclusive, and the height of the #street wall# of adjacent #building# before setback, if such height is higher than the maximum base height.

**Commented [Z99]:** The Proposal would maintain allowances for special conditions found in the current text. It would also update the provisions for LPC to modify base heights in line with recent special purpose districts like SoHo/NoHo.

**23-44**

**Special Provisions for Certain Areas**



**23-441**

**Special provisions for height factor buildings**

[NEW TEXT]

In R6 through R9 Districts without a letter suffix, for #height factor buildings#, the height and setback regulations shall be as set forth in Section 23-72, inclusive.

**23-442**

**Special tower provisions**

- [(a) PROVISION MOVING FROM SECTION 23-663 AND MODIFYING, AND
- (b) PROVISIONS MOVING FROM SECTIONS 23-65 AND 23-651 AND MODIFYING]

In addition to the provisions of Section 23-436, the following provisions shall apply to towers in certain areas.

- (a) R9D and R10X Districts

In R9D and R10X Districts, the minimum #lot coverage# of a tower above the maximum base height shall be 33 percent of the #lot area# of the #zoning lot#.

- (b) Standard tower-on-a-base

In R9 or R10 districts without a letter suffix, the following shall apply to #buildings# where:

- (1) more than 25 percent of the #floor area# is #residential#; and
- (2) Such #building# is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the #short dimension of the block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of such highest #stories# does not exceed 90 percent of the gross area of that #story# directly below it.

**Commented [Z100]:** The Proposal would maintain the tower coverage and "bulk packing" requirements of some tower districts. Tower top regulations for tower on a base buildings would be updated in line with other similar envelopes.

At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #Lot Coverage# of the Tower Portion</u>	<u>Minimum Percent of Total #Building Floor Area# Distribution Below the Level of 150 Feet</u>
<u>40.0 or greater</u>	<u>55.0</u>
<u>39.0 to 39.9</u>	<u>55.5</u>
<u>38.0 to 38.9</u>	<u>56.0</u>
<u>37.0 to 37.9</u>	<u>56.5</u>
<u>36.0 to 36.9</u>	<u>57.0</u>
<u>35.0 to 35.9</u>	<u>57.5</u>
<u>34.0 to 34.9</u>	<u>58.0</u>
<u>33.0 to 33.9</u>	<u>58.5</u>
<u>32.0 to 32.9</u>	<u>59.0</u>
<u>31.0 to 31.9</u>	<u>59.5</u>
<u>30.0 to 30.9</u>	<u>60.0</u>

**23-443**

**Special provisions for certain community districts**

[CONSOLIDATING PROVISIONS OF SECTIONS 23-674, 23-675, FOR MANHATTAN , AND 23-665(h), FOR BROOKLYN]

(a) Borough of Manhattan

(1) Community District 9

In R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street, the underlying height and setback regulations for the zoning district shall apply, except that:

(i) #height factor buildings# shall not be permitted; and

**Commented [Z101]:** The Proposal would maintain the limitation on height factor buildings in this geography. The heights available for large and/or constrained sites would also not be available.

(ii) the additional height allowances for eligible sites set forth in Section 23-435 shall not apply.

(2) Community District 6

In Community District 6 in the Borough of Manhattan, in R10 Districts located east of First Avenue and north of East 51st Street, for #buildings# where more than 25 percent of the #floor area# is #residential# but are not otherwise subject to the tower-on-a-base provisions of paragraph (b) of this Section, the following shall apply.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of such highest #stories# does not exceed 90 percent of the gross area of that #story# directly below it.

At least 45 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total #building floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>45.0</u>
<u>39.0 to 39.9</u>	<u>45.5</u>
<u>38.0 to 38.9</u>	<u>46.0</u>
<u>37.0 to 37.9</u>	<u>46.5</u>
<u>36.0 to 36.9</u>	<u>47.0</u>
<u>35.0 to 35.9</u>	<u>47.5</u>
<u>34.0 to 34.9</u>	<u>48.0</u>
<u>33.0 to 33.9</u>	<u>48.5</u>

**Commented [Z102]:** The Proposal maintains the special tower on a base provisions in this community district.

<u>32.0 to 32.9</u>	<u>49.0</u>
<u>31.0 to 31.9</u>	<u>49.5</u>
<u>30.0 to 30.9</u>	<u>50.0</u>

(b) Borough of Brooklyn

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-431 and 23-432, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

**Commented [Z103]:** The Proposal would maintain the current requirements for buildings on Ocean Parkway.

**23-444**

**Special provisions in other geographies**

(a) Special provisions for #zoning lots# adjoining #public parks#

[MOVING TEXT FROM 23-671, AND MODIFYING]

In all districts, where a #building# adjoining a #public park# utilizes the provisions of Section 23-382, such #public park# shall be considered a #wide street# for the purpose of applying the regulations set forth in Sections 23-42 and 23-43 to any #building or other structure# on a #zoning lot# adjoining such #public park#.

(b) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

[NEW TEXT, PER PROPOSAL]

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, for #buildings# containing three or more #dwelling units# that are not otherwise eligible for additional height pursuant to Section 23-435, the applicable maximum #building# heights may be increased by 10 feet in R1 through R6 Districts, and by 20 feet in R7 through R12 districts.

**Commented [Z104]:** The Proposal would extend an allowance found in many special purpose districts that provides additional height for sites near heavy infrastructure.

(c) #Limited Height Districts#

[MOVING TEXT FROM 23-691, AND MODIFYING]

**Commented [Z105]:** The Proposal would maintain the limitation on height factor buildings in this geography. The heights available for large and/or constrained sites would also not be available.

In the #Limited Height Districts#, the underlying height and setback regulations for the zoning district shall apply, except that:

- (1) #height factor buildings# shall not be permitted; and
- (2) the additional height allowances for eligible sites set forth in Section 23-435 shall not apply.

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**END OF 23-40 THROUGH 23-49 NEW TEXT**

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**23-50**

**Additional Yard Regulations**

**Commented [Z106]:** These regulations are now moved to new 23-30. Comment bubbles are provided for rules that are deleted or modified.

**23-51**

**Special Provisions for Yards Adjacent to R1 Through R5 Districts**

[REMOVING TEXT]

R6 R7 R8 R9 R10

~~In the districts indicated, the provisions of this Section shall apply to #zoning lots# located, wholly or partially, within an R6, R7, R8, R9 or R10 District that are adjacent to a #zoning lot# located wholly or partially within an R1, R2, R3, R4 or R5 District.~~

~~A #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.~~

**Commented [Z107]:** The Proposal would remove this rule that required open areas in R6+ districts next to lower density districts. Many low density districts do not require side yards and this rule makes housing more difficult to provide in these higher density districts.

**23-52**

**Special Provisions for Shallow Interior Lots**

[MOVING TEXT TO 23-343]

R3 R4 R5

(a) ~~In the districts indicated, if an #interior lot#:~~

- (1) ~~was owned separately and individually from all other adjoining tracts of land,~~

both on December 15, 1961, and on the date of application for a building permit;  
and

(2) — is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be 10 feet.

~~R6 R7 R8 R9 R10~~

(b) — In the districts indicated, if an #interior lot#:

(1) — was owned separately and individually from all other adjoining tracts of land,  
both on December 15, 1961, and on the date of application for a building permit;  
and

(2) — is less than 90 feet deep at any point;

the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) — Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (b) of this Section, in R6 through R10 Districts, the special #rear yard# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

**23-53**

### **Special Provisions for Through Lots**

[MOVING TEXT TO 23-345]

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#, except as provided in Section 23-471 (Beyond one hundred feet of a street line). In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be

required.

**23-531**

**Excepted through lots**

[MOVING TEXT TO 23-345]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) — In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

R6 R7 R8 R9 R10

(b) — In the districts indicated, for #zoning lots# containing #Quality Housing buildings#, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of a #street#.

**23-532**

**Required rear yard equivalents**

[MOVING TEXT TO 23-345]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, except for #Quality Housing buildings# in R6 through R10 Districts, the provisions for which are set forth in Section 23-533 (Required rear yard equivalents for Quality Housing buildings), on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) — an open area with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;
- (b) — two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:
  - (1) — a corresponding increase in the depth of the open area along the other #street line# is made; and
  - (2) — any required #front yards# or front setback areas are maintained; or
- (c) — an open area adjoining and extending along the full length of each #side lot line# with a

minimum width of 30 feet measured from each such #side lot line#.

However, in #lower density growth management areas# and in R5D Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

### **23-533**

#### **Required rear yard equivalents for Quality Housing buildings**

[MOVING TEXT TO 23-345]

R6 R7 R8 R9 R10

For #Quality Housing buildings# in R6 through R10 Districts, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 60 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# with a depth of 180 feet or less, an open area with a minimum depth equivalent to the depth required pursuant to Section 23-534 (Special provisions for shallow through lots), may be provided, and additionally, one of the following #rear yard equivalents# may be provided as an alternative:

- (a) — two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made; or
- (b) — an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#, except that the width of such required open area along one #side lot line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made. If an open area along a #side lot line# is provided, it shall be at least eight feet.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

### **23-534**

#### **Special provisions for shallow through lots**



[MOVING TEXT TO 23-344]

R6 R7 R8 R9 R10

(a) — In the districts indicated, if a #through lot# :

(1) — is less than 180 feet deep at any point; and

(2) — was less than 180 feet deep, both on December 15, 1961, and on the date of application for a building permit;

the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, provided between two or more #buildings# on a single #zoning lot# be reduced to less than 40 feet, and in no event shall the minimum depth of such required #rear yard equivalent#, or portion thereof, be reduced to less than 20 feet.

(b) — Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (a) of this Section, in R6 through R10 Districts, the special #rear yard equivalent# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

### **23-54**

#### **Other Special Provisions for Rear Yards**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-47 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

### **23-541**

#### **Within one hundred feet of corners**

[MOVING TEXT TO 23-343]

R6 R7 R8 R9 R10

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

**23-542**

**Along short dimension of block**

[MOVING TEXT TO 23-343]

R6 R7 R8 R9 R10

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

**23-543**

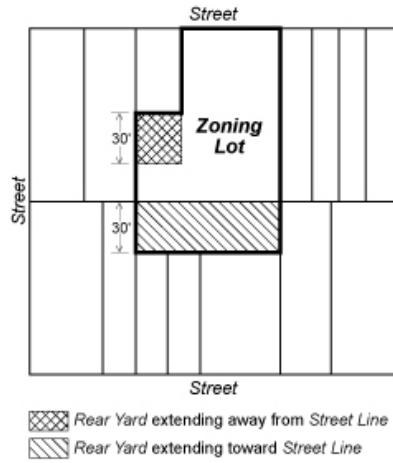
**For zoning lots with multiple rear lot lines**

[MOVING TEXT TO 23-343]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

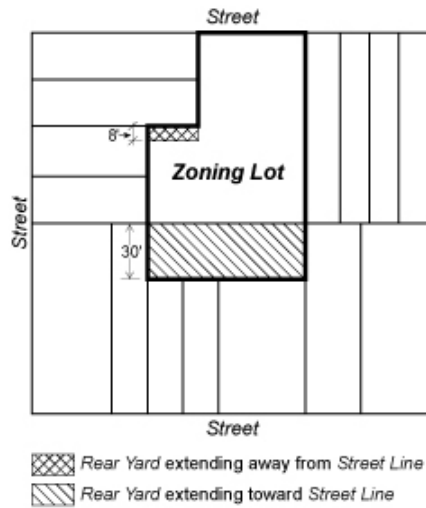
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

- (a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#, except as modified in Section 23-52 (Special Provisions for Shallow Interior Lots).



(23-543a)

(b) In R1 through R5 Districts, a rear yard with a minimum depth of eight feet shall be provided where such rear lot line coincides with a side lot line of an adjoining zoning lot.

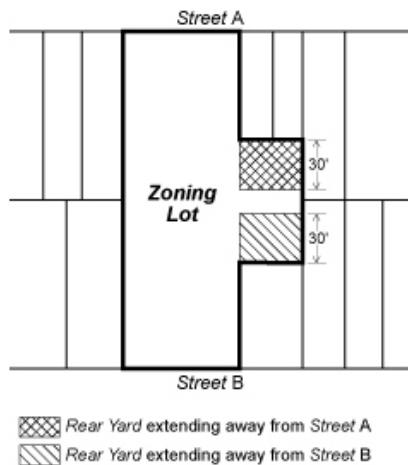


(23-543b)

(c) In R6 through R10 Districts, no rear yard shall be required where such rear lot line

coincides with a #side lot line# of an adjoining #zoning lot#.

- (d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(23-543d)

**23-544**

**In certain districts**

[REMOVING TEXT. THIS IS NOW A STANDARD ALLOWANCE]

**R2X**

In the district indicated, a #residential# #building# may extend 10 feet into a required #rear yard# or #rear yard equivalent# pursuant to the provisions of Section 23-631 (General provisions).

**Commented [Z108]:** The Proposal would allow a 20' rear yard in all zoning districts up to 75' in height. Therefore, this provision for R2X to do the same would no longer be required.

**23-55**

**Special Provisions for Zoning Lots Divided by District Boundaries**

[CONSOLIDATING INTO SINGLE SECTION]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts

or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

**23-56**

**Modifications of Rear Yard Regulations**

[REMOVING TEXT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-543 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

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BEGINNING OF 23-50 THROUGH 23-59 NEW TEXT

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**23-50**

**DENSITY REGULATIONS**

[ENTIRE TEXT MOVING FROM 23-30, INCLUSIVE AND MODIFYING]

**Commented [Z109]:** The Proposal would include all density related provisions in this section.

**23-51**

**Applicability**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11

This Section shall apply to #developments#, #enlargements# or to existing #buildings# that increase the number of #dwelling units#. However, the provisions of this Section shall not apply to #rooming units#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

The provisions of this Section shall not apply to #single-# or #two-family residences#.

**Commented [Z110]:** The Proposal would remove the density requirement for single and two family residences. They would still be subject to minimum lot size requirements as well as the controls on the number of permitted units.

**Commented [Z111]:** The Proposal would not subject buildings in the inner transit zone to zoning-based density controls. The regulations regulating unit size in the building code and other laws would still apply.  
  
Outside of this area, multi-family buildings would be subject to an average unit size requirement of 500 square feet. However, this would not apply to affordable senior housing, which is not subject to typical density controls today.

**23-52**

**Maximum Number of Dwelling Units**

[TEXT MOVING FROM 23-22 AND 23-24 AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Within the #inner transit zone#, there shall be no maximum number of #dwelling units#.

Within areas outside of the #inner transit zone#, for #buildings# containing three or more #dwelling units#, the maximum number of #dwelling units# shall equal the maximum #residential# #floor area# permitted on the #zoning lot# divided by 500. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit#. For #qualifying senior housing# outside of the #greater transit zone#, there shall be no applicable #dwelling unit# factor.

In addition, for #zoning lots# outside the #inner transit zone# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, for the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non-#residential# #floor area# or #floor area# allocated to #qualifying senior housing#. Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

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**END OF 23-50 THROUGH 23-59 NEW TEXT**

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**23-60**

**HEIGHT AND SETBACK REGULATIONS**

[ENTIRE 23-60 TEXT MOVING TO 23-40, AND MODIFYING]

**23-61**

**Applicability**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.~~

~~Height and setback regulations applicable to R1 through R5 Districts are set forth in Section 23-63. #Buildings# in R5D Districts shall also comply with additional provisions set forth in Article II, Chapter 8.~~

~~Height and setback regulations applicable to R6 through R10 Districts are set forth in Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as applicable.~~

**Commented [Z112]:** Height and setback provisions are located in 23-40. Comment bubbles are provided for current text elements that are deleted or heavily modified.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, all ~~#buildings#~~ containing ~~#residences#~~ shall comply with the ~~#bulk#~~ regulations for ~~#Quality Housing buildings#~~ set forth in Sections 23-62 (Permitted Obstructions) and 23-66. In R6, R7, R8, R9 or R10 Districts without a letter suffix, a ~~#building#~~ containing ~~#residences#~~ may be ~~#developed#~~ or ~~#enlarged#~~ pursuant to the basic height and setback requirements of Sections 23-62, 23-64 or 23-65, as applicable, or pursuant to the ~~#bulk#~~ regulations for ~~#Quality Housing buildings#~~. All ~~#Quality Housing buildings#~~ shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

Special height and setback provisions are set forth in Section 23-67 (Special Height and Setback Provisions for Certain Areas) for ~~#zoning lots#~~ adjoining a ~~#public park#~~, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

### ~~23-62~~

#### ~~Permitted Obstructions~~

[MOVING TEXT TO 23-41]

In all ~~#Residence Districts#~~, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit or ~~#sky exposure plane#~~ set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations).

### ~~23-621~~

#### ~~General permitted obstructions~~

[MOVING TEXT TO 23-411]

In all ~~#Residence Districts#~~, the following obstructions shall be permitted to penetrate a maximum height limit or ~~#sky exposure plane#~~. These allowances are generally common to ~~#Residence#~~, ~~#Commercial#~~ and ~~#Manufacturing Districts#~~.

- (a) — Awnings and other sun control devices, provided that when located at a level higher than the first ~~#story#~~, excluding a ~~#basement#~~, all such awnings and other sun control devices:
- (1) — shall be limited to a maximum projection from a ~~#building#~~ wall of 2 feet, 6 inches, except when located on the first ~~#story#~~ above a setback;
  - (2) — shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the ~~#building#~~ wall (as viewed in elevation) from which they

project; and

(3) ~~may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;~~

- (b) ~~#Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;~~
- (c) ~~Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;~~
- (d) ~~Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;~~
- (e) ~~Flagpoles or aerials;~~
- (f) ~~Parapet walls, not more than four feet in height, as measured from the maximum height limit. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;~~
- (g) ~~#Qualifying exterior wall thickness#~~
- (h) ~~Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to [date of adoption]. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#.~~
- (i) ~~Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;~~
- (j) ~~Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:~~
  - (1) ~~on the roof, or any portion thereof, of a #building#, with a slope less than 20~~



degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or

(2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;

(k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(m) Window washing equipment mounted on a roof;

(n) Wire, chain link or other transparent fences.

## 23-622

### Additional permitted obstructions

[MOVING TEXT TO 23-412]

In all #Residence Districts#, the obstructions set forth in Section 23-621 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#.

(a) Balconies, unenclosed, subject to the provisions of Section 23-13;

(b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single# or #two-family residence#;

(c) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street

walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

- (2) ~~the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;~~
- (3) ~~the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and~~
- (4) ~~the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:~~
  - (i) ~~in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, a height of 25 feet above the maximum permitted height;~~
  - (ii) ~~in R6 through R10 Districts:~~
    - (a) ~~where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and~~
    - (b) ~~where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and~~
- (5) ~~all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);~~
- (d) ~~Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:~~
  - (1) ~~the highest point of the wind turbine assembly does not exceed 55 feet;~~
  - (2) ~~no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and~~
  - (3) ~~the diameter of the swept area of the rotor does not exceed 15 feet.~~

**23-623**

**Permitted obstructions in certain districts**

[MOVING TEXT TO 23-413]

R2A R2X R3 R4 R4-1 R4A R5A

(a) In the districts indicated, permitted obstructions are limited to chimneys, ~~qualifying exterior wall thickness~~, flagpoles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-621. However, in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, elevator or stair bulkheads, roof water tanks, ~~energy infrastructure equipment~~ and ~~accessory~~ mechanical equipment shall additionally be permitted.

(b) In R2X Districts, dormers may be considered permitted obstructions if:

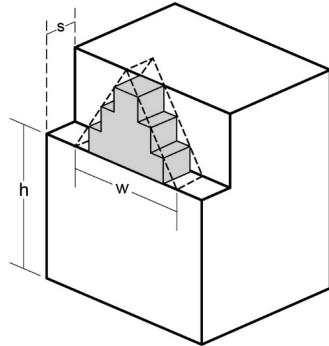
- (1) the aggregate width of dormers facing the ~~street line~~ is equal to not more than 50 percent of the width of the ~~street wall line~~;
- (2) the aggregate width of dormers facing the ~~rear lot line~~ is equal to not more than 50 percent of the width of the ~~rear wall line~~;
- (3) the aggregate width of dormers facing a ~~side lot line~~ is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the ~~street wall line~~ and the ~~rear wall line~~; and
- (4) on a ~~corner lot~~, the aggregate width of dormers facing a ~~side lot line~~ is equal to not more than 50 percent of the width of the ~~rear wall line~~ facing such ~~side lot line~~.

**Commented [Z113]:** The Proposal would remove this special provision so that R2X districts would apply the underlying dormer rule.

R6 R7 R8 R9 R10

(c) In the districts indicated, for ~~Quality Housing buildings~~, within a required front setback distance above a maximum base height, the following rules shall apply:

- (1) Dormers shall be allowed as a permitted obstruction, provided that on any ~~street~~ frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the ~~street wall~~ of the highest ~~story~~ entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the ~~street wall~~ width of the highest ~~story~~ entirely below the maximum base height.



- h - Maximum base height
- s - Required setback or *initial setback distance*
- w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest *story* entirely below maximum base height)
- Dormer

**Dormer**  
(23-621e, 62-341d.2)

- (2) — Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.
- (3) — Wind energy systems shall not be allowed as permitted obstructions.
- (4) — Window washing equipment shall not be allowed as permitted obstructions.

**23-63**

**Height and Setback Requirements in R1 Through R5 Districts**

[MOVING TEXT TO SECTION 23-42, AND MODIFYING]

R1 R2 R3 R4 R5

In the districts indicated, the height and setback of a #building or other structure# shall be as set forth in Section 23-631 (General provisions). Additional provisions pertaining to required side and rear setbacks are set forth in Section 23-632 (Required side and rear setbacks).

**23-631**

**General provisions**

[MOVING TEXT TO SECTION 23-421, AND MODIFYING]

Height and setback regulations for R1 through R5 Districts are set forth in this Section. Such maximum heights may only be penetrated by permitted obstructions set forth in Section 23-62.

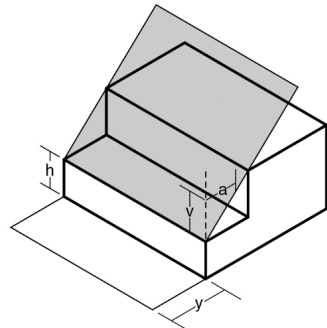
**R1-R2**

- (a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a building or other structure shall not penetrate the sky exposure plane set forth in the following table:

**MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS**

Height above #Front Yard Line# (in ft.)	#Sky Exposure Plane#		District
	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
	Vertical Distance	Horizontal Distance	
25	1 to	1	R1-R2

**Commented [Z114]:** As noted previously, The Proposal would treat R1 and R2 districts like other low density districts with pitched roof envelopes. These rules would be removed.



a - Horizontal distance  
 h - Height of sky exposure plane above front yard line level  
 v - Vertical distance  
 y - Depth of required front yard

 Sky Exposure Plane

SKY EXPOSURE PLANE  
(23-631a, 24-521)

R1-2A R2A R2X R3 R4 R4-1 R4A R5A

**Commented [Z115]:** As noted previously, the Proposal would align all perimeter wall heights at 25 feet.

(b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (h) and (j) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting# #semi-detached# #buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	R2A R2X R3 R4A
25 feet	R1-2A R4-1 R4 R5A
26 feet	R3 R4-1 R4A within #lower density growth management areas#

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (b)(1) through (b)(5), as follows:

(1) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the #base plane#. (See Figure A)

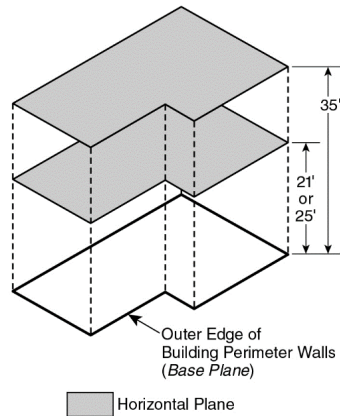


Figure A  
(23-631b1)

- (2) — Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35-foot high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.

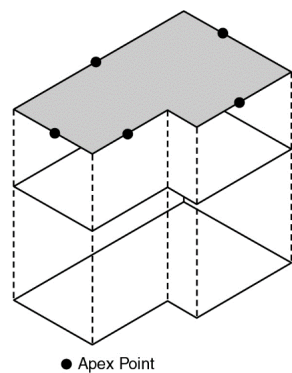


Figure B  
(23-631b2)

- (3) — One "ridge line" is extended in a straight line from each apex point along the 35-foot high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)

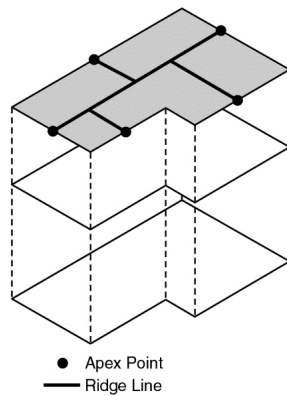


Figure C  
(23-631b3)

- (4) — Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.



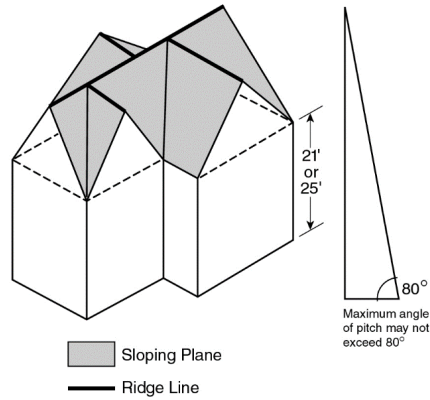
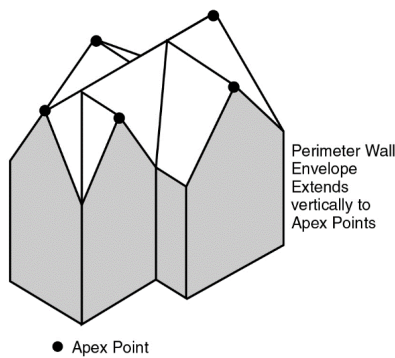


Figure D  
(23-631b4)

- (5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (4). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F). Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the #building# envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.



(23-631b5.1)

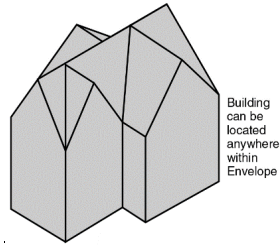


Figure E and F  
(23-631b5.2)

(6) — Special Situations

- (i) — For convex curved perimeter walls, the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35 foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

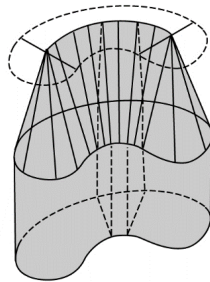


Figure G

(23-631b6.i)

- (ii) In R2X Districts, at the 21-foot maximum permitted height of a perimeter wall, sloping planes are projected inwards and upwards. From a permitted front perimeter wall and from 21 feet above the #base plane# and 20 feet from and parallel to a #rear lot line#, such sloping plane shall not exceed a pitch of 45 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet. (See Figure H). Other sloping planes slope toward a ridge line at 35 feet and may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet.

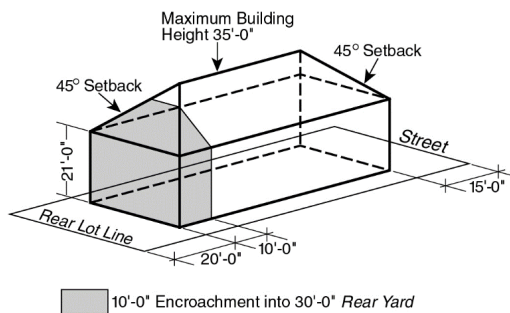


Figure H  
(23-631b6.ii)

R4B

- (e) In the district indicated, no portion of the #building or other structure#, including the apex of a roof, shall penetrate a plane 24 feet in height above the #base plane#.

R5

- (d) In the district indicated, except R5A, R5B and R5D Districts, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal. On #corner lots#, the 30-foot maximum #street wall# height shall apply to only one #street# frontage. #Buildings or other structures# which utilize the optional

Commented [Z116]: The Proposal would make minor updates to this envelope.

regulations of Section 23-143 applying to a #predominantly built up area# shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to paragraphs (h) and (j) of this Section.

**R5B**

- (e) In the district indicated, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 33 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, no portion of the #building or other structure# shall penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the #base plane#. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. The provisions of this paragraph may be modified pursuant to paragraph (h) of this Section.

**Commented [Z117]:** The Proposal would make minor design updates to this envelope.

**R5D**

- (f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane 40 feet above the #base plane#. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section 23-662, the maximum height of a #building or other structure# may be increased to 45 feet, or four #stories#, whichever is less.

**R3A R4-1 R4A R4B R5B**

- (g) In the districts indicated, a second #story# line up is required as follows:

Where at least 75 percent of the #buildings# containing #residences# within 150 feet of the #side lot lines# of the #zoning lot# have a first #story# front projection that is at least 50 percent of the width of the #building#, the #street wall# shall be no closer to the #street line# than the second #story# #street wall# of an adjacent #building# containing #residences# facing on the same #street#.

Projections from the first #story# #street wall# are permitted provided that such projections are no closer to the #street line# than an adjacent #front yard line#, and such projections are no higher than 13 feet above the #street wall line level#. Projections from the second #story# street wall# are permitted provided that the width of all projections at that level does not exceed 33 percent of the width of the #building# at the second #story#, and the depth of the projections does not exceed three feet.

**Commented [Z118]:** The Proposal would remove this second story lineup provision in these districts that can make it difficult to undertake new construction.

- (h) The height and setback regulations of this Section are modified as follows:

- (1) In R3-1 and R3-2 Districts, #single # or #two family# #detached# #residences# on #zoning lots# of at least 9,500 square feet in area and at least 100 feet of frontage along a #street# may use the height and setback regulations applicable in

**Commented [Z119]:** These special rules would be removed since they conflict with general elements of the Proposal.

an R2 District.

- (2) In the #Special Ocean Parkway District#, the #Special Coney Island Mixed Use District#, and the #Special Hunters Point Mixed Use District#, for #buildings or other structures# subject to the regulations of an R5 District other than an R5D District, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height at 20 degrees to the horizontal. On #corner lots#, the 32 foot maximum #street wall# height shall apply to only one #street# frontage.

In these special districts, for #developments# or #enlargements# which utilize the optional regulations applicable to a #predominantly built up area#, the maximum height of a #building# containing #residences# shall not exceed 32 feet above the #base plane#. Furthermore, for such #developments# or #enlargements# with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet above the #base plane#. The provisions of this paragraph may be modified pursuant to paragraph (j) of this Section.

- (3) In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks), #buildings# within a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of Section 78-31.

### R3-2 R4 R5

- (i) In R3-2 Districts, #buildings# containing #affordable independent residences for seniors# may use the height and setback regulations applicable to an R4 District, as set forth in paragraph (b) of this Section.
- (j) In R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the height and setback provisions set forth in paragraphs (b) and (d) of this Section shall apply to #buildings# containing #affordable independent residences for seniors#. However, where no #single-family# or #two-family residence# existed on the #zoning lot# within three years prior to the issuance of a building permit for the #development# or #enlargement# of such #building# containing #affordable independent residences for seniors#, such height and setback provisions shall be modified as follows:
- (1) in R4 Districts, the height of the #building# shall not exceed 45 feet; and
- (2) in R5 Districts, the height of the #building# shall not exceed 45 feet, except that beyond 25 feet of a #street line#, the height of the #building# may be increased to a height of 55 feet where one or more of the following conditions are met:

**Commented [Z120]:** The Proposal would replace these height controls for affordable senior housing with similar ones it includes.

- (i) on the date of application for a building permit for such #development# or #enlargement#, not more than 50 percent of the aggregate length of the #block# frontage on both sides of the #street# facing each other is occupied by #single-family# or #two-family residences#;
- (ii) an existing #building# on the same or adjacent #zoning lot# of such #development# or #enlargement# has a height of 45 feet or more; or
- (iii) the #zoning lot# of such #development# or #enlargement# has a #lot area# of at least 1.5 acres.

(k) In the districts indicated, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b), (d) or (i) of this Section, except for #buildings# utilizing the optional regulations for #predominantly built up areas#. As a condition for granting such authorizations, the Commission shall find that:

**Commented [Z121]:** The Proposal would remove this authorization and instead apply the as of right rules for new housing.

- (1) by concentrating permitted #floor area# in a #building# or #buildings# of greater height, the preservation of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area#; or, for #affordable independent residences for seniors#, the additional #floor area# permitted is accommodated in an efficient manner;
- (2) such modification is the least modification required to achieve the purpose for which it is granted;
- (3) the proposed modification does not impair the essential character of the surrounding area; and
- (4) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**23-632**  
**Required side and rear setbacks**

**Commented [Z122]:** The Proposal would remove this requirement for setbacks in rear yard areas that would make it difficult to construct the small apartment buildings it looks to facilitate.

[REMOVING SECTION, PER PROPOSAL]

Side and rear setbacks shall be provided as specified in this Section. Permitted obstructions in required side and rear setbacks are set forth in paragraph (a) of this Section. Required side and rear setbacks for tall buildings in certain R1 through R5 Districts are set forth in paragraph (b) and required side and rear setbacks for #buildings# containing non #residential uses# in certain R1 through R5 Districts are set forth in paragraph (c) of this Section.

(a) — Permitted obstructions in required side and rear setbacks

~~Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls not more than four feet in height, roof thickness, solar energy systems up to four feet high, vegetated roofs and weirs are permitted as set forth in Section 23-62 (Permitted Obstructions). Chimneys or flues shall also be permitted, provided that the total width does not exceed 10 percent of the width of the #building's# walls facing such open area.~~

(b) — Required side and rear setbacks for tall buildings in certain low bulk districts

~~R1 R2 R3 R4 R5~~

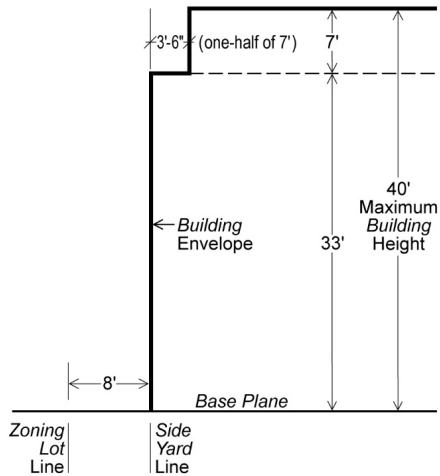
~~In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.~~

~~In R3, R4 and R5 Districts, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration below of R5 District Side Yard Setback).~~

~~However, the following modifications may be applied to #buildings# containing #affordable independent residences for seniors#:~~

~~(1) — no #rear yard# setback need be provided; and~~

~~(2) — for a #side yard#, the resultant setback required by the calculation above need not exceed a depth of 10 feet, as measured from the #building# wall fronting such #side yard#.~~



**SIDE YARD-SETBACK**  
 (R5 example)  
 (23-632b)

(e) Required side and rear setbacks for permitted non-residential uses in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non-residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

**Commented [Z123]:** The Proposal would also remove these provisions since rules for community facility buildings in 24-00 already address this.

**23-64**

**Basic Height and Setback Requirements**

[ENTIRE 23-64 TEXT MOVING TO 23-70]

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, the height and setback of a #building or other structure# shall be as set forth in Section 23-641 (Front setbacks), or 23-642 (Alternate front setbacks). In R9 and R10 Districts,



towers are permitted in accordance with the provisions of Section 23-65.

**23-641**

**Front setbacks**

**Commented [Z124]:** The Proposal moves the regulations for height factor buildings to 23-70.

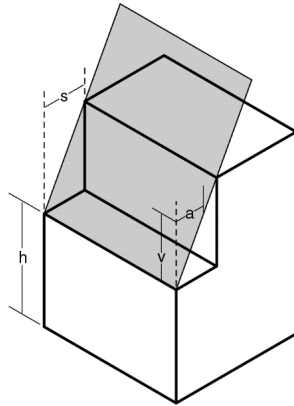
[MOVING TEXT TO 23-72]

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if the front wall or other portion of a building or other structure is located at the street line or within the initial setback distance set forth in the following table, the height of such front wall or other portion of a building or other structure shall not exceed the maximum height above the street line set forth in the table. Above such specified maximum height and beyond the initial setback distance, the building or other structure shall not penetrate the sky exposure plane set forth in the table, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

**MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS**

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a Building or Other Structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	#Sky Exposure Plane#			
				Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to-1	5.6	to-1
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to-1	5.6	to-1



a - Horizontal distance                      s - Initial setback distance  
 h - Height of sky exposure plane above street line      v - Vertical distance

 Sky Exposure Plane

**SKY EXPOSURE PLANE**  
**R6 R7 R8 R9 R10 Districts**  
 (23-641, 24-522, 33-432, 43-43)

**23-642**

**Alternate front setbacks**

[MOVING TEXT TO 23-72]

R6 R7 R8 R9 R10

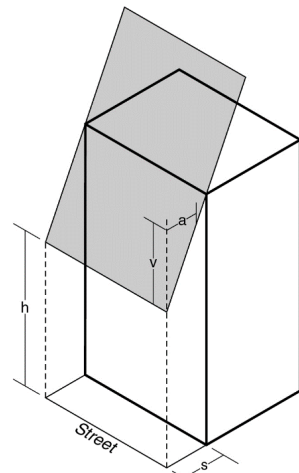
In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of Section 23-641 (Front setbacks). The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

**Commented [Z125]:** The Proposal moves regulations for height factor buildings to 23-70.

**ALTERNATE REQUIRED FRONT SETBACKS**

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
<b>R6 or R7 Districts</b>						
15	10	60	3.7 to 1	7.6	to 1	
<b>R8 R9 or R10 Districts</b>						
15	10	85	3.7 to 1	7.6	to 1	



- a - Horizontal distance
  - h - Height of sky exposure plane above street line
  - s - Depth of the optional front open area
  - v - Vertical distance
- Sky Exposure Plane

**ALTERNATE SKY EXPOSURE PLANE**  
**R6 R7 R8 R9 R10 Districts**  
 (23-642, 24-53, 33-442, 43-44)

23-65

**Tower Regulations**

[MOVING TEXT TO 23-436]

R9-R10

In the districts indicated without a letter suffix, except for #Quality Housing buildings#, and except as set forth in paragraph (c) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot#, or for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table below, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. Such portions of #buildings# that penetrate a #sky exposure plane# are hereinafter referred to as towers.

**LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS**

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

#Buildings# #developed# or #enlarged# with towers shall comply with either tower on a base regulations or standard tower regulations, as follows:

(a) — Applicability of tower on a base regulations

The tower on a base regulations of Section 23-651 shall apply to any such #building#

**Commented [Z126]:** The Proposal modifies tower regulations for residential buildings in line with those that apply in Lower Manhattan and Downtown Brooklyn. They can lead to shorter towers with a greater design variety.

that:

- (1) contains more than 25 percent of its total #floor area# in #residential use#; and
- (2) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#.

If a portion of such #building# is #developed# or #enlarged# with a tower the entire #zoning lot# shall be subject to the provisions of Section 23-651 (Tower on a base).

(b) Applicability of standard tower regulations

The standard tower regulations of Section 23-652 shall apply to any such #building# that does not meet the location and #floor area# criteria of paragraph (a) of this Section.

(c) Inapplicability of tower regulations

The provisions of this Section shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

**23-651**

**Tower on a base**

[MOVING TO SECTION 23-442 (b) AND MODIFYING PER PROPOSAL]

Any #development# or #enlargement# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a tower on a base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Tower regulations

- (1) At any level above a #building# base (referred to hereinafter as a "base"), any portion or portions of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:
  - (i) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations); and
  - (ii) not less than 30 percent of the #lot area# of a #zoning lot#.

**Commented [Z127]:** The Proposal would maintain the general framework of tower on a base regulations, but make some updates to bring the regulations in line with other zoning districts. These include updates to the maximum base height and the tower top controls.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

- (2) Any tower located above a base shall not be subject to the provisions of Section 23-64 (Basic Height and Setback Requirements).
- (3) At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #Lot Coverage# of the Tower Portion	Minimum Percent of Total #Building Floor Area# Distribution Below the Level of 150 Feet
40.0 or greater	55.0
39.0 to 39.9	55.5
38.0 to 38.9	56.0
37.0 to 37.9	56.5
36.0 to 36.9	57.0
35.0 to 35.9	57.5
34.0 to 34.9	58.0
33.0 to 33.9	58.5
32.0 to 32.9	59.0
31.0 to 31.9	59.5
30.0 to 30.9	60.0

- (4) At all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except that such dimensions shall include the depth of any permitted recesses in the #street wall#.
- (5) No tower or portion thereof shall be located on a #narrow street# at a distance that is more than 100 feet from the intersection with a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #zoning lot# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

(b) #Building# base regulations

(1) #Street wall# location

- (i) On a #wide street#, and on a #narrow street# within 125 feet of its intersection with a #wide street#, the #street wall# of the base shall occupy the entire #street# frontage of a #zoning lot# not occupied by existing #buildings#. At any height, at least 70 percent of the width of such #street wall# shall be located within eight feet of the #street line#, and the remaining 30 percent of such #street wall# may be recessed beyond eight feet of the #street line# to provide #outer courts# or balconies.

However, no such recesses shall be permitted within 20 feet of an adjacent #building# fronting on the same #street line# or within 30 feet of the intersection of two #street lines#.

- (ii) On a #narrow street# beyond 125 feet from its intersection with a #wide street#, no #street wall# of a base is required nor shall any #street wall# provided beyond 125 feet count toward the computation of any permitted recesses on such wall.
- (iii) Where the #street wall# of an adjacent #building# fronting on the same #street line# is located within 10 feet of the #street line#, the #street wall# of the base shall be either located at the #street line# or aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such existing #building#.

(2) Height of #street wall#

All #street walls# of a base shall rise vertically without setback to a height of not less than 60 feet nor more than 85 feet except:

- (i) On a #wide street#, if the height of the #street wall# of an adjacent #building# fronting on the same #street line# exceeds 60 feet and if such #street wall# is located within 10 feet of the #street line#, the #street wall# of the base shall match the height of the #street wall# of the adjacent

~~#building# to a maximum height of 100 feet by either of three alternatives:~~

- ~~(a) — the #street wall# of the base shall be extended vertically to the height of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such adjacent #building#;~~
- ~~(b) — at least 50 percent of the width of the #street wall# of the base shall be extended vertically to the height of the adjacent #building#; or~~
- ~~(c) — a dormer shall be provided pursuant to paragraph (b)(3) of this Section. Such dormer shall match the height of the adjacent #building#.~~

~~Such #street wall# of the base fronting on a #wide street# may be extended along a #narrow street# within 70 feet of its intersection with the #wide street#.~~

- ~~(ii) — On a #narrow street# beyond 100 feet of its intersection with a #wide street#, the #street wall# of a base shall rise vertically to a height of at least 60 feet when the adjacent #building# is either less than 60 feet or greater than 85 feet, or match the height of the adjacent #building# when the height of such #building# is between 60 feet and 85 feet.~~

~~For the purposes of this paragraph, (b)(2), inclusive, the height of an adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#.~~

~~(3) — Dormer~~

~~For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a permitted obstruction within a required front setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#.~~

~~On any #street# frontage, the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base. Such dormer shall count as #floor area# but not as tower #lot coverage#.~~

~~(4) — Open areas~~



All open areas at ground level, located between the #street line# and the #street wall# of a base shall be landscaped except in front of entrances and exits to the #building#.

(e) — Modification of tower coverage and #floor area# distribution requirements

The tower #lot coverage# and #floor area# distribution requirements set forth in paragraph (a)(3) of this Section shall be modified for #buildings# that provide articulation of a base in accordance with the following provisions:

(1) — Recesses

Recesses shall occupy, in the aggregate, between 30 and 50 percent of the width of each eligible #story# of the base, and measure at least two feet in depth. In addition, the width of any individual recess provided within eight feet of the #street line# shall not exceed 25 percent of the width of the #street wall# of the base, unless such recess is provided in combination with an additional recess located beyond eight feet of the #street line#.

Furthermore, all recesses shall comply with the provisions of paragraph (b)(1) of this Section or paragraph (a)(1) of Section 35-64 (Special Tower Regulations for Mixed Buildings), as applicable. For each #street# frontage of a #building# with recesses provided in accordance with this paragraph, (c)(1), the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(2) — Dormers

For each #street# frontage with dormers, provided in accordance with paragraph (b)(3) of this Section, that measure, at their lowest level, at least 50 percent of the width of the #street wall# of the highest #story# of the base, and measure, at their highest level, at least 25 percent of the width of the highest #story# of the base, and rise at least 25 feet above the base, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(3) — Matching provision

For each #street# frontage that provides an extension of the #street wall# of a base that matches the height of an adjacent #building# in accordance with paragraph (b)(2)(i)(b) of this Section, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building# #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

However, the total percent of #lot coverage# of the tower portion of the #building# shall not be decreased by more than 2.0 percent, nor shall the minimum percent of total #building# #floor area# distribution below a level of 150 feet be reduced by more than 1.0 percent.

### **23-652**

#### **Standard tower**

[MOVING TO SECTION 23-436 AND MODIFYING PER PROPOSAL]

Any #development# or #enlargement# that does not meet the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a standard tower in accordance with the regulations set forth in this Section.

At all levels, a tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

### **23-66**

#### **Height and Setback Requirements for Quality Housing Buildings**

[CONTENT OF SECTION 23-66 MOVING TO 23-43 AND UPDATED PER PROPOSAL]

R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 shall apply to #Quality Housing buildings#. These provisions may be modified pursuant to the provisions of either Section 23-663 (Tower regulations in R9D and R10X Districts) or 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 23-665. Additional height and setback provisions for #compensated developments# and #MIH developments#, as defined in Section 23-911, are set forth in Sections 23-951 and 23-952, respectively. The height of all #buildings or other structures# shall be measured from the #base plane#.

Where the City Planning Commission grants additional height to a #development# or #enlargement# subject to the provisions of Sections 23-662 or 23-664 pursuant to an authorization or special permit of this Resolution, the Commission may, in conjunction, increase

**Commented [Z128]:** The Proposal makes height and setback controls for quality housing buildings the typical controls for all residential buildings in R6+ districts. Height factor buildings would use the regulations in 23-70.

the permitted number of #stories#.

## 23-661

### Street wall location

[MOVING TO 23-431 AND UPDATING PER PROPOSAL]

#### R6 R7 R8 R9 R10

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the applicable #street wall# location provisions of paragraphs (a), (b) or (c) of this Section. Recesses, projections and other forms of articulation beyond the #street wall# locations established in paragraphs (a), (b) or (c) are permitted only in accordance with paragraph (d) of this Section.

#### R6A R7A R7D R7X R9D

(a) — In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the following shall apply:

(1) — The #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 10 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

(2) — On #corner lots#, the #street wall# location provisions of paragraph (a)(1) shall apply along only one #street line#.

#### R6B R7B R8B

(b) — In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the following shall apply:

(1) — On #zoning lots# with at least 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#;

or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage, that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.

- (2) — On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage that is both within 15 feet of the #street line# and within 25 feet of such #Quality Housing building#. Where such existing adjacent #building#, or portion thereof, has #street walls# located at varying depths, the #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width.
- (3) — On #corner lots#, the #street wall# regulations of (b)(1) or (b)(2), as applicable, shall apply along both #street# frontages, except that along one #street line# the #street wall# need not be located farther from the #street line# than five feet.

#### R8A R8X R9A R9X R10A R10X

- (e) — In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following shall apply:
- (1) — Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# the #street wall# shall extend along the entire #street# frontage of a #zoning lot#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.
- (2) — Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, at least 70 percent of the #street wall# shall be located within 15 feet of the #street line#.

#### R6 R7 R8 R9 R10

(d) ~~Street wall~~ articulation, including, but not limited to, window recesses and structural expression on the ~~building~~ facade, shall be permitted to project or recess beyond the ~~street wall~~ locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of ~~street wall~~ articulation, such as bay windows, and facade recesses, up to 50 percent of the ~~aggregate width of street wall~~, at any level, may recess or project beyond such ~~street wall~~ location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the ~~street wall~~, or portion thereof. No projection shall extend beyond the ~~street line~~, except where encroachments into the public right of way are permitted by the New York City Administrative Code.

### 23-662

#### Maximum height of buildings and setback regulations

[MOVING TO SECTION 23-432 AND MODIFYING PER PROPOSAL]

R6 R7 R8 R9 R10

In the districts indicated, height and setback regulations for ~~Quality Housing buildings~~ are set forth in this Section.

The height of a ~~Quality Housing building~~ ~~or other structure~~ shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified elsewhere in this Chapter.

Basic ~~building~~ heights for ~~Quality Housing buildings~~ are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for ~~Quality Housing buildings~~ with ~~qualifying ground floors~~ pursuant to paragraph (b)(1) of this Section. For ~~Quality Housing buildings~~ with ~~qualifying ground floors~~ in R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the ~~Manhattan Core~~, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of ~~buildings or other structures~~ that exceed the maximum base height specified for the applicable district in paragraphs (a) or (b) of this Section, and shall be provided in accordance with paragraph (c) of this Section.

(a) ~~Basic building~~ heights

Table 1 in this paragraph sets forth the minimum and maximum base height, and maximum ~~building~~ height, for ~~Quality Housing buildings~~.

TABLE 1

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR CONTEXTUAL DISTRICTS**

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6A	40	60	70
R6B	30	40	50
R7A	40	65	80
R7B	40	65	75
R7D	60	85	100
R7X inside #Manhattan Core#	60	85	125
R7X outside #Manhattan Core#	60	85	120
R8A	60	85	120
R8B	55	65	75
R8X	60	85	150
R9A <sup>1</sup>	60	105	145
R9A <sup>2</sup>	60	95	135
R9D	60	85 <sup>4</sup>	N/A <sup>2</sup>
R9X <sup>1</sup>	105	120	170
R9X <sup>2</sup>	60	120	160
R10A <sup>1</sup>	125	150	210
R10A <sup>2</sup>	60	125	185
R10X	60	85	N/A <sup>2</sup>

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR NON-CONTEXTUAL DISTRICTS**

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6 <sup>2</sup>	30	45	55
R6 <sup>1</sup> -inside #Manhattan Core#	40	55	65
R6 <sup>1</sup> -outside #Manhattan Core#	40	65	70
R7 <sup>1</sup> -inside #Manhattan Core# R7 <sup>2</sup>	40	65	75
R7 <sup>1</sup> -outside #Manhattan Core#	40	75	80
R8 <sup>2</sup>	60	85	115
R8 <sup>1</sup> -inside #Manhattan Core#	60	85	120
R8 <sup>1</sup> -outside #Manhattan Core#	60	95	130
R9 <sup>1</sup>	60	105	145
R9 <sup>2</sup>	60	95	135
R10 <sup>1</sup>	125	155	210
R10 <sup>2</sup>	60	125	185

**Commented [Z129]:** The Proposal would remove the minor height differences between buildings inside and outside the Manhattan Core in line with earlier changes described for FAR.

- <sup>1</sup> For #zoning lots# or portions thereof within 100 feet of a #wide street#
- <sup>2</sup> For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# or, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#
- <sup>3</sup> #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with Section 23-663 (Tower regulations in R9D and R10X Districts)
- <sup>4</sup> For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

(b) Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) Eligible buildings

Table 2 in this paragraph sets forth the minimum and maximum base height,

**Commented [Z130]:** To simplify the zoning framework in these districts, the heights for buildings with qualifying ground floors would be made available to all buildings. Streetscape regulations in Commercial Districts included in the City of Yes for Economic Opportunity project would better guarantee successful ground floor spaces.

maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

- (i) R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#; or
- (ii) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

TABLE 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES FOR BUILDINGS IN CERTAIN DISTRICTS OUTSIDE THE MANHATTAN CORE WITH QUALIFYING GROUND FLOORS

FOR CONTEXTUAL DISTRICTS OUTSIDE THE MANHATTAN CORE				
District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6A	40	65	75	7
R6B	30	45	55	5
R7A	40	75	85	8
R7D	60	85	105	10
R7X	60	95	125	12
R8A	60	95	125	12
R8X	60	95	155	15
R9X <sup>1</sup>	105	125	175	17
R9X <sup>2</sup>	60	125	165	16
R10A <sup>1</sup>	125	155	215	21

FOR NON CONTEXTUAL DISTRICTS				
District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6 <sup>1</sup> outside #Manhattan Core#	40	65	75	7
R7 <sup>1</sup> outside	40	75	85	8



#Manhattan Core#				
R8 <sup>+</sup> inside #Manhattan Core#	60	85	125	12
R8 <sup>+</sup> outside #Manhattan Core#	60	95	135	13
R10 <sup>+</sup>	125	155	215	21

<sup>1</sup> — For #zoning lots# or portions thereof within 100 feet of a #wide street#

<sup>2</sup> — For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

(2) — Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# in R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) — Along typical #street wall# frontages

For #buildings#, or portions thereof, with a #street wall# width of 100 feet or less along a #street# frontage, #uses# on the first #story# shall comply with the ground floor #use# and depth requirements of Section 26-52. #Accessory# off-street parking spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 26-54 (Parking Wrap and Screening Requirements).

(ii) — Along wide #street# frontages

For #buildings# with a #street wall# width exceeding 100 feet along a #street# frontage, at least 100 feet of such frontage shall comply with the provisions of paragraph (b)(2)(i) of this Section. For portions in excess of 100 feet, #accessory# off-street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 26-54. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(e) — Setback requirements

For all #Quality Housing buildings#, a setback shall be provided in accordance with the following regulations:

- (1) ~~At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in paragraph (b) of this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#.~~
- (2) ~~The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.~~
- (3) ~~Notwithstanding the provisions of paragraph (c)(2) above, the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.~~
- (4) ~~These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 (Permitted obstructions in certain districts) may penetrate a required setback area.~~
- (5) ~~In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.~~

**23-663**

**Tower regulations in R9D and R10X Districts**

[MOVING TO SECTION 23-442(a) AND MODIFYING PER PROPOSAL]

R9D-R10X

**Commented [Z131]:** The Proposal would subject all tower buildings, including these, to the same tower controls.

In the districts indicated, any ~~Quality Housing building~~ ~~or other structure~~, or portions thereof, which in the aggregate occupies not more than 40 percent of the ~~lot area~~ of a ~~zoning lot~~ (or, for ~~zoning lots~~ of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the ~~base plane~~, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-623 (Permitted obstructions in certain districts) shall not be counted towards tower coverage. Such tower may exceed a height limit of 85 feet above the ~~base plane~~ provided the base of such tower complies with the applicable ~~street wall~~ location and height and setback provisions of Sections 23-661 and 23-662, respectively, and provided that the tower portion complies with the following, as applicable:

- (a) at all levels, such tower shall be set back from the ~~street wall~~ of a base at least 15 feet along a ~~narrow street~~ and at least 10 feet along a ~~wide street~~, except such dimensions may include the depth of any permitted recesses in the ~~street wall~~;
- (b) the minimum coverage of such tower above a height of 85 feet above the ~~base plane~~ is at least 33 percent of the ~~lot area~~ of the ~~zoning lot~~; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower;
- (c) in R9D Districts, the highest four ~~stories~~, or as many ~~stories~~ as are located entirely above a height of 165 feet, whichever is less, shall have a ~~lot coverage~~ of between 50 percent and 80 percent of the ~~story~~ immediately below such ~~stories~~. Such reduced ~~lot coverage~~ shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest ~~story~~ not subject to the reduced ~~lot coverage~~ provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the ~~building~~, perpendicular to each tower face. Required setback areas may overlap; and
- (d) in R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each ~~story~~ located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel to, or within 45 degrees of being parallel to, such elevated rail line shall be 125 feet, or 75 percent of the frontage of the ~~zoning lot~~ along such elevated rail line, whichever is less.

**23-664**

**Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

[MOVING TEXT TO SECTIONS 23-43 AND 23-434 AND MODIFYING]

**Commented [Z132]:** The Proposal would similarly provide higher heights to buildings with certain forms of affordable housing. They are modelled after the heights here and are described earlier in the chapter.

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to ~~Quality Housing buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of this Section. For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 23-911. Additional height and setback provisions for #compensated developments# and #MIH developments#, as defined in Section 23-911, are set forth in Sections 23-951 and 23-952, respectively.~~

(a) ~~Eligible #buildings#~~

~~The additional heights and number of #stories# permitted pursuant to this Section shall apply to:~~

~~(1) #buildings# on #zoning lots# in R10 Districts outside of #Inclusionary Housing designated areas#, where:~~

~~(i) in accordance with the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing), the #zoning lot# achieves a #floor area ratio# of at least 11.0; and~~

~~(ii) such #zoning lot# includes a #compensated development# that contains #affordable floor area#;~~

~~(2) #buildings# on #zoning lots# in #Inclusionary Housing designated areas#, where:~~

~~(i) 50 percent or more of the #floor area# of the #zoning lot# contains #residential uses#; and~~

~~(ii) at least 20 percent of such #residential# #floor area# is #affordable floor area# provided in accordance with the provisions of paragraph (b) of Section 23-154;~~

~~(3) #MIH developments# on #MIH zoning lots# that also contain #MIH sites#, where such #MIH zoning lot# contains all #affordable floor area# required for such #MIH development#; or~~

~~(4) #buildings# on #zoning lots# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#.~~

(b) ~~For certain #Quality Housing buildings# in all applicable districts~~

~~For #Quality Housing buildings# meeting the criteria of paragraph (a) of this Section, the maximum base and #building# heights and maximum number of #stories# established in Section 23-662 shall be modified by Table 1 below. Separate maximum #building# heights are set forth within the table for #Quality Housing buildings# with #qualifying~~

ground floors# and for those with #non-qualifying ground floors#.

TABLE 1

MODIFIED-MAXIMUM-BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS

FOR CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#
R6A	40	65	80	85	8
R7A	40	75	90	95	9
R7D	60	95	110	115	11
R7X <sup>1</sup>	60	105	140	145	14
R8A	60	105	140	145	14
R8X	60	105	170	175	17
R9A <sup>2</sup>	60	125	170	175	17
R9A <sup>3</sup>	60	125	160	165	16
R9X <sup>2</sup>	105	145	200	205	20
R9X <sup>3</sup>	60	145	190	195	19
R10A <sup>2</sup>	125	155	230	235	23
R10A <sup>3</sup>	60	155	210	215	21

FOR NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height for #Buildings or other Structures# with #non-qualifying ground floors# (in feet)	Maximum Height for #Buildings or other Structures# with #qualifying ground floors# (in feet)	Maximum Number of #Stories#
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R6 <sup>4</sup>	40	65	80	85	8
R7 <sup>2</sup>	40	75	100	105	10
R7 <sup>5</sup>	40	75	90	95	9
R8	60	105	140	145	14
R9 <sup>2</sup>	60	125	170	175	17
R9 <sup>3</sup>	60	125	160	165	16
R10 <sup>2</sup>	125	155	230	235	23
R10 <sup>3</sup>	60	155	210	215	21

<sup>1</sup> — In R7X Districts, the modified base heights, maximum #building# heights and number of #stories# are permitted only for #buildings# on #zoning lots# meeting the criteria of paragraphs (a)(3) or (a)(4) of this Section

<sup>2</sup> — For #zoning lots# or portions thereof within 100 feet of a #wide street#

<sup>3</sup> — For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, or for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

<sup>4</sup> — For #buildings# meeting the criteria of paragraph (a)(4) of this Section, and #buildings# meeting the other criteria of paragraph (a) of this Section on #zoning lots# located within 100 feet of a #wide street#

<sup>5</sup> — For #buildings# meeting the criteria of paragraph (a)(4) of this Section, on #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street#, and for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

(e) — Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

For #Quality Housing buildings# in R6 through R8 Districts without a letter suffix and in an R9-1 District, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 and paragraph (b) of this Section need not apply to:

(1) — #buildings# on #MHI zoning lots# meeting the criteria of paragraph (a)(3) of this

Section:

(2) ~~buildings on zoning lots containing an affordable independent residence for seniors meeting the criteria of paragraph (a)(4) of this Section, where such zoning lot is located within 150 feet of the following types of transportation infrastructure:~~

- ~~(i) an elevated rail line;~~
- ~~(ii) an open railroad right of way;~~
- ~~(iii) a limited access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land; or~~
- ~~(iv) an elevated street located on a bridge that prohibits direct vehicular access.~~

~~Such 150-foot measurement shall be measured perpendicular from the edge of such infrastructure.~~

~~In lieu thereof, the height of a building or other structure, or portion thereof, within 10 feet of a wide street or 15 feet of a narrow street, shall not exceed the maximum base height specified for the applicable zoning district in Table 2 below. Beyond 10 feet of a wide street and 15 feet of a narrow street, the height of the building or other structure shall not exceed the maximum building height specified for the applicable district in the table, or the maximum number of stories, whichever is less.~~

TABLE 2

~~ALTERNATIVE MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS~~

<del>District</del>	<del>Maximum Base Height (in feet)</del>	<del>Maximum Height of Buildings or other Structures# (in feet)</del>	<del>Maximum Number of Stories#</del>
<del>R6</del>	<del>65</del>	<del>115</del>	<del>11</del>
<del>R7</del>	<del>75</del>	<del>135</del>	<del>13</del>
<del>R8</del>	<del>105</del>	<del>215</del>	<del>21</del>
<del>R9-1</del>	<del>125</del>	<del>285</del>	<del>28</del>

23-665

**Additional regulations**

[MOVING TO SECTION 23-437 AND MODIFYING PER PROPOSAL]

R6 R7 R8 R9 R10

In the districts indicated, for all ~~Quality Housing buildings~~, the following additional regulations shall apply:

- (a) Existing ~~buildings~~ may be vertically ~~enlarged~~ by up to one ~~story~~ or 15 feet without regard to the ~~street wall~~ location requirements of Section 23-661.
- (b) On ~~through lots~~ which extend less than 180 feet in maximum depth from ~~street~~ to ~~street~~, the ~~street wall~~ location requirements of Section 23-661 shall be mandatory along only one ~~street~~ frontage.
- (c) The ~~street wall~~ location and minimum base height provisions of Sections 23-661 and 23-662, respectively, shall not apply along any ~~street~~ frontage of a ~~zoning lot~~ occupied by ~~buildings~~ whose ~~street wall~~ heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 23-662 shall not apply to ~~buildings~~ ~~developed~~ or ~~enlarged~~ after February 2, 2011, that do not exceed such minimum base heights, except where such ~~buildings~~ are located on ~~zoning lots~~ with multiple ~~buildings~~, one or more of which is ~~developed~~, ~~enlarged~~ or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (e) The City Planning Commission may, upon application, authorize modifications in the required ~~street wall~~ location if the Commission finds that existing ~~buildings~~, or existing open areas serving existing ~~buildings~~ to remain on the ~~zoning lot~~, would be adversely affected by the location of the ~~street walls~~ in the manner prescribed in Section 23-661.
- (f) For any ~~zoning lot~~ located in a Historic District designated by the Landmarks Preservation Commission, the ~~street wall~~ location and minimum base height regulations of Sections 23-661 and 23-662, respectively, or as modified in any applicable Special District, shall be modified as follows:
  - (1) The minimum base height of a ~~street wall~~ may vary between the height of the ~~street wall~~ of an adjacent ~~building~~ before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 23-661, or as modified in any applicable Special District.
  - (2) The maximum base height of a ~~street wall~~ may vary between the height of the ~~street wall~~ of an adjacent ~~building~~ before setback, if such height is higher than the maximum base height allowed, and the maximum base height

**Commented [Z133]:** The Proposal would extend these provisions to all zoning districts.



requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

(3) — The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 23-661, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(g) — In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(h) — For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-661 and 23-662, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

### 23-67

#### Special Height and Setback Provisions for Certain Areas

### 23-671

#### Special provisions for zoning lots directly adjoining public parks

[MOVING TEXT TO SECTION 23-444(a) AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Sections 23-63 (Height and Setback in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements) and 23-66 (Height and Setback Requirements for Quality Housing Buildings) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

### 23-672

**Commented [Z134]:** The Proposal would subject buildings in this geography to the underlying street wall framework. These rules predate quality housing regulations and generally mimic them, but were never updated.

**Special height and setback regulations in R10 Districts within Community District 7,  
Borough of Manhattan**

[REMOVING TEXT]

Within the boundaries of Community District 7 in the Borough of Manhattan, all ~~buildings or other structures~~ located in R10 Districts, except R10A or R10X Districts, utilizing the basic height and setback requirements of Section 23-64 (Basic Height and Setback Requirements), shall also comply with the provisions of this Section.

The front ~~building~~ wall of all ~~buildings~~ on a ~~zoning lot~~ with any frontage on a ~~wide street~~, shall extend along the entire ~~wide street~~ frontage of the ~~zoning lot~~ without a setback for a height of 125 feet above the ~~curb level~~ or the full height of the ~~building~~, whichever is less. Above a height of 125 feet, the front ~~building~~ wall may be set back at least 10 feet on a ~~wide street~~ or 15 feet on a ~~narrow street~~. Above a height of 150 feet, the front ~~building~~ wall shall be set back at least 10 feet. These mandatory front ~~building~~ wall requirements also apply to all ~~buildings~~ along all ~~street lines~~ of ~~narrow streets~~ within 50 feet of their intersection with the ~~street lines~~ of ~~wide streets~~. For the next 20 feet along the ~~street line~~ of a ~~narrow street~~, the mandatory front ~~building~~ wall requirements are optional. The height and setback regulations of the underlying district shall apply along ~~street lines~~, or portions thereof, not subject to the front ~~building~~ wall requirements.

Front wall recesses are permitted above the level of the second ~~story~~ ceiling or 23 feet above ~~curb level~~, whichever is less, provided that the aggregate width of all recesses at the level of any ~~story~~ does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two ~~street lines~~.

Front wall openings are permitted below the level of the second ~~story~~ ceiling, for entrances only.

The preceding ~~street wall~~ location provisions shall not apply along any ~~street~~ frontage of a ~~zoning lot~~ occupied by existing ~~buildings~~ whose ~~street walls~~ remain unaffected by alterations or ~~enlargements~~ to such existing ~~buildings~~.

However, the provisions of this Section shall not apply to any ~~building~~ for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Modifications of Housing Quality Special Permits) nor shall it apply to any ~~building~~ located within the ~~Special Lincoln Square District~~ or within the former West Side Urban Renewal Area, excluding frontages along Central Park West or to the ~~block~~ bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an ~~enlargement~~, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted ~~floor area~~ regulations.

**23-673**

**Special bulk regulations for certain sites in Community District 4, Borough of Manhattan**

[REMOVING TEXT]

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

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

**Commented [Z135]:** The Proposal would remove this very specific discretionary action and instead replace it (and others) with a more general framework for bulk relief through CPC action.

**23-674**

**Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan**

[MOVING TEXT TO SECTION 23-443(a)]

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program. The underlying #bulk# regulations for #Quality Housing buildings# shall apply, except as follows:

- (a) — the maximum height of a #building or other structure# set forth in Section 23-662 shall be modified so that the maximum height of a #building or other structure#, or portion thereof, within 100 feet of a #wide street# shall be 120 feet, and the maximum height of a #building or other structure#, or portion thereof, on a #narrow street# beyond 100 feet of a #wide street# shall be 105 feet; and
- (b) — the alternate height and setback regulations for certain #Quality Housing buildings# in non-contextual districts, as set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply to #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664.

**Commented [Z136]:** The Proposal would maintain the requirement that buildings in this geography not be height factor buildings, but would update the specific heights to be in line with other R8 districts citywide. This would better ensure buildings could partake in the UAP framework.

**23-675**

**Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan**

[MOVING TEXT TO SECTION 23-443(a)(2)]

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-65 (Tower Regulations) shall be modified to require that the tower on a base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#. However, for #zoning lots# with #narrow street# frontages, such provisions shall be modified in accordance with the provisions of this Section.

(a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

- (1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	Minimum percent of total #building floor area# distribution below the level of 150 feet
40.0 or greater	45.0
39.0 to 39.9	45.5
38.0 to 38.9	46.0
37.0 to 37.9	46.5
36.0 to 36.9	47.0
35.0 to 35.9	47.5
34.0 to 34.9	48.0
33.0 to 33.9	48.5
32.0 to 32.9	49.0
31.0 to 31.9	49.5
30.0 to 30.9	50.0

- (2) For #buildings# that do not meet the location criteria of paragraph (a)(2) of

**Commented [Z137]:** The Proposal maintains this requirement for tower on a base regulations in this geography, but makes some updates in line with the general rules for tower on a base.

Section 23-65, the tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.

- (3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply. In lieu thereof, towers shall be permitted on a #narrow street# beyond 100 feet of its intersection with a #wide street#.
- (4) For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof on #zoning lots# with both #narrow street# and #wide street# frontage, that portion of a #zoning lot# located either within 125 feet from the #wide street# frontage along the short dimension of a #block# or within 100 feet from the #wide street# frontage along the long dimension of a #block#, shall be treated as a separate #zoning lot# from that portion beyond, with frontage along a #narrow street#.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

- (1) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 125 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.
- (2) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 100 feet of its intersection with a #wide street#, the height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.
- (3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers on #narrow streets# beyond 70 feet of its intersection with a #wide street#.

**23-68**

**Special Provisions for Zoning Lots Divided by District Boundaries**

[MOVING TEXT (WITH PROVISIONS OF SECTIONS 23-18, 23-26, 23-34, 23-55) TO 23-03 AND CONSOLIDATING AS A SINGLE RULE]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 23-65 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

**23-69**

**Special Height Limitations**

**23-691**

**Limited Height Districts**

[MOVING TEXT TO SECTION 23-444, AND MODIFYING,  
SO THAT HEIGHT LIMITS OF THE UNDERLYING WILL APPLY ]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

**Commented [Z138]:** The Proposal updates the provisions for Limited Height Districts. The height limits of the underlying district would instead apply. This would better ensure buildings could partake in the UAP framework

**23-692**

**Height limitations for narrow buildings or enlargements**

[MOVING TO 23-724, AND MODIFYING]

R7-2 R7D R7X R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

**Commented [Z139]:** The Proposal would subject height factor buildings to the provisions of this section, but allow other narrow buildings to comply with the existing height and setback regulations.

(a) For interior lots, and for through lots, which shall be treated as two separate interior lots of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the street on which such street walls front or 100 feet, whichever is less;

(b) For corner lots bounded by only narrow streets, a height equal to the width of the narrowest of such streets on which such street walls front;

(c) For corner lots bounded by at least one wide street, a height equal to the width of the widest street on which it fronts, or 100 feet, whichever is less;

(d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:

(1) on a wide street, such portion of a building with a street wall less than 45 feet in width abuts an existing building with a street wall that exceeds such permitted heights. Such new street walls may reach the height of such abutting building or, where there are two abutting buildings that exceed such heights, such new street wall may reach the height of the tallest of such abutting buildings; or

(2) on a narrow street, such street walls abut two existing buildings with street walls that both exceed the heights permitted. Such new street walls may reach the height of the lowest of such abutting buildings; and

(3) such new street walls shall be fully contiguous at every level with such abutting street walls.

(e) In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections 23-642, 23-65, 24-53, 24-54, 33-44 and 33-45 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

(2) The provisions of this Section shall not apply to street walls of permitted obstructions or street walls located beyond 100 feet of a street line.

(3) For the purposes of determining the width of a street wall:

(i) the width shall be the sum of the maximum widths of all street walls of a building at every level. The width of a street wall shall be the length of the street line from which, when viewed directly from above, lines perpendicular to the street line may be drawn to such street wall;

(ii) abutting buildings on a single zoning lot may be considered a

single #building#, except as set forth in paragraph (e)(6) of this Section.

- (4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.
- (5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the provisions of paragraphs (b) and (c) in Section 23-532 (Required rear yard equivalents) shall not apply.
- (6) #Quality Housing buildings# shall be exempt from the provisions of this Section provided the width of the #street wall# at the maximum base height required by Sections 23-66 or 35-65 is at least 45 feet. For such #buildings#, a #street wall# that is less than 45 feet wide may be constructed above such base. For the purposes of this paragraph (e)(6), #abutting# #buildings# on a single #zoning lot# shall not be considered a single #building#. However, where all the requisite structural framing and all enclosing walls and roofs were completed for an #enlargement#, in accordance with a building permit issued prior to a September 11, 2007, Board of Standards and Appeals ruling (67-07-A) that resulted in the #enlargement# being ineligible for a certificate of occupancy, #abutting# #buildings# on a single #zoning lot# may be considered a single #building# provided such #zoning lot# is formed prior to August 2, 2011.

**23-693**

**Special provisions applying adjacent to R1 through R6B Districts**

[REMOVING, PER PROPOSAL]

R6 R7 R8 R9 R10

In the districts indicated, within 25 feet of an R1 through R5 District or an R6B District, the height of a #development# or #enlargement# of a #building#, or portions thereof, shall not exceed the height set forth in the table below for the applicable district.

District	Height permitted within 25 feet of	
	R1 through R5 District, other than R5D District (in feet)	R5D or R6B District (in feet)
<del>R6 R6A R7<sup>+</sup> R7B R8B</del>	45	55
<del>R7<sup>2</sup> R7A R7D</del>	55	65
<del>R7X R8 R8A R8X R9 R10</del>	65	65

**Commented [Z140]:** The Proposal would remove the requirement that buildings next to low density districts provide a lower building portion. This can make housing construction more difficult and doesn't reflect the wide variety of taller existing buildings found in these low density districts or permitted through the Proposal.



<sup>1</sup> For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

<sup>2</sup> For #zoning lots# or portions thereof within 100 feet of a #wide street#

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**BEGINNING OF 23-60 THROUGH 23-69 NEW TEXT**

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**23-60**  
**ADDITIONAL DESIGN ELEMENTS**

**Commented [Z141]:** The Proposal would collect a wide variety of design-related zoning rules into this section.

**23-61**  
**Street trees and planting**

**23-611**  
**Street Tree Planting**

[MOVING TEXT FROM SECTION 23-03, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family# #residences#;
- (b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (c) construction of a detached garage that is 400 square feet or greater.

**Commented [Z142]:** The Proposal would maintain the requirements for street tree planting, but remove some confusing applicability provisions in special districts.

**23-612**  
**Planting Strips in Residence Districts**

[MOVING TEXT FROM SECTION 23-04, AND MODIFYING]

**Commented [Z143]:** Same as above.

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family# #residences#;
- (b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (c) construction of a detached garage that is 400 square feet or greater.

**23-613**

**Front Yard Planting Requirements**

[MOVING TEXT FROM SECTIONS 23-451, 23-892, AND 28-23 AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, in any area where there is a #permitted obstruction#.

Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls.

No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

**23-62**

**Balconies**

[RELOCATING TEXT FROM SECTION 23-13 AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, balconies may project into or over any open areas not occupied by #buildings#, whether required or not, provided that such balcony shall:

**Commented [Z144]:** The Proposal would subject all residential buildings to the same planting requirements based on the existing rules for quality housing buildings.

**Commented [Z145]:** The Proposal would apply a consistent set of balcony provisions to all residential buildings based on the current rules for R6+ districts. The Proposal would also include allowances for safety glass to facilitate use of these spaces.

- (a) not project by more than one third of the depth of such areas specified above, or a distance greater than seven feet, whichever is less, as measured from the plane surface of the #building# wall from which it projects;
- (b) not cover more than 10 percent of any open area required pursuant to Section 23-30, inclusive, or any outdoor recreation space provided pursuant to Section 23-63;
- (c) be unenclosed except for #building walls# and parapets, railings, or safety guards, provided that:
  - (1) parapets shall not exceed four feet in height;
  - (2) railings shall not exceed 4 feet, 6 inches in height and shall be at least 50 percent open; and
  - (3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent materials for the portion that exceeds four feet in height. In addition, where such balcony has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony.

However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet, railing, or safety guard;

- (d) be located at least 13 feet above #curb level#, except that for #buildings# containing #residences# not more than 35 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and
- (e) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects.

### **23-63**

#### **Required recreation space in multi-family buildings**

[MOVING TEXT FROM SECTION 28-21 AND MODIFYING]

All #developments# with nine or more #dwelling units#, and #enlargements#, #extensions# or #conversions#, that result in nine or more #dwelling units#, shall provide recreation space in accordance with this Section.

The amount of recreation space required shall be equivalent to a minimum of three percent of the

**Commented [Z146]:** The Proposal would subject all residential buildings with at least 9 units to a recreation space requirement similar to those for quality housing buildings today. The space can be located inside or outside and can be exempted from floor area. Height factor buildings would not have to comply with this provision.

#residential floor area# of the #building# shall be provided. Such space may be provided indoors or outdoors, singly or in combination.

Additionally, such recreation space shall comply with the following standards:

- (a) all recreation space shall be accessible to the residents of the #building#;
- (b) the minimum dimension of any recreation space, in any direction, whether indoor or outdoor, shall be 15 feet;
- (c) any outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to 10 percent of the outdoor recreation space, provided that the lowest level of the projection is at least 10 feet above the level of the outdoor recreation space; and
- (d) Any indoor recreation room shall have at least one exterior wall with windows, or ceiling with skylights, that measures not less than 9.5 percent of the total floor space of the room.

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**END OF 23-60 THROUGH 23-69 NEW TEXT**

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~~23-70~~

~~**MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT**~~

~~23-71~~

~~**Minimum Distance Between Buildings on a Single Zoning Lot**~~

~~[MOVING RULES TO SECTION 23-371, PER PROPOSAL]~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section. For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered a single #building#.~~

~~However, these provisions do not apply:~~

- ~~(a) to the extent that such two #buildings# are separated from each other by a #rear yard equivalent# as set forth in Section 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable; or~~

**Commented [Z147]:** The Proposal would locate these rules to new 23-30 and make updates described above. Comment bubbles are provided for provisions that are removed or significantly updated.

(b) to space between a #single family#, #two family#, or three family #residence# and a garage #accessory# thereto.

**23-711**

**Standard minimum distance between buildings**

[MOVING RULES TO SECTION 23-371, CONSOLIDATING (WITH SECTION CURRENT 23-82) AND UPDATING, PER PROPOSAL]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the following table:

	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

\* Wall condition shall be defined as:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

(a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;

**Commented [Z148]:** The Proposal makes many changes to this section to facilitate ADUs and campus infill. Changes are described above.

- (b) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;
- (c) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;
- (d) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements;
- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart;
- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a "front building" shall be considered a "rear building." The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and
- (g) the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), shall be permitted in such minimum distance.

**23-72**

**Subdivision of a Zoning Lot After Development**

[REMOVING REDUNDANT TEXT]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, after any portion of a #zoning lot# has been #developed# under the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), such #zoning lot# may be divided into smaller #zoning lots# only if each resulting #zoning lot# and #building# or #buildings# thereon comply with all the #bulk# regulations of the district in which they are located, except as provided in Article VII, Chapter 8.

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**BEGINNING OF 23-70 THROUGH 23-79 NEW TEXT**

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**23-70**

**SPECIAL RULES FOR HEIGHT FACTOR BUILDINGS**

In R6 through R9 Districts without a letter suffix, option provisions for #height factor buildings# are set forth in this Section, inclusive.

**Commented [Z149]:** The Proposal would collect the current requirements for height factor buildings in this single section.

**23-71**

**Special Open Space and Floor Area Ratios for Height Factor Buildings**

[NEW INTRO TEXT]

For #height factor buildings#, the maximum #floor area ratio# shall be as set forth in this Section, inclusive, for the particular #height factor# and minimum #open space ratio#. In no event shall the basic #floor area ratios#, and the modified #floor area ratios# for #qualifying affordable housing# or #qualifying senior housing# set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) apply to #height factor buildings#.

The minimum #open space# required through the application of a minimum #open space ratio# shall be applied in conjunction with the applicable regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS). The obstructions set forth in Section 23-311 shall per permitted in required #open space#.

**23-711**

**Basic regulations**

[MOVING TEXT FROM SECTION 23-151]

R6 R7 R8 R9

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

**MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO**

R6 through R9 Districts

<u>For #zoning lots# with a #height factor# of</u>	<u>In R6 Districts</u>		<u>In R7 Districts</u>		<u>In R8 Districts</u>		<u>In R9 Districts</u>	
	<u>Min. Req. #Open Space Ratio#</u>	<u>Max. #Floor Area Ratio#</u>	<u>Min. Req. #Open Space Ratio#</u>	<u>Max. #Floor Area Ratio#</u>	<u>Min. Req. #Open Space Ratio#</u>	<u>Max. #Floor Area Ratio#</u>	<u>Min. Req. #Open Space Ratio#</u>	<u>Max. #Floor Area Ratio#</u>
<u>1</u>	<u>27.5</u>	<u>0.78</u>	<u>15.5</u>	<u>0.87</u>	<u>5.9</u>	<u>0.94</u>	<u>1.0</u>	<u>0.99</u>
<u>2</u>	<u>28.0</u>	<u>1.28</u>	<u>16.0</u>	<u>1.52</u>	<u>6.2</u>	<u>1.78</u>	<u>1.4</u>	<u>1.95</u>
<u>3</u>	<u>28.5</u>	<u>1.62</u>	<u>16.5</u>	<u>2.01</u>	<u>6.5</u>	<u>2.51</u>	<u>1.8</u>	<u>2.85</u>
<u>4</u>	<u>29.0</u>	<u>1.85</u>	<u>17.0</u>	<u>2.38</u>	<u>6.8</u>	<u>3.14</u>	<u>2.2</u>	<u>3.68</u>
<u>5</u>	<u>29.5</u>	<u>2.02</u>	<u>17.5</u>	<u>2.67</u>	<u>7.1</u>	<u>3.69</u>	<u>2.6</u>	<u>4.42</u>
<u>6</u>	<u>30.0</u>	<u>2.14</u>	<u>18.0</u>	<u>2.88</u>	<u>7.4</u>	<u>4.15</u>	<u>3.0</u>	<u>5.08</u>
<u>7</u>	<u>30.5</u>	<u>2.23</u>	<u>18.5</u>	<u>3.05</u>	<u>7.7</u>	<u>4.55</u>	<u>3.4</u>	<u>5.65</u>
<u>8</u>	<u>31.0</u>	<u>2.30</u>	<u>19.0</u>	<u>3.17</u>	<u>8.0</u>	<u>4.88</u>	<u>3.8</u>	<u>6.13</u>
<u>9</u>	<u>31.5</u>	<u>2.35</u>	<u>19.5</u>	<u>3.27</u>	<u>8.3</u>	<u>5.15</u>	<u>4.2</u>	<u>6.54</u>
<u>10</u>	<u>32.0</u>	<u>2.38</u>	<u>20.0</u>	<u>3.33</u>	<u>8.6</u>	<u>5.38</u>	<u>4.6</u>	<u>6.85</u>
<u>11</u>	<u>32.5</u>	<u>2.40</u>	<u>20.5</u>	<u>3.38</u>	<u>8.9</u>	<u>5.56</u>	<u>5.0</u>	<u>7.09</u>
<u>12</u>	<u>33.0</u>	<u>2.42</u>	<u>21.0</u>	<u>3.41</u>	<u>9.2</u>	<u>5.71</u>	<u>5.4</u>	<u>7.30</u>
<u>13</u>	<u>33.5</u>	<u>2.43</u>	<u>21.5</u>	<u>3.42</u>	<u>9.5</u>	<u>5.81</u>	<u>5.8</u>	<u>7.41</u>
<u>14</u>	<u>34.0</u>	<u>2.43</u>	<u>22.0</u>	<u>3.44</u>	<u>9.8</u>	<u>5.92</u>	<u>6.2</u>	<u>7.52</u>
<u>15</u>	<u>34.5</u>	<u>2.43</u>	<u>22.5</u>	<u>3.42</u>	<u>10.1</u>	<u>5.95</u>	<u>6.6</u>	<u>7.52</u>
<u>16</u>	<u>35.0</u>	<u>2.42</u>	<u>23.0</u>	<u>3.41</u>	<u>10.4</u>	<u>5.99</u>	<u>7.0</u>	<u>7.52</u>
<u>17</u>	<u>35.5</u>	<u>2.42</u>	<u>23.5</u>	<u>3.40</u>	<u>10.7</u>	<u>6.02</u>	<u>7.4</u>	<u>7.52</u>
<u>18</u>	<u>36.0</u>	<u>2.40</u>	<u>24.0</u>	<u>3.38</u>	<u>11.0</u>	<u>6.02</u>	<u>7.8</u>	<u>7.46</u>
<u>19</u>	<u>36.5</u>	<u>2.39</u>	<u>24.5</u>	<u>3.36</u>	<u>11.3</u>	<u>6.02</u>	<u>8.2</u>	<u>7.41</u>
<u>20</u>	<u>37.0</u>	<u>2.38</u>	<u>25.0</u>	<u>3.33</u>	<u>11.6</u>	<u>6.02</u>	<u>8.6</u>	<u>7.35</u>
<u>21</u>	<u>37.5</u>	<u>2.36</u>	<u>25.5</u>	<u>3.30</u>	<u>11.9</u>	<u>5.99</u>	<u>9.0</u>	<u>7.25</u>



**23-712**

**Additional regulations for tall buildings**

[MOVING TEXT FROM SECTION 23-151]

For zoning lots with height factors greater than 21, the minimum required open space ratio shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

<u>District</u>	<u>Minimum Required #Open Space Ratio# at #Height Factor# of 21</u>	<u>Additional Required #Open Space Ratio# for each Additional #Height Factor#</u>
<u>R6</u>	<u>37.5</u>	<u>0.5</u>
<u>R7</u>	<u>25.5</u>	<u>0.5</u>
<u>R8</u>	<u>11.9</u>	<u>0.3</u>
<u>R9</u>	<u>9.0</u>	<u>0.4</u>

For these zoning lots, the maximum floor area ratio shall be such as can be attained at the required open space ratio for the height factor.\*

\* The floor area ratio attainable at a given height factor and a given open space ratio may be computed from the following formula:

<u>1</u>	=	<u>O.S.R.</u>	±	<u>1</u>
<u>F.A.R.</u>		<u>100</u>		<u>H.F.</u>

**23-72**

**Special Height and Setback Regulations for Height Factor Buildings**

For height factor buildings, the height and setback regulations shall be as set forth in this Section, inclusive. Buildings may elect to utilize the front setback provisions of Section 23-721 or the alternate front setback provisions of Section 23-722. In R9 Districts not subject to the tower-on-a-base provisions of paragraph (b) of Section 23-442, towers may penetrate a sky

exposure plane# pursuant to Section 23-723. Notwithstanding the preceding, for narrow #buildings#, the provisions of Section 23-724 shall apply.

**23-721**  
**Front setbacks**

[MOVING TEXT FROM SECTION 23-641]

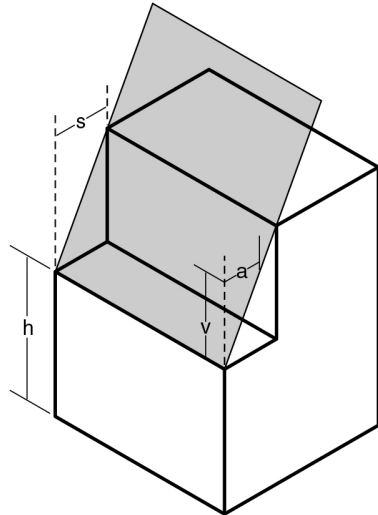
R6 R7 R8 R9

In the districts indicated without a letter suffix, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-723 (Tower regulations).

**MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS**

<u>#Initial Setback Distance#</u> (in feet)		<u>Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#</u>	<u>#Sky Exposure Plane#</u>				
			<u>Height above #Street Line#</u> (in feet)	<u>Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)</u>			
				<u>On #Narrow Street#</u>		<u>On #Wide Street#</u>	
<u>On #Narrow Street#</u>	<u>On #Wide Street#</u>		<u>Vertical Distance</u>	<u>Horizontal Distance</u>	<u>Vertical Distance</u>	<u>Horizontal Distance</u>	
<u>R6 or R7 Districts</u>							
<u>20</u>	<u>15</u>	<u>60 feet or six #stories#, whichever is less</u>	<u>60</u>	<u>2.7</u>	<u>to 1</u>	<u>5.6</u> <u>to 1</u>	
<u>R8 or R9 Districts</u>							

<u>20</u>	<u>15</u>	<u>85 feet or nine #stories#, whichever is less</u>	<u>85</u>	<u>2.7</u>	<u>to 1</u>	<u>5.6</u>	<u>to 1</u>
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a - Horizontal distance                      s - Initial setback distance  
h - Height of sky exposure plane above street line      v - Vertical distance

 Sky Exposure Plane

**SKY EXPOSURE PLANE**  
R6 R7 R8 R9 Districts

**23-722**

**Alternative front setbacks**

[MOVING TEXT FROM SECTION 23-642]

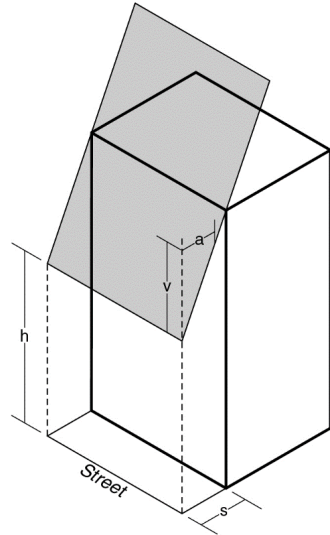
**R6 R7 R8 R9**

In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of Section 23-721 (Front setbacks). The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-723 (Tower regulations).

In R9 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

<u>Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)</u>		<u>Alternate #Sky Exposure Plane#</u>				
		<u>Height above #Street Line# (in feet)</u>	<u>Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)</u>			
<u>On #Narrow Street#</u>			<u>On #Wide Street#</u>			
<u>Vertical Distance</u>	<u>Horizontal Distance</u>		<u>Vertical Distance</u>	<u>Horizontal Distance</u>		
<u>On #Narrow Street#</u>	<u>On #Wide Street#</u>					
<u>R6 or R7 Districts</u>						
<u>15</u>	<u>10</u>	<u>60</u>	<u>3.7</u>	<u>to 1</u>	<u>7.6</u>	<u>to 1</u>
<u>R8 R9 or R10 Districts</u>						
<u>15</u>	<u>10</u>	<u>85</u>	<u>3.7</u>	<u>to 1</u>	<u>7.6</u>	<u>to 1</u>



- a - Horizontal distance
  - h - Height of sky exposure plane above street line
  - s - Depth of the optional front open area
  - v - Vertical distance
- Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE  
R6 R7 R8 R9 Districts

**23-722**  
**Tower regulations**

[ADAPTING FROM SECTION 23-45. MODIFYING PER PROPOSAL]

In R9 Districts, a tower may penetrate a #sky exposure plane# provided that such tower complies with the maximum coverages set forth in Section 23-436, and further provided that such tower is set back at least 10 feet from a #street line# along a #wide street# and at least 15 feet from a #street line# along a #narrow street#.

**23-723**  
**Height limitations for narrow buildings**

[MOVING FROM SECTION 23-692]

R7-2 R8 R9

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

- (a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;
- (b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;
- (c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the #widest street# on which it fronts, or 100 feet, whichever is less;
- (d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:
  - (1) on a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting building# or, where there are two #abutting# #buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting# #buildings#; or
  - (2) on a #narrow street#, such #street walls# #abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting buildings#; and
  - (3) such new #street walls# shall be fully contiguous at every level with such #abutting# #street walls#.
- (e) In addition, the following rules shall apply:
  - (1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections 23-722 and 23-723 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.
  - (2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.
  - (3) For the purposes of determining the width of a #street wall# :
    - (i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length

of the *street line* from which, when viewed directly from above, lines perpendicular to the *street line* may be drawn to such *street wall*;

(ii) *abutting buildings on a single zoning lot may be considered a single building*.

(4) For *buildings with street walls less than 45 feet in width that front only on a narrow street and abut two existing buildings*, the *street wall of such building shall be no closer to the street line than the street wall of the abutting building that is closest to the street line*.

(5) On a *through lot containing buildings with street walls less than 45 feet in width*, the alternative location provisions for *rear yard equivalents set forth in Section 23-345 (Required rear yard equivalents)* shall not apply.

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**END OF 23-70 THROUGH 23-79 NEW TEXT**

**EVERYTHING FROM 23-80 TO THE END OF ARTICLE II, CHAPTER 3 IS DELETED**

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~~23-80~~

~~COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS~~

[MOVING TEXT TO SECTION 23-]

**23-81**

**Definitions**

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

**23-82**

**Building Walls Regulated by Minimum Spacing Requirements**

[MOVING TO SECTION 23-271, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which two portions of a single *building* or

**Commented [Z150]:** The Proposal would move these requirements to new section 23-20.

~~#abutting# #buildings# on a single #zoning lot# are not connected one to the other, such portions shall be deemed to be two separate #buildings#, and the provisions set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) shall apply. In applying such provisions, the height of the two portions shall be measured from the roof of the connecting portion of such #building# instead of from the #base plane# or #curb level#, as applicable.~~

### **23-83**

#### **Building Walls Regulated by Other Than Minimum Spacing Requirements**

[MOVING TO SECTION 23-35, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, to the extent that the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements) do not apply, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 23-84 (Outer Court Regulations)

Section 23-85 (Inner Court Regulations)

Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)

Section 23-87 (Permitted Obstructions in Courts).

For the purposes of these Sections, ~~#abutting# #buildings# on a single #zoning lot# shall be considered a single #building#.~~

However, these regulations shall not apply to any ~~#single # or #two-family# #detached# #residence#.~~

A corner of a ~~#court#~~ may be cut off between walls of the same ~~#building#~~, provided that the length of the wall of such cut off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of ~~#courts#~~ as long as these variations do not substantially change the depth or width of the ~~#court#~~.

### **23-84**

#### **Outer Court Regulations**

[MOVING, WITH 23-841, 23-842 AND 23-843 TO SECTION 23-353,  
AND MODIFYING]



R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, ~~#outer courts# shall be in compliance with the provisions of this Section.~~

### ~~23-841~~

#### ~~Narrow outer courts~~

[MOVING, WITH 23-84, 23-842 AND 23-843 TO SECTION 23-353,  
AND MODIFYING]

R1 R2 R3 R4 R5

~~(a) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one third the depth of such #outer court#.~~

~~However, in R3, R4 or R5 Districts, for #single # and #two family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.~~

R6 R7 R8 R9 R10

~~(b) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. However, the depth of an #outer court# may exceed its width in a small #outer court#, provided that:~~

~~(1) no #legally required windows# shall face onto such small #outer court# or any #outer court recess# thereof;~~

~~(2) such small #outer court# is located above the level of the first #story#;~~

~~(3) the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and~~

~~(4) where the perimeter walls of such small #outer court# exceed a height of 75 feet, as measured from the lowest level of such #outer court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.~~

### ~~23-842~~

#### ~~Wide outer courts~~

[MOVING, WITH 23-84, 23-841 AND 23-843 TO SECTION 23-353,  
AND MODIFYING]

R1 R2 R3 R4 R5

(a) — In the districts indicated, if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) — In the districts indicated, if an #outer court# is 30 feet or more in width, an #outer court# may extend to any depth.

### **23-843**

#### **Outer court recesses**

[MOVING, WITH 23-84, 23-841 AND 23-842 TO SECTION 23-353, AND MODIFYING]

R1 R2 R3 R4 R5

(a) — In the districts indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) — In the districts indicated, the width of an #outer court recess# shall be at least equal to the depth of such #outer court recess#, except that such width need not exceed 30 feet.

### **23-844**

#### **Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan**

[REMOVING PROVISIONS, AS OTHER MODIFICATIONS MAKE IT REDUNDANT]

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying# #courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other buildings containing residences) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

**Commented [Z151]:** The Proposal would remove this special rule because proposed changes would mean it no longer would be necessary.

**23-85**

**Inner Court Regulations**

[MOVING, WITH 23-851 AND 23-852 TO SECTION 23-352,  
AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

**23-851**

**Minimum dimensions of inner courts**

[MOVING, WITH 23-85 AND 23-851 TO SECTION 23-352,  
AND MODIFYING]

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

R1 R2 R3 R4 R5

(a) — In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

R6 R7 R8 R9 R10

(b) — In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet.

However, the area and dimensions of an #inner court# may be reduced for a small #inner court#, provided that:

(1) — no #legally required windows# shall face onto such small #inner court# or any #inner court recess# thereof;

(2) — the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and

**Commented [Z152]:** The Proposal would make changes to these court regulations to make them more usable so more varied building and unit designs are possible.

(3) — where the perimeter walls of such small #inner court# exceed a height of 75 feet, as measured from the lowest level of such #inner court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.

### **23-852**

#### **Inner court recesses**

[MOVING, WITH 23-85 AND 23-851, TO SECTION 23-352,  
AND MODIFYING]

R1 R2 R3 R4 R5

(a) — In the districts indicated, the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

R6 R7 R8 R9 R10

(b) — In the districts indicated, the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed 30 feet.

### **23-86**

#### **Minimum Distance Between Legally Required Windows and Walls or Lot Lines**

[MOVING TO SECTION 23-372, AND UPDATING PER PROPOSAL]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to #legally required windows# in #buildings# containing #residences#:

(a) — in R2X, R3, R4 or R5A Districts, with a maximum height of 35 feet and with a maximum of three units; and

(b) — in other districts either:

(1) — with a maximum height of 32 feet and with a maximum of three units; or

(2) — with three #stories# if the lowest #story# is either a #basement# or is excluded from #floor area# by definition.

**Commented [Z153]:** The Proposal would update these requirements in line with changes made to yard dimensions.

For the purposes of this Section, ~~abutting buildings on the same zoning lot shall be considered a single building.~~

### **23-861**

#### **General provisions**

[MOVING TO SECTION 23-372, AND UPDATING PER PROPOSAL]

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a legally required window and:~~

- ~~(a) any wall;~~
- ~~(b) a rear lot line, or vertical projection thereof; or~~
- ~~(c) a side lot line, or vertical projection thereof;~~

~~shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a legally required window may open on any outer court meeting the requirements of Section 23-84 (Outer Court Regulations), except for small outer courts in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section 23-841 (Narrow outer courts).~~

~~The obstructions permitted for any yard set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), shall be permitted in such minimum distance.~~

~~However, for shallow interior lots in R6 through R10 Districts, the minimum distance between a legally required window and a rear lot line, or vertical projection thereof, may be reduced to equal the rear yard depth required pursuant to the provisions of Section 23-52 (Special Provisions for Shallow Interior Lots). However, in no event shall such minimum distance between a legally required window and a rear lot line, or vertical projection thereof, be less than 20 feet.~~

~~In R3, R4 and R5 Districts, the minimum dimension between a legally required window and a side lot line shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the side lot line or vertical projection thereof. Furthermore, such area with a 15-foot dimension shall be open to the sky from ground level up for the entire length of the side lot line. Only accessory mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, qualifying exterior wall thickness, gutters, open accessory off-street parking spaces, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in Section 23-44~~

(Permitted Obstructions in Required Yards or Rear Yard Equivalents), provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

**23-862**

**Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts**

[MOVING TO SECTION 23-372, AND UPDATING PER PROPOSAL]

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, awnings and other sun control devices, #qualifying exterior wall thickness#, and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

**23-863**

**Minimum distance between legally required windows and any wall in an inner court**

[RELOCATING TO SECTION 23-35, INCLUSIVE, AND MODIFYING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet. However, such provisions shall not apply to small #inner courts#, the provisions for which are set forth in paragraph (b) of Section 23-851 (Minimum dimensions of inner courts).

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

**23-87**

**Permitted Obstructions in Courts**

[RELOCATING TO SECTION 23-351, AND MODIFYING  
(ADDING R11, R12 APPLICABILITY)]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) — Fences;

(b) — Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(c) — #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;

(d) — Recreational or drying yard equipment.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), shall be permitted.

## **23-88**

### **Minimum Distance Between Lot Lines and Building Walls**

## **23-881**

### **Minimum distance between lot lines and building walls in lower density growth management areas**

[REMOVING, PER PROPOSAL. STANDARD DISTANCE BETWEEN BUILDINGS RULES WILL APPLY]

In R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#, the provisions of this Section shall apply to any #zoning lot# with two or more #buildings#, where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line#

and the #private road# provisions do not apply. For the purposes of this Section, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. An open area with a minimum width of 15 feet shall be provided between any such “rear building” and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such “rear building” and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Section 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section 23-44 for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

**23-882**

**Minimum distance between lot lines and building walls in R1 through R5 Districts**

[REMOVING, PER PROPOSAL. STANDARD DISTANCE BETWEEN BUILDINGS AND LOT LINES WILL APPLY]

R1 R2 R3 R4 R5

In the districts indicated, for #corner lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.

**23-89**

**Open Area Requirements for Residences**

**23-891**

**In R1 through R5 Districts**

[REMOVING, PER PROPOSAL]

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or #building segments# shall provide open areas in accordance with this Section. Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open

**Commented [Z154]:** The Proposal would remove these provisions since they conflict with changes made to yard requirements and to facilitate buildings with ADUs.



areas:

- (a) ~~An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#.~~
- (b) ~~For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.~~

**23-892**

**In R6 through R10 Districts**

[MOVING TO SECTION 23-613 (WITH 23-451 AND 28-23), AND MODIFYING]

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

~~In the districts indicated, and for #Quality Housing buildings# in R6 through R10 Districts without a letter suffix, the area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section 28-23 (Planting Areas).~~

**23-90**

**INCLUSIONARY HOUSING**

[MOVING ENTIRETY OF 23-90 TO AN ADMINISTRATIVE CHAPTER, ARTICLE II, CHAPTER 7, AND UPDATING, PER PROPOSAL]

**23-91**

**Definitions**

~~For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.~~

**Commented [Z155]:** The Proposal would move these provisions, with changes, to the new administrative chapter in 27-00. Changes are described there.

## 23-911

### General definitions

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

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#### Administering agent

An “administering agent” is the entity responsible for ensuring, pursuant to a #regulatory agreement#, that:

- (a) each subject rental #affordable housing unit# is rented in compliance with such #regulatory agreement# at #rent up# and upon each subsequent vacancy; or
- (b) each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

---

#### Affordable floor area

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site# or #MIH site#, other than any #super’s unit#, are #affordable housing units#, all of the #residential# #floor area#, or #community facility# #floor area# for a #supportive housing project#, in such #generating site# or #MIH site# is “affordable floor area.”
- (b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super’s unit#, are not #affordable housing units#, the #affordable floor area# in such #generating site# is the sum of:
  - (1) all of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site#, plus
  - (2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential# #floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential# #floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super’s unit#, that are not #affordable housing units#.
- (c) Where one or more of the #dwelling units# or #rooming units# in an #MIH site#, other

than any ~~super's unit~~, are not ~~affordable housing units~~, the ~~affordable floor area~~ in such ~~MIH site~~ is the sum of:

- (1) — all of the ~~residential floor area~~ of the ~~affordable housing units~~ in such ~~MIH site~~; plus
- (2) — a figure determined by multiplying the ~~residential floor area~~ of the ~~eligible common areas~~ in such ~~MIH site~~ by a fraction, the numerator of which is all of the ~~residential floor area~~ of the ~~affordable housing units~~ in such ~~MIH site~~ and the denominator of which is the sum of the ~~residential floor area~~ of the ~~affordable housing units~~ in such ~~MIH site~~ plus the ~~residential floor area~~ of the ~~dwelling units~~ or ~~rooming units~~ in such ~~MIH site~~, other than any ~~super's unit~~, that are not ~~affordable housing units~~.

---

#### Affordable housing

“Affordable housing” consists of:

- (a) — ~~affordable housing units~~; and
- (b) — ~~eligible common areas~~.

---

#### Affordable housing fund

With respect to the requirements of paragraph (d)(3)(v) of Section 23-154, the “affordable housing fund” is a fund administered by ~~HPD~~, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the ~~guidelines~~. Each contribution into such fund shall be reserved for use within the borough in which the ~~MIH development~~ making such contribution is located, and for a minimum of 10 years, shall be reserved for use in the same Community District in which the ~~MIH development~~ making such contribution is located. ~~HPD~~ shall issue a public report on the use of such fund no less frequently than on an annual basis.

Further provisions for the use of such funds may be set forth in the ~~guidelines~~.

---

#### Affordable housing plan

An “affordable housing plan” is a plan approved by ~~HPD~~ to ~~develop~~, rehabilitate or preserve rental or ~~homeownership affordable housing~~ on a ~~generating site~~, pursuant to the provisions of Section 23-90, inclusive.

---

## Affordable housing unit

An “affordable housing unit” is:

- (a) a ~~dwelling unit~~, other than a ~~super’s unit~~, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a ~~regulatory agreement~~, to occupancy by:
  - (1) ~~low income households~~;
  - (2) where permitted by paragraph (c) of Section 23-154 (Inclusionary Housing), either ~~low income households~~ or a combination of ~~low income households~~ and ~~moderate income households~~ or ~~middle income households~~;
  - (3) upon ~~resale~~ of ~~homeownership affordable housing units~~, other ~~eligible buyers~~, as applicable; or
  - (4) ~~qualifying households~~;
- (b) a ~~rooming unit~~, other than a ~~super’s unit~~, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a ~~regulatory agreement~~, to occupancy by ~~low income households~~; or
- (c) a ~~supportive housing unit~~ within a ~~supportive housing project~~.

~~Affordable housing units~~ that are restricted to ~~homeownership~~, as defined in Section 23-913, pursuant to a ~~regulatory agreement~~, must be ~~dwelling units~~.

---

## Capital element

“Capital elements” are, with respect to any ~~generating site~~ or ~~MIH site~~, the electrical, plumbing, heating and ventilation systems in such ~~generating site~~, any air conditioning system in such ~~generating site~~ and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such ~~generating site~~ and any other portions of such ~~generating site~~ or ~~MIH site~~ specified in the ~~guidelines~~.

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## Compensated development

In areas other than ~~Mandatory Inclusionary Housing areas~~, a “compensated development” is a ~~development~~, an ~~enlargement~~ of more than 50 percent of the ~~floor area~~ of an existing ~~building~~ or, where permitted by the provisions of Section 98-262 (Floor area increase), a ~~conversion~~ of a ~~building~~, or portion thereof, from non ~~residential use~~ to ~~dwelling units~~, that is located within a ~~compensated zoning lot~~.

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#### Compensated zoning lot

A “compensated zoning lot” is a #zoning lot# not located in a #Mandatory Inclusionary Housing area#, that contains a #compensated development# and receives an increased #floor area ratio#, pursuant to the provisions of Sections 23-154 and 23-90, inclusive.

---

#### Completion notice

A “completion notice” is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# or #MIH site# is complete and stating the #affordable floor area# of such #affordable housing#.

---

#### Eligible common area

In a #generating site#, “eligible common area” includes any #residential# #floor area# that is located within the perimeter walls of a #super’s unit#, and also includes any #residential# #floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

In an #MIH site#, an #eligible common area# includes any #residential# #floor area# that is located within a #super’s unit#, and any #residential# #floor area# in such #MIH site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

---

#### Floor area compensation

“Floor area compensation” is any additional #residential# #floor area# permitted in a #compensated development#, pursuant to the provisions of Sections 23-154 and 23-90, inclusive.

---

#### Generating site

A “generating site” is a #building# or #building segment# containing either #residential affordable floor area# or a #supportive housing project#, which generates #floor area compensation#. Non #residential# #floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

A #generating site# may also be an #MIH site#, provided that no #floor area# that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing) may also generate #floor area compensation#.

---

#### Grandfathered tenant

A “grandfathered tenant” is any #household# that:

- (a) — occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) — has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) — in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of #buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines#.

---

#### Guidelines

The “guidelines” are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites or MIH Sites).

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#### Household

Prior to #initial occupancy# of an #affordable housing unit#, a “household” is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

---

#### HPD

“HPD” is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

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#### Income band

An “income band” is a percentage of the #income index# that is the maximum income for a #qualifying household# at #initial occupancy# of an #affordable housing unit#. #Income bands# shall all be multiples of 10 percent of the #income index#, except for an #income band# at 135 percent of the #income index# provided pursuant to paragraph (d)(3)(iv) of Section 23-154 (Inclusionary Housing).

---

#### Income index

The “income index” is 200 percent of the Very Low Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

---

#### Initial occupancy

“Initial occupancy” is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, #initial occupancy# is the #regulatory agreement date#.

---

#### Low income floor area

The “low income floor area” is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

---

#### Low income household

A “low income household” is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

---

#### Low income limit

The “low income limit” is 80 percent of the #income index#.

---

#### Middle income floor area

The “middle income floor area” is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

---

#### Middle income household

A “middle income household” is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

---

#### Middle income limit

The “middle income limit” is 175 percent of the #income index#.

---

#### MIH application

An “MIH application” is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site#, in compliance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

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#### MIH development

An “MIH development” is a #development#, #enlargement# or #conversion# that complies with the provisions of paragraphs (d)(3)(i) through (d)(3)(v) or (d)(5) of Section 23-154 (Inclusionary Housing), or provides #affordable housing# or a contribution to the #affordable housing fund#



pursuant to such provisions as modified by special permit of the Board of Standards and Appeals pursuant to Section 23-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

---

#### MIH site

An “MIH site” is a ~~building~~ containing ~~affordable floor area~~ that satisfies either the special ~~floor area~~ provisions for ~~zoning lots~~ in ~~Mandatory Inclusionary Housing areas~~ in paragraphs (d)(3)(i) through (d)(3)(iv) and (d)(5), as applicable, of Section 23-154 (Inclusionary Housing) for an ~~MIH development~~ in a ~~Mandatory Inclusionary Housing area~~, or such provisions as modified by special permit of the Board of Standards and Appeals pursuant to Section 23-624 (Reduction or modification of Mandatory Inclusionary Housing requirements). An ~~MIH site~~ may also be a ~~generating site~~, provided that no ~~floor area~~ that satisfies the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 may also generate ~~floor area compensation~~.

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#### MIH zoning lot

An “MIH zoning lot” is a ~~zoning lot~~ that contains an ~~MIH development~~.

---

#### Moderate income floor area

The “moderate income floor area” is the ~~affordable floor area~~ that is provided for ~~moderate income households~~ or, upon ~~resale~~ as defined in Section 23-913, for ~~eligible buyers~~.

---

#### Moderate income household

A “moderate income household” is a ~~household~~ having an income greater than the ~~low income limit~~ and less than or equal to the ~~moderate income limit~~ at ~~initial occupancy~~, except that, with regard to ~~moderate income floor area~~ within ~~substantial rehabilitation affordable housing~~, a ~~grandfathered tenant~~ shall also be a ~~moderate income household~~.

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#### Moderate income limit

The “moderate income limit” is 125 percent of the ~~income index~~.

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#### New construction affordable housing

“New construction affordable housing” is ~~affordable housing~~ that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

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Permit notice

For #compensated developments#, a “permit notice” is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area# or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (d) of Section 23-154 (Inclusionary Housing), or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements). Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

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Preservation affordable housing

“Preservation affordable housing” is #affordable housing# that:

- (a) is a #generating site# that existed and was legally permitted to be occupied on the

~~#regulatory agreement date#, except as permitted in the #guidelines#; and~~

- (b) ~~complies with the provisions of Section 23-961, paragraph (c)(Special requirements for rental preservation affordable housing) or Section 23-962, paragraph (f)(Special requirements for homeownership preservation affordable housing), as applicable.~~

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#### Public funding

~~“Public funding” is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. #Public funding# shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.~~

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#### Qualifying household

~~A “qualifying household” is a #low income household#, #moderate income household# or #middle income household# that satisfies the applicable #income band# requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing) or as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).~~

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#### Regulatory agreement

~~A “regulatory agreement” is an agreement between #HPD# and the owner of the #affordable housing# or, for #MIH sites#, a restrictive declaration or other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable housing plan# or #MIH application#, Section 23-90, inclusive, other applicable provisions of this Resolution and the #guidelines#.~~

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#### Regulatory agreement date

~~The “regulatory agreement date” is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the #regulatory agreement date# is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.~~

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### Regulatory period

The “regulatory period” is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use in a #compensated development#.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in paragraph (d) of Section 23-154 (Inclusionary Housing) for an #MIH development# or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 23-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

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### Substantial rehabilitation affordable housing

“Substantial rehabilitation affordable housing” is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#, and
- (b) complies with the provisions of Section 23-961, paragraph (f) (Special requirements for rental substantial rehabilitation affordable housing), or Section 23-962, paragraph (g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

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### Super’s unit

A “super’s unit” is, in any #generating site# or #MIH site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

## 23-912

### Definitions applying to rental affordable housing

The following definitions shall apply to rental #affordable housing# :

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#### Legal regulated rent

A “legal regulated rent” is, with respect to any #affordable housing unit#, the initial #monthly

rent# registered with the Division of Housing and Community Renewal at #rent up# in accordance with paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing).

---

#### Maximum monthly rent

The “maximum monthly rent” is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#;
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

For #MIH sites#, the #maximum monthly rent# for an #affordable housing unit# restricted to occupancy by a #qualifying household# is 30 percent of the #income band# applicable to that unit, divided by 12, minus any applicable utility allowance.

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#### Monthly rent

The “monthly rent” is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

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#### Rent stabilization

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

---

#### Rent up

“Rent up” is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation

affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, #rent up# shall have the same meaning as #regulatory agreement date#.

---

#### Rent up date

The “rent up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #rent up date# is the #regulatory agreement date#.

---

#### Supportive housing project

A “supportive housing project” is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group 3), where:

- (a) — 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#;
- (b) — such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) — such #generating site# is not a #compensated development#.

However, with respect to the requirements of paragraphs (d)(3)(i) through (d)(3)(iv) or (d)(5) of Section 23-154 (Inclusionary Housing), a #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#.

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#### Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

---

#### Utility allowance

A “utility allowance” is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

### 23-913

#### Definitions applying to homeownership affordable housing

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section:

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##### Appreciated price

The “appreciated price” for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

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##### Appreciation cap

The “appreciation cap” is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

For #MIH sites#, the multiple of the #income index# for #homeownership affordable housing units# occupied by #qualifying households# shall be as specified in the #guidelines#.

---

##### Appreciation index

The “appreciation index” is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the 12 months ended on June 30 of that year, plus one percent per year, but the annual rate of

increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the 12 months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

---

#### Commencement date

The “commencement date” is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# or #MIH site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #commencement date# is the #regulatory agreement date#.

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#### Condominium association

A “condominium association” is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site# or #MIH site#.

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#### Cooperative corporation

A “cooperative corporation” is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

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#### Down payment

The “down payment” is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase a #homeownership affordable housing unit#.

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#### Eligible buyer

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

- (a) — except in the case of #succession# :



- (1) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household#, #middle income household# or #qualifying household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household's# income;
- (2) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, #middle income household# or #qualifying household#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;
- (3) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# or #MIH site# on the date of submission of an #affordable housing plan# to #HPD#; and
- (4) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession# :

- (1) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income; and
- (2) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit# or, for #MIH sites#, meets such qualifications for eligibility specified in the #guidelines#.

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Family member

~~“Family member” shall have the meaning set forth in the #guidelines#.~~

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#### Homeowner

A “homeowner” is a person or persons who:

- (a) ~~owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or~~
- (b) ~~owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.~~

---

#### Homeownership

~~“Homeownership” is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.~~

---

#### Imputed mortgage payment

~~An “imputed mortgage payment” is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.~~

---

#### Initial price

~~The “initial price” is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time, pursuant to a #regulatory agreement#.~~

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#### Maximum resale price

~~The “maximum resale price” for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.~~

---

#### Monthly fees

The “monthly fees” are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit’s# share of the expenses of such #cooperative corporation# or #condominium association#, as permitted by the #regulatory agreement#.

---

#### Mortgage

A “mortgage” is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

---

#### Mortgage payment

The “mortgage payment” is any monthly repayment of principal and interest on a #mortgage#.

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#### Resale

A “resale” is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to a #homeownership affordable housing unit# after the first #sale#.

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#### Sale

A “sale” is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

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#### Sale date

A “sale date” is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

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## Succession

“Succession” is a resale from a homeowner to a family member of such homeowner.

## 23-92

### General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and to enhance neighborhood economic diversity and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, HPD may specify the form of such approval in the guidelines.

## 23-93

### Applicability

## 23-931

### Lower income housing plans approved prior to July 29, 2009

Any lower income housing plan, as defined by Section 23-93 prior to July 29, 2009, that has been approved by HPD prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a regulatory agreement with respect thereto specifically provides to the contrary. However, Section 23-953 (Additional requirements for compensated developments and MIH developments) shall apply to any permits or certificates of occupancy for compensated developments issued on or after July 29, 2009.

The floor area ratio of a compensated development may be increased in exchange for lower income housing, pursuant to a lower income housing plan, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such lower income housing complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a compensated development is located in an R10 District outside of Inclusionary Housing designated areas, the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing) shall not apply, and Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

Any #lower income housing plan#, as such term was defined prior to July 29, 2009, that has been approved by #HPD# prior to such date, and any legal document related thereto, may be modified by #HPD#, to apply the provisions of paragraph (b) (Monthly rent), of Section 23-961 to such #lower income housing plan#.

### **23-932**

#### **R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) and in all R10 Districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154, as applicable.

### **23-933**

#### **Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas**

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# within the special purpose district.

The Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-32 (Additional Considerations for Special Permit Use and Bulk Modifications), in Special Purpose Districts as set forth in Section 23-934 (Special permit approval in Special Purpose Districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in [APPENDIX F](#) of this Resolution.

### **23-934**

#### **Special permit approval in Special Purpose Districts**

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in #residential# #floor area# where the special #floor area#

requirements in  ~~#Mandatory Inclusionary Housing areas#~~ of paragraph (d) of Section 23-154 (Inclusionary Housing) are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 23-92 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed  ~~#development#, #enlargement# or #conversion#,~~ or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of such paragraph (d).

## **23-94**

### **Methods of Providing Affordable Housing**

- (a)  ~~Except for #MIH developments#, #affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non #residential# to #residential use#. Such #conversions# shall comply with the requirements of Section 23-90, inclusive, applicable to #new construction affordable housing#.~~
- (b)  ~~When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.~~
- (c)  ~~The amount of #affordable floor area# in any #generating site# or #MIH site# shall be determined based upon plans for such #generating site# or #MIH site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.~~
- (d)  ~~The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# and the amount of qualifying #floor area# for any #income band# in an #MIH site# shall be determined by the same method as the calculation of #affordable~~

floor area#.

- (e)  ~~Affordable housing units# shall be either rental affordable housing# or homeownership affordable housing#.~~
- (f)  ~~An MIH site# that is part of an MIH zoning lot# and contains no dwelling units# other than affordable housing units# shall be either a building# that:
  - (1)  ~~shares a common street# entrance with another building# on the zoning lot# that contains dwelling units# other than affordable housing units#; or~~
  - (2)  ~~is independent, from grade at the street wall line# to the sky, of any other building# on the zoning lot# containing dwelling units# other than affordable housing units#. Such building# shall have its primary entrance on a street# frontage that has primary entrances for other residential buildings#, except where HPD# determines that the primary entrance is located in a manner that does not stigmatize occupants of affordable housing units#.~~~~

### **23-95**

#### **Compensated Zoning Lots and MIH Zoning Lots**

~~The residential floor area ratio# of a compensated zoning lot# may be increased, and the residential floor area ratio# of an MIH zoning lot# shall be determined, in accordance with the applicable provisions of Section 23-154 (Inclusionary Housing).~~

### **23-951**

#### **Height and setback for compensated developments in Inclusionary Housing designated areas**

~~In Inclusionary Housing designated areas#, the compensated development# shall comply with the height and setback regulations of Sections 23-66 or 35-65 (Height and Setback Requirements for Quality Housing Buildings) as applicable, except that:~~

- (a)  ~~in Special Mixed Use Districts#, the compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the Residence District# designation is an R6 District without a letter suffix, the compensated development# shall comply with the height and setback regulations of Section 23-66, regardless of whether the building# is developed# or enlarged# pursuant to the Quality Housing Program;~~
- (b)  ~~in R10 Districts without a letter suffix, the compensated development# shall comply~~

with the underlying height and setback regulations for such district; and

- (e) on waterfront blocks and in R7-3 Districts, the compensated development shall comply with the special regulations applying in the waterfront area set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

### **23-952**

#### **Height and setback in Mandatory Inclusionary Housing areas**

In Mandatory Inclusionary Housing areas, the provisions of Section 23-951 shall apply to MIH developments, except as modified in this Section.

- (a) In R9 Districts without a letter or number suffix, the regulations of Section 23-651 (Tower on a base) may apply, provided such MIH development is on a zoning lot that meets the requirements set forth in paragraph (a) of Section 23-65 (Tower Regulations).
- (b) In R6 through R9 Districts without a letter suffix within Mandatory Inclusionary Housing areas, the height and setback regulations of Section 23-64 (Basic Height and Setback Regulations) may apply, except that towers shall not be permitted in an R9-1 District. In addition, for R9 Districts without a letter or number suffix that do not meet the requirements of paragraphs (a) and (c) of Section 23-65 (Tower Regulations), the tower provisions of Section 23-652 (Standard tower) may apply, subject to the lot coverage provisions of Section 23-65. However, when the height and setback and tower regulations specified in this paragraph are utilized, the maximum floor area ratio on an MIH zoning lot shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

### **23-953**

#### **Additional requirements for compensated developments and MIH developments**

- (a) Compensated development or MIH development building permits
  - (1) HPD may issue a permit notice to the Department of Buildings at any time on or after the regulatory agreement date. The Department of Buildings may thereafter issue building permits to a compensated development that utilizes floor area compensation or an MIH development, based on the affordable housing or contribution to the affordable housing fund described in such permit notice.
  - (2) If HPD does not receive confirmation that the regulatory agreement has been recorded within 45 days after the later of the regulatory agreement date or the



date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development# or #MIH development#.

(b) ~~#Compensated development# or #MIH development# certificates of occupancy~~

(1) ~~The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# or #MIH development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation# or satisfies the requirements of paragraph (d) of Section 23-154 (Inclusionary Housing) or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements). However, where any #story# of a #compensated development# or #MIH development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.~~

(2) ~~#HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# or #MIH site# unless:~~

(i) ~~the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or~~

(ii) ~~where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.~~

**23-96**

**Requirements for Generating Sites or MIH Sites**

~~#Affordable housing# in a #generating site# or #MIH site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.~~

~~(a) — Location of #generating site# or #MIH site# and #compensated zoning lot# or #MIH zoning lot#~~

~~Where a #generating site# or #MIH site# is not located within the #compensated zoning lot# for which it generates #floor area compensation# or the #MIH zoning lot#, as applicable:~~

- ~~(1) — the #generating site# or #MIH site# and the #compensated zoning lot# or #MIH zoning lot#, as applicable, shall be located within the same Community District; or~~
- ~~(2) — the #generating site# or #MIH site# and the #compensated zoning lot# or #MIH zoning lot#, as applicable, shall be located in adjacent community districts and within one half mile of each other, measured from the perimeter of each #zoning lot#.~~

~~However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) of this Section shall apply only to adjacent community districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).~~

~~(b) — Distribution of #affordable housing units#~~

~~In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units# :~~

- ~~(1) — the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and~~
- ~~(2) — not more than one-third of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not~~

less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

In an #MIH site#, where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#.

In addition, except where all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, any #affordable housing units# other than #supportive housing units# or #affordable independent residences for seniors# shall be distributed on at least 65 percent of the #residential stories# of such #MIH site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, or for #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

(c) — Bedroom mix of #affordable housing units#

(1) — In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, are not #affordable housing units#, either:

- (i) — the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or
- (ii) — not less than 50 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# or #MIH site# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive such bedroom mix requirements for any #new construction affordable housing# that either is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section, or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

- (2) — Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive these requirements for any #affordable housing# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.
- (3) — All of the #supportive housing units# in a #generating site# or #MIH site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.
- (4) — For purposes of this paragraph, (c), inclusive, fractions equal to or greater than one half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) — Size of #affordable housing units#

- (1) — In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# in a #generating site# shall contain not less than:
  - (i) — 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
  - (ii) — 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
  - (iii) — 775 square feet of #floor area# within the perimeter walls for a two

bedroom #dwelling unit#; or

- (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

For an #MIH site#, the average size of #affordable housing units# of a particular bedroom count shall be not less than either the average size of #dwelling units# that are not #affordable housing units# with the same number of bedrooms, or the minimum size specified above for a #dwelling unit# of a particular bedroom count, whichever is less.

However, these unit size requirements shall not apply to #affordable independent residences for seniors# in an #MIH site#. #HPD# may also waive such unit size requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.

For an #MIH site#, #HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice; and

- (2) Where all of the #dwelling units# in a #generating site# or #MIH site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a Federal, State or local program where such #generating site# or #MIH site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing# or #affordable floor area# created in an #MIH site# through #enlargement#, as specified in the #guidelines#.
- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) #Administering agent#

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) For #generating sites#, an #administering agent# shall be a not for profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either:

- (i) ~~the #affordable housing# is participating in a Federal, State or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#; or~~
- (ii) ~~the owner and any such managing agent or affiliate are not for profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.~~

(3) ~~For #MIH sites#, the #administering agent# may be selected as provided for #generating sites#, or #HPD# may require that the #administering agent# be selected from a list of qualified not for profit or public entities as specified in the #guidelines#.~~

(4) ~~For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.~~

(f) ~~#Regulatory agreement#~~

The following provisions shall apply to #generating sites#:

- (1) ~~the #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary;~~
- (2) ~~the #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (e) of Section 23-94;~~
- (3) ~~the #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#;~~
- (4) ~~#affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#;~~

~~(5) — the #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings; and~~

~~(6) — where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law:~~

~~(i) — appoint a receiver to manage such #generating site#; or~~

~~(ii) — take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.~~

~~(7) — Where applicable in accordance with paragraph (b) (Monthly rent) of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.~~

~~For #MIH sites#, the following provisions shall apply:~~

~~(8) — The #regulatory agreement# shall require compliance with and shall incorporate by reference the #MIH application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.~~

~~(9) — The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 23-94.~~

~~(10) — The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #MIH application# for the entire #regulatory period#.~~

~~(11) — Where applicable in accordance with paragraph (b) (Monthly rent) of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.~~

(g) — Housing standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# or #MIH site# shall be entirely free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) — Insurance

The #affordable housing# in a #generating site# or #MIH site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# or #MIH site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under City, State or Federal programs.

(i) — Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# or #MIH site# shall run with the #zoning lot# containing such #generating site# or #MIH site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless:

(1) — the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed; or

(2) — 100 percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) — One #generating site# or #MIH site# may satisfy requirements for multiple #compensated zoning lots# or #MIH zoning lots#, as applicable

Any #generating site# or #MIH site# may contain #affordable housing# that satisfies the requirements of Section 23-90, inclusive, for more than one #compensated development# or #MIH development#, as applicable, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments# or in satisfying the #floor area# provisions for #zoning lots# in paragraph (d) of Section 23-154 (Inclusionary Housing).

(k) — #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the



provisions of Section 23-90, inclusive.

## 23-961

### Additional requirements for rental affordable housing

The additional requirements of this Section shall apply to rental #affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

#### (a) Tenant selection

- (1) Upon #rent up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable for #generating sites#, or to #qualifying households#, as applicable, for #MIH sites#. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# or #qualifying household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, or by #qualifying households# of higher income levels, provided that the #administering agent# determines that such #low income household# or #qualifying household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

#### (b) Monthly rent

- (1) Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent up date# shall be registered with the Division of Housing and Community Renewal at the initial

#monthly rent# established by #HPD#.

- (i) — However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.
  - (ii) — The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) — Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.
- However, for #supportive housing units# or #affordable independent residences for seniors# on #MIH sites#, the #monthly rent# may exceed the #maximum monthly rent#, provided that it does not exceed the HUD Fair Market Rent for such unit, and that the #monthly rent#, less rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.
- (3) — Within 60 days following the #rent up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
  - (4) — Each year after #rent up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.

- (5) ~~For any #affordable housing unit# subject to #rent stabilization#, the applicable #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:~~
- ~~(i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;~~
  - ~~(ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;~~
  - ~~(iii) the nature of the tenant; or~~
  - ~~(iv) any other reason.~~
- (6) ~~Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.~~
- (7) ~~Unless alternative provisions are established in the #regulatory agreement# or #guidelines# for #MIH sites#, the #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.~~
- (c) ~~Income~~
- (1) ~~Each #affordable housing unit# on a #generating site# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#. Each #affordable housing unit# on an #MIH site# shall be leased to and occupied by #qualifying households# for the entire #regulatory period#.~~

- (2) ~~The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household#, #middle income household# or #qualifying household#, as applicable.~~
- (3) ~~Within 60 days following the #rent up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.~~
- (4) ~~Each year after #rent up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.~~

(d) ~~#Affordable housing plan# and #MIH application#~~

~~The following shall apply to #affordable housing plans#:~~

- (1) ~~An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household's initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.~~
- (2) ~~An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:~~
  - (i) ~~there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;~~
  - (ii) ~~#affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent up# and upon each subsequent vacancy; and~~
  - (iii) ~~tenants will be selected in an equitable manner in accordance with laws~~

prohibiting discrimination and all other applicable laws.

(3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:

- (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments; or
- (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

The following shall apply to #MIH applications# :

(4) An #MIH application# shall designate the initial #administering agent#, where applicable, and include the building plans, state the number, bedroom mix and #monthly rents# of the #affordable housing units# to be #developed# or #converted#, and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 23-90, inclusive.

(5) A copy of any #MIH application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph (e), shall apply to rental #preservation affordable housing# :

(1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

- (4) on the ~~regulatory agreement date~~, ~~HPD~~ shall have determined either that no ~~capital element~~ is likely to require replacement within 30 years from the ~~regulatory agreement date~~ or that, with regard to any ~~capital element~~ that is likely to require replacement within 30 years from the ~~regulatory agreement date~~, a sufficient reserve has been established to fully fund the replacement of such ~~capital element~~;
- (5) except with the prior approval of ~~HPD~~, ~~monthly rents~~ charged for ~~affordable housing units~~ shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a ~~generating site~~, even though such increases may be permitted by other laws; and
- (6) such ~~affordable housing~~ shall comply with such additional criteria as may be specified by ~~HPD~~ in the ~~guidelines~~.

(f) Special requirements for rental ~~substantial rehabilitation affordable housing~~

The additional requirements of this paragraph, (f), shall apply to rental ~~substantial rehabilitation affordable housing~~:

- (1) such ~~affordable housing~~ shall be created through the rehabilitation of a ~~generating site~~ at a cost per completed ~~affordable housing unit~~ that exceeds a minimum threshold set by ~~HPD~~ in the ~~guidelines~~;
- (2) on the ~~regulatory agreement date~~, the average of the ~~legal regulated rents~~ for all ~~affordable housing units~~ in the ~~generating site~~ that are occupied by ~~grandfathered tenants~~ shall not exceed 30 percent of the ~~low income limit~~ divided by 12;
- (3) on the ~~regulatory agreement date~~, ~~HPD~~ shall have determined that the condition of such ~~generating site~~ is sufficient, or will be sufficient after required improvements specified in the ~~affordable housing plan~~ and the ~~regulatory agreement~~, to ensure that, with normal maintenance and normal scheduled replacement of ~~capital elements~~, the ~~affordable housing units~~ will provide a decent, safe and sanitary living environment for the entire ~~regulatory period~~;
- (4) on the ~~regulatory agreement date~~, ~~HPD~~ shall have determined either that no ~~capital element~~ is likely to require replacement within 30 years from the ~~regulatory agreement date~~ or that, with regard to any ~~capital element~~ that is likely to require replacement within 30 years from the ~~regulatory agreement date~~, a sufficient reserve has been established to fully fund the replacement of such ~~capital element~~;

- (5) — except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) — such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

### 23-962

#### Additional requirements for homeownership affordable housing

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# or #MIH site# for the entire #regulatory period#.

##### (a) — Homeowner selection

- (1) — Upon #sale#, #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households#, #middle income households# or, for #MIH sites#, #qualifying households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) — A #homeowner# may, with the prior approval of the #administering agent#, sublet a #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, #eligible buyer# or, for #MIH sites#, #qualifying households#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) — A #homeowner# shall reside in the #homeownership affordable housing unit#, except as provided in paragraph (a)(2) of this Section.
- (4) — The restrictions in this paragraph, (a), on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a

~~#homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this paragraph, (a), and the #guidelines#.~~

~~(b) — Price~~

- ~~(1) — The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in Section 23-913 (Definitions applying to homeownership-generating sites).~~
- ~~(2) — The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable. For #MIH sites#, #HPD# shall establish the #initial price# based on the incomes of #qualifying households# in accordance with the #guidelines#.~~
- ~~(3) — Prior to any #resale# of a #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.~~
- ~~(4) — The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment#, as specified in the #guidelines#.~~
- ~~(5) — A #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.~~

~~(c) — Income~~

- ~~(1) — The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household#, #middle income household# or, for #MIH sites#, #qualifying household#, as applicable, and that upon #resale#, it is to an #eligible buyer#.~~
- ~~(2) — The #administering agent# shall meet reporting requirements on each #sale# and #resale#, as set forth in the #guidelines#.~~
- ~~(3) — Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of a #homeownership affordable housing unit# during the preceding year complied with all applicable~~



requirements on the resale date#.

(d) Affordable housing plan# and MIH application#

The following shall apply to affordable housing plans#:

- (1) An affordable housing plan# shall include the building plans, state the number and bedroom mix of the homeownership affordable housing units# to be developed#, rehabilitated or preserved, indicate how homeowners# will be selected upon each sale# or resale# of a homeownership affordable housing unit#, indicate how the household# income of eligible buyers# will be verified prior to such household's initial occupancy# of a homeownership affordable housing unit# and include such additional information as HPD# deems necessary.
- (2) An affordable housing plan# shall demonstrate the feasibility of creating and maintaining homeownership affordable housing#, including that:
  - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the affordable housing#;
  - (ii) affordable housing units# will be sold under the supervision of a responsible administering agent# to eligible buyers# at each sale# and resale#; and
  - (iii) homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961, paragraph (d)(3), shall apply.

The following shall apply to MIH applications#:

- (4) An MIH application# shall include the building plans; state the number and bedroom mix of the homeownership affordable housing units# to be developed# or converted#, and the initial price# of each homeownership affordable housing unit#; and include such additional information as HPD# deems necessary to ensure the satisfaction of the requirements of Section 23-90, inclusive.
- (5) A copy of any MIH application# shall be delivered, concurrently with its submission to HPD#, to the affected Community Board.

(e) Housing standards

The requirements of Section 23-96, paragraph (g), shall apply. In addition, each homeowner# shall be obligated to maintain each homeownership affordable housing

unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) — Optional provisions for certain #new construction homeownership affordable housing#

In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (g), inclusive.

(1) — #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as rental #affordable housing# if:

- (i) — no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy;
- (ii) — no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and
- (iii) — after the #regulatory agreement date#, such #building# is demolished and replaced with #new construction homeownership affordable housing#.

(2) — #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this Section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

(g) — Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph (g) shall apply to #homeownership preservation affordable housing# :

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building# containing #residences#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(h) Special requirements for #homeownership substantial rehabilitation affordable housing#

The additional requirements in this paragraph (h) shall apply to #homeownership substantial rehabilitation affordable housing# :

- (1) on the #regulatory agreement date#, the #generating site# or #MIH site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;

- (3) ~~on the #regulatory agreement date#, the average of the #legal regulated rents# for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;~~
- (4) ~~where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;~~
- (5) ~~on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;~~
- (6) ~~on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and~~
- (7) ~~such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.~~

\* \* \*

## Chapter 4

### Bulk Regulations for Community Facilities in Residence Districts

#### 24-00

#### APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

#### 24-01

##### Applicability of This Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

#### 24-02

##### Applicability in Special Situations

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# or to #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapters 9 or 8, respectively.

The #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

The #development# or #enlargement# of a #building# that occurs on or over a #railroad right-of-way#, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the

**Commented [Z1]:** Article II Chapter 4 contains the bulk regulations for community facilities in Residence Districts.

The changes in this chapter primarily reflect modifications made for Residences in Article II, Chapter 3. These changes look to maintain the general framework of bulk regulations for community facilities, but to give them access to rules for residential buildings where appropriate.

Other changes include adding new zoning districts to various sections and reflecting changes made for railroad right of way.

**Commented [Z2]:** The Proposal would update the framework for developments on lots with railroad right of way. Small lots would be able to develop as of right or by certification, while large lots would require a discretionary action.

City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than four acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be authorized by the Commission pursuant to 75-22.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

#### **24-011**

#### **Quality Housing Program**

[REMOVING OBSOLETE TEXT. CONTEXTUAL DISTRICT REGULATIONS WOULD STILL APPLY, PER 24-03]

The applicability of the Quality Housing Program to #community facility buildings# or portions of #buildings# containing #community facility# #uses# is set forth in this Section, except as modified in Section 24-012 (Exceptions to the bulk regulations of this Chapter).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion of a #building# containing #community facility# #uses# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In all other R6, R7, R8, R9 or R10 Districts, if the #residential# portion of a #building# containing a #community facility# #use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. However, for houses of worship in R8A, R8X, R9A, R9X, R10A and R10X Districts or, where located in #Quality Housing buildings# in other R8 through R10 Districts without a letter suffix, the #street wall# location provisions of Section 23-661 are optional.

For all such #buildings# using the height and setback regulations for #Quality Housing buildings#, any permitted obstruction listed in Section 24-51 that is not listed in Section 23-62 shall also be considered a permitted obstruction.

Special regulations are set forth for #buildings# containing #long term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 24-013 (Special provisions for certain community facility uses).

**Commented [Z3]:** The Proposal updates the residential bulk regulations so the "quality housing" program would no longer exist. Changes elsewhere in the chapter would maintain the general framework of rules in these districts.

~~#Quality Housing buildings# shall comply with the additional provisions set forth in Article II, Chapter 8 (The Quality Housing Program). In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).~~

**24-03**  
**General Purposes of Community Facility Bulk Regulations**

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.

**24-04**  
**Applicability of Article II, Chapter 3 regulations**

For #community facility buildings# or #buildings# used partly for #community facility# #use# and partly for #residential# #use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) All #bulk# regulations

[RELOCATING FROM 24-012]

In R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:

- (1) such #community facility# #use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modification of Bulk Regulations in Certain Districts).

(b) Height and setback

**Commented [Z4]:** The Proposal would make clear in what situations the bulk regulations for residences can be applied to community facilities. To make the regulations clearer, separate categories are described separately. In general, in districts without a letter suffix, these allow CF uses to use the bulk regulations for residences if they so choose.

[RELOCATING AND UPDATING 24-011]

- (1) In R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations.
- (2) In all other #Residence Districts#, the #residential# height and setback regulations may be applied as follows:
  - (i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5), inclusive, may be applied in accordance with the applicable #Residence District# regulations;
  - (ii) the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied in accordance with the applicable #Residence District# regulations.

(c) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential bulk# regulations may also be applied to the entire #building#:

- (1) the #front yard# requirements of Section 23-32, inclusive, the #side yard# requirements of Section 23-33, inclusive, and the #rear yard# and #rear yard equivalent# requirements of Section 23-34, inclusive;
- (2) the maximum #lot coverage# requirements of Section 23-36, inclusive; and
- (3) for #community facility uses# with sleeping accommodations:
  - (i) the special #floor area# allowances of Section 23-23, inclusive;
  - (ii) the #court# regulations of Section 23-35, inclusive; and
  - (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.



For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

## 24-012

### Exceptions to the bulk regulations of this Chapter

## 24-05

### Buildings containing certain community facility uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) ~~Buildings# used partly for #community facility# #uses#~~

~~Except as provided in paragraph (b) of this Section, in R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility# #use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility# #use# and partly for #residential use# only where:~~

- ~~(1) such #community facility# #use# has received tax exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or~~
- ~~(2) such #building# has received an authorization pursuant to Section 24-04 (Modification of Bulk Regulations in Certain Districts).~~

~~(b)~~(a) #Buildings# containing certain #community facility# #uses# in #lower density growth management areas#

- (1) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:
  - (i) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

**Commented [Z5]:** The Proposal would maintain special provisions for lots in LDGMA areas that contain CF uses.

- (ii) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.
- (2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:

[RELOCATING FROM 23-35]

- (i) The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No building, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet;
- (ii) the provisions of Section ~~23-44~~ 23-341 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;
- (iii) in lieu of Sections ~~23-46~~ 23-331 (Minimum Required Side Yards) ~~and 23-66 (Required Side and Rear Setbacks)~~, Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
- (iv) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

For such #buildings#, the authorization provisions of Section 24-04 shall be inapplicable.

- (c) ~~Special provisions for certain #community facility# #uses#~~

~~Special provisions for #buildings# containing #long term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3, are set forth in Section 24-013.~~

(d) ~~Quality Housing buildings~~

~~For Quality Housing buildings, the provisions of Section 24-011 shall apply.~~

(b) ~~Buildings containing long-term care facilities~~

[RELOCATING FROM 24-013]

~~The provisions of this Section shall apply to buildings containing long-term care facilities, as listed in Use Group III(A).~~

~~The special floor area ratio and height and setback regulations applicable to qualifying senior housing in Section 23-20, inclusive, and Section 23-40, inclusive, shall apply to buildings, or portions thereof, containing long-term care facilities. However, where long-term care facilities are located on qualifying transit-accessible sites, such provisions may be applied as an alternative. The provisions of paragraph (c) of Section 24-03 may be applied to such buildings.~~

**Commented [Z6]:** The Proposal would maintain the current concept that long term care facilities follow the rules for affordable senior housing. Rules in this chapter that departed from that general rule would be removed.

~~24-013~~

~~Special provisions for certain community facility uses~~

~~The provisions of this Section shall apply to buildings containing long term care facilities or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.~~

(a) ~~Buildings containing long term care facilities~~

(1) ~~In R1 and R2 Districts~~

~~In R1 and R2 Districts, where a long term care facility is permitted pursuant to Section 74-901 (Long term care facilities), the bulk regulations of this Chapter shall apply. The maximum floor area ratio for such long term care facilities shall not exceed the applicable floor area ratio of paragraph (a) of Section 24-111 (Maximum floor area ratio for certain community facility uses), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).~~

(2) ~~In R3 through R5 Districts~~

~~In R3-2 Districts, and R4 or R5 Districts without a letter or number suffix, the bulk regulations of Article II, Chapter 3, applicable to affordable independent residences for seniors, inclusive, shall apply to buildings, or portions thereof, containing long term care facilities, except as follows:~~

**Commented [Z7]:** These rules are deleted, but the general concepts are maintained in the previous and later sections, as applicable.

- (i) ~~the #lot coverage# regulations of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall apply in lieu of the maximum #lot coverage# set forth in Section 23-144 (Affordable independent residences for seniors);~~
- (ii) ~~the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;~~
- (iii) ~~in R3-2 Districts, the height and setback regulations of Section 24-50 shall apply in lieu of Section 23-60; and~~
- (iv) ~~in R5 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.~~

~~In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).~~

~~In R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long-term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the Commission pursuant to Section 74-903.~~

(3) ~~In R6 through R10 Districts~~

~~In R6 through R10 Districts, the #bulk regulations# of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:~~

- (i) ~~in R6A Districts or R6 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;~~
- (ii) ~~in R7A Districts or R7 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and~~
- (iii) ~~the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply.~~

~~In R6 through R10 Districts without letter suffixes, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.~~

(4) ~~Applicability of #affordable independent residences for seniors bulk# provisions~~

~~Where #buildings# containing #long term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.~~

(b) ~~#Buildings# containing philanthropic or non-profit institutions with sleeping accommodations~~

~~The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:~~

(1) ~~In R1 and R2 Districts~~

~~In R1 and R2 Districts the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (a) of Section 24-111, except as permitted by the Commission pursuant to Section 74-902.~~

(2) ~~In R3 through R5 Districts and R6 through R10 Districts without a letter suffix~~

~~In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the Commission pursuant to Section 74-903.~~

~~For #zoning lots# in R3-2, R4, R5, R6 and R7-1 Districts, except for R4-1, R4A, R4B, R5D and R6B Districts, with #buildings# containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 24-162 shall not apply. In lieu thereof, the provisions of Section 24-161 shall apply.~~

~~In R10 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage).~~

~~In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied.~~

~~(3) — In R6 through R10 Districts with a letter suffix~~

~~In R6 through R10 Districts with a letter suffix, the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, inclusive, shall apply.~~

~~(e) — Applicability of Quality Housing Program elements~~

~~For all #buildings# containing #long term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, and the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).~~

## **24-02**

### **General Purposes of Community Facility Bulk Regulations**

[RELOCATING TO 24-03]

~~The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.~~

## **24-03**

### **Definitions**

~~Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.~~

## **24-04**

## **24-06**

### **Modification of Bulk Regulations in Certain Districts**

R3-1 R3A R3X R4-1 R4A R4B R5B

~~In the districts indicated, except for #buildings# containing certain #community facility# #uses# in #lower density growth management areas#, as set forth in paragraph (b) of Section 24-012 (Exceptions~~

to the bulk regulations of this Chapter), the City Planning Commission may authorize #developments# or #enlargements#, pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

- (a) the design of the #development# or #enlargement# ensures adequate separation of #uses# and sufficient independent access to each #use#; and
- (b) the #floor area# designated for #community facility# #use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the #conversion# of such #community facility# #use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

**~~24-05~~**

**24-07**

**Street Tree Planting**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING NEW DISTRICTS]

In all districts, as indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

**~~24-06~~**

**24-08**

**Planting Strips**

R1 R2 R3 R4 R5

In the districts indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide and maintain a planting strip in accordance with Section 26-42.

**24-10  
FLOOR AREA AND LOT COVERAGE REGULATIONS**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING NEW DISTRICTS]

In all districts, as indicated, the #floor area# and #lot coverage# regulations of this Section 24-10, inclusive, shall apply as follows.

\* \* \*

**24-11  
Maximum Floor Area Ratio and Percentage of Lot Coverage**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING NEW DISTRICTS. UPDATING FLOOR AREA RATIO TABLES.]

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section.

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

~~Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# in an R9 or R10 District shall not exceed 12.0.~~

**MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R1 THROUGH R5 DISTRICTS**

#Lot coverage# (percent of #lot area#)

District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R1	1.00	60	55
R2	1.00	60	55
R3	1.00	60	55
R4	2.00	60	55
R5 R5A R5B	2.00	60	55

**Commented [Z8]:** The Proposal would add the new zoning districts to these charts.



R5D

2.00

80

60

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH ~~R10~~ R12 DISTRICTS FOR CONTEXTUAL DISTRICTS

District	#Floor Area Ratio#	#Corner Lot#	#Lot coverage# (percent of #lot area#)
			#Interior Lot# or #Through Lot#
R6A	3.00	80	60
R6B	2.00	80	60
<u>R6D</u>	<u>2.50</u>	<u>80</u>	<u>65</u>
R7A	4.00	80	65
R7B	3.00	80	65
R7D	<del>4.20</del> <u>4.66</u>	80	65
R7X	5.00	80	70
R8A	6.50	80	70
R8B	4.00	80	70
R8X	6.00	80	70
R9A	7.50	80	70
R9D	9.00	80	70
R9X	9.00	80	70
R10A	10.00	100	70
R10X	10.00	100	70
<u>R11A</u>	<u>12.00</u>	<u>100</u>	<u>70</u>

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH ~~R10~~ R12 DISTRICTS FOR NON-CONTEXTUAL DISTRICTS

			#Lot coverage# (percent of #lot area#)

District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R6 <u>R6-1</u>	4.80	70	65
R7-1	4.80	70	65
R7-2 <u>R7-3</u>	6.50	70	65
R8	6.50	75	65
R9 <u>R9-1</u>	10.00	75	65
R10	10.00	75	65
<u>R11</u>	<u>12.00</u>	<u>100</u>	<u>70</u>
<u>R12</u>	<u>15.00</u>	<u>100</u>	<u>70</u>

**24-111**

**Maximum floor area ratio for certain community facility uses**

R1 R2

- (a) In the districts indicated, for any #zoning lot# containing #community facility# #uses# other than those #uses# for which a permit is required pursuant to Sections 22-21 (By the Board of Standards and Appeals), 73-12 (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts) and 73-13 (Open Uses in R1 or R2 Districts), or where #bulk# modification is permitted pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

- (b) In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations, and in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #floor area ratio# on a #zoning lot# for #long-term care facilities# shall be as set forth in the table in this Section. Such maximum #floor area ratio# may be modified by special permit

of the City Planning Commission pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D	2.00
R6	2.43
R7	3.44
R8	6.02
R9	7.52

(c) In R6 through R12 Districts with a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations shall be as set forth in Section 24-11.

**Commented [Z9]:** The Proposal would maintain this rule, but make it clearer to the reader.

**24-112**

**Special floor area ratio provisions for certain areas**

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

- (a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #uses# exclusively shall be 5.10;
- (b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and
- (c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-436 or 23-723 (Tower regulations) Section 23-65 (Tower Regulations), inclusive, the provisions of paragraph (a)(2) of

**Commented [Z10]:** The Proposal would maintain special FAR rules that apply to CF uses today in some geographies.

~~Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas)~~ Section 23-242 (Special tower provisions) shall apply:

- (1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

**24-12  
Height and Application of Lot Coverage**

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING NEW DISTRICTS]

\* \* \*

**24-14  
Floor Area Bonus for a Public Plaza**

R9 R10 R11 R12

[ADDING NEW DISTRICTS]

\* \* \*

**24-15  
Floor Area Bonus for Arcades**

R9 R10 R11 R12

[ADDING NEW DISTRICTS]

\* \* \*

**24-16  
Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING NEW DISTRICTS]

In all districts, as indicated, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

#### 24-161

##### Maximum floor area ratio for zoning lots containing community facility and residential uses

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R6D R7-2 R7A R7B R7D R7X R8 R9 R10 R11  
R12

[ADDING NEW DISTRICTS]

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility# #use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

[REMOVING PER PROPOSAL]

~~In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK 1 and in R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).~~

**Commented [Z11]:** The Proposal would remove these provisions regarding the inclusionary housing program that would be replaced by the new UAP framework.

#### 24-162

##### Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4-1, R4A, R4B, R5D, R6A and R6B Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, ~~as set forth in Section 24-013 (Special provisions for certain community facility uses).~~

\* \* \*

**24-163**

**Open space ratio for residential portion**

R6 R7 R8 R9

[RELOCATING TO 24-18]

In the districts indicated, the #zoning lots# containing #residences# shall have a minimum #open space ratio# as required under the provisions of Article II, Chapter 3. For the purposes of this Section:

- (a) — the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (b) — the #lot coverage# of the #residential# portion of the #building# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (c) — the applicable #height factor#, if the maximum permitted #residential floor area ratio# is less than the total #floor area ratio# permitted for such #zoning lot#, shall be the #height factor# of the #residential# portion of the #building#.

**24-164**

**Location of open space for residential portion**

R1 R2 R3 R4 R5 R6 R7 R8 R9

[RELOCATING TO 24-18]

- (a) — In the districts indicated, the #open space# required for the #residential# portion of the #building# under the provisions of Article II, Chapter 3, may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of the #community facility# portion of such #building#, provided that the level of any #open space# may not be higher than two and one half feet below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#. For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

**Commented [Z12]:** The Proposal would relocate these provisions for "height factor" buildings to a later section.

(b) ~~In the districts indicated, and in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-20 (RECREATION SPACE AND PLANTING AREAS) shall apply to #Quality Housing buildings#.~~

\* \* \*

~~24-165~~

~~24-163~~

**Lot coverage for zoning lots containing community facility and residential uses**

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

~~24-166~~

~~24-164~~

**Balconies**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 23-~~43~~ 62 (Balconies) shall apply to any portion of a #building# used for living or sleeping accommodations.

~~24-17~~

**Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different maximum #floor area ratios# or different maximum percentages of #lot coverage#, on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

~~24-18~~

**Special Floor Area Ratio and Related Bulk Provisions for Certain Areas**

~~24-181~~

**Commented [Z13]:** The Proposal would extend balcony allowances consistently to to all Residence Districts.

**Commented [Z14]:** The Proposal would collect rules for height factor buildings into a single section, as is being done in Article II Chapter 3.

**Special provisions for height factor buildings**

For #height factor buildings# in R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-70, inclusive, shall be modified by the provisions of this Section.

(a) #open space ratio# for #residential# portions of #buildings#

[RELOCATING PROVISIONS FROM 24-163]

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section 23-70. For the purposes of applying such regulations:

- (i) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (ii) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (iii) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

(b) location of #open space#

[RELOCATED FROM 24-164]

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of a #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on a #community facility building# or the #community facility# portion of a #building#, provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of #building# used partly for #community facility# and #residential uses#. However, #open space# located on the roof of a #community facility building# separated by open area from #residential buildings# or #buildings# used partly for



#community facility# and #residential uses# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

For the purposes of this Section, #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

**24-20  
APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES**

In all districts, the maximum number of #dwelling units# on a #zoning lot# containing both #community facility# and #residential uses# shall be as set forth in Section ~~23-24 (Special Provisions for Buildings Containing Multiple Uses)~~ 23-52 (Maximum Number of Dwelling Units).

**24-30  
YARD REGULATIONS**

**24-31  
Applicability of Yard Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40 (SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive.

For #zoning lots# with #residential# and #community facility# #uses#, #front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. ~~Section 23-463 (Maximum aggregate width of street walls)~~ The #building# articulation provisions of paragraph (c) of Section 23-426 (Additional height and setback provisions) shall apply to #zoning lots# with #residential# and #community facility# #uses#.

For the #residential# portion of a #building# with both #residential# and #community facility# #uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units#, where any window of such #dwelling units# faces onto such #rear yard#.

\* \* \*

**24-33  
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Residence Districts#, the obstructions set forth in Section ~~23-441 (General permitted obstruction allowances)~~ 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
  - (1) Fences;
  - (2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
  - (3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442 (Additional permitted obstructions);
  - (4) Steps;
  - (5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:

\* \* \*

**24-34  
Minimum Required Front Yards**

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet.

District	#Front Yard# (in feet)
R1	20
R2 R3 R4	15
R5	10
R5D	5*

\* In R5D Districts, the provisions set forth in Section ~~23-45~~ 23-321(Minimum Required Front Yards) shall apply.

**24-35**

## Minimum Required Side Yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in ~~Sections 23-461 and 23-462~~ Section 23-331, as applicable, shall apply.

R6 R7 R8 R9 R10 R11 R12

- (b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

## 24-351

### Special provisions applying along district boundaries

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated.

## Rear Yards

## 24-36

### Minimum Required Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 24-37 (Special Provisions for Shallow Interior Lots), 24-38 (Special Provisions for Through Lots) or 24-39 (Other Special

Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 24-361 (Beyond one hundred feet of a street line).

**24-361**

**Beyond one hundred feet of a street line**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

\* \* \*

- (c) In R6 through ~~R10~~ R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

**24-37**

**Special Provisions for Shallow Interior Lots**

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-38**

**Special Provisions for Through Lots**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

**24-381**

**Excepted through lots**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

- (a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

~~R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) In the districts indicated, for all #buildings# ~~and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts,~~ no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion which is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

**24-382**

**Required rear yard equivalents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

\* \* \*

However, in R5D, R6A, R6B, R6D, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A, ~~and R10X and R11A~~ Districts, ~~and for #Quality Housing buildings# in other R6 through R10 Districts~~ on any #through lot# at least 180 feet in depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

**24-39**

**Other Special Provisions for Rear Yards**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #rear yard# requirements set forth in Section 24-36 (Minimum Required Rear Yards) shall be modified, as set forth in this Section, inclusive.

**24-391**

**Within one hundred feet of corners**

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

**24-392**

**Along short dimension of block**

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

**24-393**

**For zoning lots with multiple rear lot lines**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

(c) In R6 through ~~R10~~ R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

\* \* \*

**All Yards**

**24-40**

**SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

**24-41**

**Modifications of Rear Yard Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 24-393 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

## **24-50 HEIGHT AND SETBACK REGULATIONS**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the height and setback regulations of this Section 24-50, inclusive, shall apply as follows.

Height and setback regulations applicable to R1 through R5 Districts, except R5D Districts, are set forth in Section 24-521 (Front setbacks in districts where front yards are required). In R5D Districts, all ~~#buildings or other structures#~~ shall comply with the applicable height and setback requirements set forth in Section ~~23-60~~ 23-40 (HEIGHT AND SETBACK REGULATIONS), inclusive.

~~In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In R6, R7, R8, R9 or R10 Districts without a letter suffix, if the #residential# portion of a #building# containing a #community facility# #use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section 24-03. For other #buildings# in R6 through R10 Districts without a letter suffix utilizing the provisions of this Chapter, height and setback regulations are set forth in Sections 24-522 (Front setbacks in districts where front yards are not required), 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations), as applicable.~~

In all districts, supplemental provisions are set forth in Sections 24-55 (Required Side and Rear Setbacks), 24-56 (Special Height and Setback Provisions for Certain Areas), 24-57 (Modifications of Height and Setback Regulations), 24-58 (Special Provisions for Zoning Lots Divided by District Boundaries) and 24-59 (Special Height Limitations), respectively.

## **24-51 Permitted Obstructions**

In all #Residence Districts#, the obstructions set forth in Section ~~23-621~~ 23-411 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

\* \* \*

**24-52  
Maximum Height of Walls and Required Setbacks**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), 24-53 (Alternate Front Setbacks), or 24-54 (Tower Regulations) ~~or 23-692 (Height limitations for narrow buildings or enlargements)~~.

\* \* \*

**24-522  
Front setbacks in districts where front yards are not required**

R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance#	Maximum Height of a Front Wall or other portion of a #Building or other	#Sky Exposure Plane#	
		Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
		On #Narrow Street#	On #Wide Street#



(in feet)		structure#	Height				
On	On	within the	above	Vertical	Horizont	Vertical	Horizont
#Narrow	#Wide	#Initial	#Street	Distance	al	Distance	al
w	Street#	Setback	Line#				
Street#		Distance#	(in feet)				
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8, R9 or R10, R11 or R12 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1

\* \* \*

SKY EXPOSURE PLANE  
R6, R7, R8, R9, R10, R11, R12 Districts

**24-53**  
**Alternate Front Setbacks**

R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 24-14 (Floor Area Bonus for a Public Plaza).

In R9, ~~R10~~, R11 or R12 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	Alternate #Sky Exposure Plane#			
			Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
On #Narrow Street#	On #Wide Street#	#Street Line# (in feet)	On #Narrow Street#		On #Wide Street#	
			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8 R9 <del>R10</del> <u>R11 or R12</u> Districts						
15	10	85	3.7	to 1	7.6	to 1
* * *						

ALTERNATE SKY EXPOSURE PLANE  
R6 R7 R8 R9 R10 R11 R12 Districts

24-54  
Tower Regulations

R7-2 R7-3 R8 R9 R10 R11 R12

- (a) In the districts indicated without a letter suffix, ~~for #buildings# other than #Quality Housing buildings#, except as set forth in paragraph (b) of this Section,~~ any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)

\* \* \*

#Buildings# #developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations as follows:

(1) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section ~~23-651~~ 23-442 shall apply in R9 and R10 Districts to any such #building# that:

- (i) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and
- (ii) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #building# is #developed# or #enlarged# as a #tower# the entire #zoning lot# shall comply with the provisions of Section ~~23-651~~ 23-442.

(2) Applicability of standard tower regulations

- (ii) In R7-2, R7-3 and R8 Districts, the standard tower regulations of Section ~~23-652~~ 23-436 shall apply only to #buildings# #developed# or #enlarged# as towers, where such towers are comprised, at every level, of only #community facility# #uses#.
- (ii) In R9, ~~and~~ R10, R11 and R12 Districts, the standard tower regulations of Section ~~23-652~~ 23-436 shall apply to any #building# #developed# or #enlarged# as a tower that does not meet the location and #floor area# criteria of paragraph (a)(1) of this Section.

(b) Inapplicability of tower regulations

R7-2 R7-3 R8 R9 R10 R11 R12

In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

**24-55**  
**Required Side and Rear Setbacks**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-166 (Balconies); and awnings and other sun control devices, decks, #qualifying exterior wall thickness#, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

\* \* \*

**24-552**  
**Required rear setbacks for tall buildings**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, ~~for #buildings# other than #Quality Housing buildings#~~, no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

\* \* \*

**24-56**  
**Special Height and Setback Provisions for Certain Areas**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

**Commented [Z15]:** The Proposal would update these provisions to align them with changes made in Article II Chapter 3.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section ~~23-654~~ 23-442 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section ~~23-675~~ (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

~~(c)~~ Community District 7, Manhattan

~~Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).~~

~~(d)~~ (c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section ~~23-674~~ (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan).

**24-57**

**Modifications of Height and Setback Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) through (d) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). ~~However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.~~

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and

President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

**24-58  
Special Provisions for Zoning Lots Divided by District Boundaries**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

**24-59  
Special Height Limitations**

**24-591  
Limited Height Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

<u>#Limited Height District#</u>	<u>Maximum Height above #Curb Level# or #Base Plane#, as applicable</u>
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

**24-592  
Height limitations for narrow buildings or enlargements**

R7-2 R8 R9 R10

In the districts indicated, the provisions of ~~Section 23-692 (Height limitations for narrow buildings or enlargements)~~ Section 23-723 shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

**24-60**

**COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES**

**Commented [Z16]:** The remainder of the edits in this chapter reflect the new high density Residence Districts.

**24-61**

**General Provisions and Applicability**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-62**

**Minimum Dimensions of Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-63**

**Outer Court Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

**24-631**

**Narrow outer courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

**24-632**

**Wide outer courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is 20 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 40 feet.

**24-633**

**Outer court recesses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 40 feet.

**24-64**

**Inner Court Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

**24-641**

**Minimum dimensions of inner courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-642**

**Inner court recesses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-65**

**Minimum Distance Between Required Windows and Walls or Lot Lines**



R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less.

**24-651  
General provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except as otherwise provided in Section 24-652 (Minimum distance between required windows and certain walls), the minimum distance between any required windows and:

\* \* \*

**24-652  
Minimum distance between required windows and certain walls**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**24-66  
Modifications of Court Regulations or Distance Requirements**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-61 to 24-65, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

**24-67  
Special Provisions for Buildings Used Partly for Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #building# is used partly for #community facility# #use# and partly for #residential use#, the provisions of this Section and Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall apply to any portion of such #building# used for #residential uses#.

**24-671**

**Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, at any level at which a #residential# portion of a #building# fronts upon a #court#, the provisions set forth in Section ~~23-83~~ 23-35 (Building Walls Regulated by Other Than Minimum Spacing Requirements), shall apply to such #court#.

**24-672**

**Walls opposite legally required windows**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #legally required windows# in portions of #buildings# used for #residential use# shall be subject to the provisions set forth in Section ~~23-86~~ 23-372(Minimum Distance Between Legally Required Windows and Walls or Lot Lines). The provisions of Section 23-863 (Minimum distance between legally required windows and any wall in an inner court) shall also apply to a #legally required window# opposite a wall of any other #building# on the same #zoning lot#.

\* \* \*

**24-68**

**Permitted Obstructions in Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section ~~23-441~~ 23-311(General permitted obstruction allowances), as well as the following, shall not be considered obstructions when located within a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

- (a) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section ~~23-442~~ 23-311;
- (b) Fences;

\* \* \*

**Chapter 5**  
**Accessory Off-street Parking and Loading Regulations**

**Off-street Parking Regulations**

**25-00**  
**GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**25-021**  
**Applicability of regulations to non-profit hospital staff dwellings**

[DELETED, REQUIREMENTS FOR HOSPITAL STAFF DWELLINGS ARE DELETED TO ALIGN WITH THE REMOVAL OF REQUIREMENTS FOR RESIDENCES.]

In all districts, the regulations of this Chapter applicable to ~~#community facility#~~ ~~#uses#~~ shall not apply to ~~#non-profit hospital staff dwellings#~~. In lieu thereof, the regulations applicable to ~~#residences#~~ shall apply, as follows:

- (a) ~~the regulations of an R5 District shall apply to #non-profit hospital staff dwellings# located in R1, R2 and R3 Districts;~~
- (b) ~~the regulations of an R6 District shall apply to #non-profit hospital staff dwellings# located in R4 and R5 Districts; and~~
- (c) ~~the regulations of an R10 District shall apply to #non-profit hospital staff dwellings# located in R6 through R10 Districts.~~

**25-022**  
**Applicability of regulations to zoning lots in predominantly built-up areas**

[DELETING REGULATIONS FOR PREDOMINANTLY BUILT-UP AREAS]

Off street parking in ~~#predominantly built up areas#~~ shall be provided as set forth in Section 25-23.

**Commented [Z1]:** Article II Chapter 5 includes the parking regulations for Residence Districts.

The Proposal would make many changes to this chapter. First, it would remove parking requirements for residences, houses of worship, and community facilities with sleeping accommodations.

Second, it would establish that required parking for existing residences, except single- and two-family buildings, could only be removed through a CPC discretionary action. It also establishes a process to determine the amount of previously required parking.

Finally it clarifies regulations that apply to the maximum amount of parking that can be provided on a zoning lot with residences.

**Commented [Z2]:** The Proposal would remove this text since it conflicts with the goal of removing parking requirements for dwelling units.

**Commented [Z3]:** The Proposal removes the "predominantly built up area" concept and so removes this provision.

**~~25-023~~ 25-021**

**Applicability of regulations in the Manhattan Core and Long Island City area**

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

**~~25-025~~**

**Applicability of regulations to Quality Housing**

[DELETED, REGULATIONS FORMERLY IN SECTION 28-40 ARE NOW STANDARD]

~~On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts or their #commercial# equivalents, and on any #zoning lot# in other districts containing a #Quality Housing building#, all #accessory# off street parking spaces shall comply with the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING).~~

**Commented [Z4]:** The Proposal removes the concept of "quality housing" buildings and so removes this provision.

**~~25-026~~ 25-022**

**Applicability of regulations in the waterfront area**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District.

**~~25-027~~**

**Applicability of regulations in Community District 14, Queens**

[DELETED – OBSOLETE DUE TO ELIMINATION OF RESIDENTIAL PARKING REQUIREMENTS]

~~In Community District 14 in the Borough of Queens, R6 and R7 Districts shall be subject to the #accessory# off street parking regulations of an R5 District, except that such requirement shall not apply to any #development# located within an urban renewal area established prior to August 14, 2008, or to #income restricted housing units# as defined in Section 12-10 (DEFINITIONS).~~

For the purposes of this Section, the #floor area# of a #building# shall not include floor space used for #accessory# off street parking spaces provided on any #story# located below 33 feet

**Commented [Z5]:** The Proposal removes parking requirements for residences and so this text is no longer necessary.

above the #base-plane#.

~~25-028~~

~~25-023~~

**Applicability of regulations to certain community facility uses in lower density growth management areas**

[RENUMBERING; CONTENT UNCHANGED]

\* \* \*

~~25-029~~

~~25-024~~

**Applicability of regulations in flood zones**

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**25-10**

**PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

**25-11**

**General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[REORGANIZING SECTION CONTENTS TO CLARIFY APPLICABILITY TO PERMITTED VERSUS REQUIRED PARKING.]

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in ~~the following Sections:~~ Section 25-12 (Maximum Number of Spaces Permitted on a Zoning Lot).

~~Section 25-12 (Maximum Size of Accessory Group Parking Facilities)~~

~~Section 25-15 (Maximum Spaces for Single Family Detached Residences)~~

~~Section 25-16 (Maximum Spaces for Other Than Single Family Detached Residences)~~

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-48 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

**25-12**

**Maximum Size of Accessory Group Parking Facilities**

[REPURPOSING SECTION NUMBER.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, no #group parking facility# #accessory# to #residences# shall contain more than 200 off street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial# #uses# shall contain more than 150 off street parking spaces, except as provided in Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

**25-13**

**Modification of Maximum Size of Accessory Group Parking Facilities**

[REPURPOSING SECTION NUMBER.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), if

- (a) — access for such facility is located so as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;
- (b) — such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (c) — such facility, if #accessory# to a permitted #community facility# or #commercial use# is located on a #street# not less than 60 feet in width; and
- (d) — such facility, if #accessory# to a permitted #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

**Commented [Z6]:** The Proposal would clarify that maximum parking allowances are aligned with the State's Multiple Dwelling Law.  
  
Changes would also better align with DOB practice that the number of parking spaces listed in 25-10 are additive to the amounts of required parking elsewhere in the Chapter.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

**25-14**  
**Exceptions to Maximum Size of Accessory Group Parking Facilities**

[REPURPOSING SECTION NUMBER.]

**25-141**  
**For hospitals**

[DELETING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the Board of Standards and Appeals may permit ~~group parking facilities# #accessory#~~ to hospitals, with more than 150 spaces, in accordance with the provisions of Section 73-47 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

**25-142**  
**For accessory# #uses in large scale residential developments**

[DELETING]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may permit ~~group parking facilities# #accessory#~~ to ~~uses#~~ in ~~large scale residential developments#~~ with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities).

**25-15**  
**Maximum Spaces for Single Family Detached Residences**

[DELETING; RELOCATING CONTENT TO PROPOSED SECTION 25-121.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, not more than three off-street parking spaces shall be provided for a ~~#single-family# #detached# #residence#~~, except on ~~#zoning lots#~~ with a ~~#lot area#~~ of 10,000 square feet or more. For the purposes of this Section, a driveway shall not be considered as off-street parking space.

**25-16**  
**Maximum Spaces for Other Than Single Family Detached Residences**

~~R3 R4 R5 R6 R7 R8 R9 R10~~

[DELETING; RELOCATING CONTENT TO PROPOSED SECTION 25-122.]

~~In the districts indicated, the provisions of this Section shall apply to all #dwelling units# in #buildings# containing #residences# other than #Quality Housing buildings# and #single-family# #detached# #residences#, except as provided in Section 25-17 (Modification of Maximum Spaces for Other Than Single Family Detached Residences).~~

**25-161**  
**In R3, R4 or R5 Districts**

[DELETING; RELOCATING CONTENT TO PROPOSED SECTION 25-122.]

~~R3 R4 R5~~

~~In the districts indicated, not more than two off-street parking spaces shall be provided for each #dwelling unit#.~~

**25-162**  
**In R6 or R7 Districts**

[DELETING; RELOCATING CONTENT TO PROPOSED SECTION 25-122.]

~~R6 R7~~

~~In the districts indicated, on a #zoning lot# used for #residences#, not more than one off-street parking space shall be provided for every 300 square feet of #lot area#.~~

**25-163**



**In R8, R9 or R10 Districts**

[DELETING; RELOCATING CONTENT TO PROPOSED SECTION 25-122.]

R8 R9 R10

~~In the districts indicated, on a #zoning lot# used for #residences#, not more than one off street parking space shall be provided for every 225 square feet of #lot area#.~~

**25-12**

**Maximum Number of Spaces on a Zoning Lot**

[REPURPOSING SECTION NUMBER. REGULATIONS GOVERNING MAXIMUM NUMBER OF SPACES ON A ZONING LOT ARE COMBINED HERE.]

The maximum number of off-street parking spaces #accessory# to #residences# that is permitted on any #zoning lot# shall be as set forth in this Section, inclusive. Such maximum number is inclusive of all permitted as well as any required such spaces for all residential #uses# located on the #zoning lot#.

**25-121**

**Maximum number of spaces for single and two-family homes**

[ADDED; CONTENT FROM FORMER 25-15.]

For #zoning lots# occupied by only #single-# or #two-family# #residences#, the maximum number of #accessory# off-street parking spaces permitted on the #zoning lot# shall be as set forth in this Section.

For #zoning lots# with a #lot area# of less than 10,000 square feet, no more than three spaces shall be provided for a #single-family# #residence#, and no more than four spaces shall be provided for a #two-family# #residence#.

For #zoning lots# with a #lot area# 10,000 square feet or greater, no maximum number of spaces shall apply.

**Commented [Z7]:** The maximum permitted parking for single- and two-family homes would remain unchanged.

**25-122**

**Maximum number of spaces for multiple dwellings**

[ADDED; MODIFYING CONTENT FROM FORMER SECTIONS 25-161, 25-162, AND 25-

**Commented [Z8]:** The Proposal would clarify that the maximum number of spaces per dwelling unit is 2 spaces, as provided in the NYS multiple dwelling law.

163, TO ALIGN WITH PARKING MAXIMUMS SET FORTH IN THE NYS MULTIPLE DWELLING LAW.]

For #zoning lots# occupied by #residential# #uses# other than #single-# or #two-family# #residences#, no more than two off-street parking spaces #accessory# to such #residences# shall be provided for each #dwelling unit# located on the #zoning lot#.

**~~25-17~~**

**~~Modification of Maximum Spaces for Other Than Single Family Detached Residences~~**

[DELETED TO ALIGN WITH PARKING MAXIMUMS WITH FORTH IN THE NYS MULTIPLE DWELLING LAW]

~~R3 R4 R5 R6 R7 R8 R9 R10~~

~~In the districts indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-16 (Maximum Spaces for Other Than Single Family Detached Residences) may be provided if the Commissioner of Buildings determines that:~~

- ~~(a) — such additional spaces are needed for the occupants of #residences# to which such spaces are #accessory#, in order to prevent excessive on-street parking; and~~
- ~~(b) — such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.~~

~~The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking areas to minimize adverse effects on the character of surrounding areas.~~

**~~25-18~~**

**~~Maximum Spaces for Permitted Community Facility or Commercial Uses~~**

[DELETED]

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, on a #zoning lot# used for permitted #community facility# or #commercial# #uses#, not more than one off-street parking space shall be provided for every 400 square feet of #lot area#, except as provided in Section 25-19 (Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses).~~

**25-19**

**Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses**

[DELETED.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses) may be provided if the Commissioner of Buildings determines that:

- (a) such additional spaces are needed for the occupants, visitors, customers, or employees of the #use# or #uses# to which such spaces are #accessory#; and
- (b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking area, to minimize adverse effects on the character of surrounding areas.

**25-20**

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES**

[REMOVING PARKING REQUIREMENTS FOR NEW DEVELOPMENTS, ENLARGEMENTS, OR CONVERSIONS, AND PRESERVING EXISTING PARKING REQUIREMENTS FOR EXISTING BUILDINGS, CONSISTENT WITH PROJECT GOALS.]

**25-21**

**General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, no #accessory# off-street parking spaces shall be required for #dwelling units# or #rooming units# created after [date of adoption].

However, #accessory# off-street parking spaces, open or enclosed, shall continue to be provided for all #dwelling units# created after December 15, 1964 between July 20, 1950 and [date of adoption], in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit#:

~~Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)~~

~~Section 25-23 (Requirements Where Group Parking Facilities Are Provided)~~

**Commented [Z9]:** The Proposal would establish that no parking is required for new residences. Existing residences with previously required parking would have to maintain it, except in specific situations described here. To support determinations of what parking might have been previously required, new provisions apply.

- Section 25-24        (~~Modification of Requirements for Small Zoning Lots~~)
- Section 25-25        (~~Modification of Requirements for Income Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government Assisted Dwelling Units~~)
- Section 25-28        (~~Special Provisions for Zoning Lots Divided by District Boundaries~~)
- Section 25-22        (Calculation of Parking Requirements)
- Section 25-23        (Removal of Required Parking)

~~For #dwelling units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.~~

~~In addition, #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.~~

~~For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.~~

~~In the event that the number of #accessory# off street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other Than Single Family Detached Residences), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.~~

**25-211**  
**Application of requirements to conversions and certain enlargements**

[FUTURE CONVERSIONS AND ENLARGEMENTS WILL NOT HAVE PARKING REQUIREMENTS, CONSISTENT WITH PROJECT GOALS. REGULATIONS FOR EXISTING PARKING MOVED TO 25-22]

**R3-R4**

- (a) — In the districts indicated, except for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built up area#, wherever additional #dwelling

~~units# are created by #conversions# or #enlargements# of #residential buildings#, there shall be one off street parking space provided on the #zoning lot# for each such additional #dwelling unit#. Such off street parking spaces shall be in addition to any existing off street parking spaces on the #zoning lot# and shall not be located in any common easement driveways or within a #front yard#. The provisions of Section 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall not apply to such #zoning lots#. Furthermore, such additional #dwelling units# shall be permitted only if the #zoning lot# complies with the provisions of Section 25-64 (Restrictions on Use of Open Space for Parking).~~

~~R4 R5~~

- ~~(b) — In R5 Districts, and for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built up area#, the requirements of Section 25-21 (General Provisions) shall not apply to additional #dwelling units# created by #conversions# of #residential buildings# on #zoning lots# with less than 5,000 square feet of #lot area#, provided such #buildings# were constructed prior to April 14, 2010, and not subsequently #enlarged#.~~

~~R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X~~

- ~~(e) — In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# created by the change of non #residential uses# to #residential uses# on #zoning lots# with less than 5,000 square feet of #lot area#.~~

~~R7-2 R8 R9 R10~~

- ~~(d) — In the districts indicated, no #accessory# off street parking is required for the creation of additional #dwelling units# within existing #buildings#.~~

## ~~25-22~~

### ~~Requirements Where Individual Parking Facilities Are Provided~~

~~[COMBINED WITH GROUP PARKING REQUIREMENTS IN NEW 25-22]~~

~~R1 R2 R3 R4 R5 R6 R7-1~~

- ~~(a) — In the districts indicated, except in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, where #group parking facilities# are not provided, one #accessory# off street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in the case of #two# or three #family# #residences# in a #predominantly built up area#, two #accessory# parking spaces per #building# shall be provided.~~

R1 R2 R3 R4 1 R4A

(b) In the districts indicated within #lower density growth management areas#, 1.5 #accessory# off street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off street parking spaces shall be provided for each #single family# #residence#, three #accessory# off street parking spaces shall be provided for each #two family residence#, and for all other #residences#, #accessory# off street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

**25-23**

**Requirements Where Group Parking Facilities Are Provided**

[COMBINED WITH GROUP PARKING REQUIREMENTS IN NEW 25-22]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where #group parking facilities# are provided, for all new #dwelling units#, #accessory# off street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building#, in accordance with the provisions of Section 25-41 (Purpose of Spaces and Rental to Non-Residents).

**PARKING SPACES REQUIRED WHERE  
GROUP PARKING FACILITIES ARE PROVIDED**

District	Percent of Total #Dwelling Units#
R1 R2 R3 R4 1 R4A	100 <sup>1</sup>
R4 R4B R5A	100
R5	85
R6	70 <sup>2</sup>
R5B R5D	66
R7-1	60 <sup>2</sup>
R6A R6B R7-2 R7A R7B R7D R7X R8B <sup>3</sup>	50 <sup>2</sup>
R8 R9 R10	40

- <sup>1</sup> ~~In R1, R2, R3, R4 1 and R4A Districts within #lower density growth management areas#, 1.5 #accessory# off street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off street parking spaces shall be provided for each #single family residence#, three #accessory# off street parking spaces shall be provided for each #two family residence#, and for all other #residences#, #accessory# off street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#~~
- <sup>2</sup> ~~In R6 or R7 Districts for #dwelling units# created pursuant to the Quality Housing Program, #accessory# off street parking spaces shall be provided for at least 50 percent of the total number of such #dwelling units#~~
- <sup>3</sup> ~~In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts~~

~~In a #predominantly built up area# where #group parking facilities# are provided, #accessory# parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table:~~

District	Percent of Total #Dwelling Units#
R4 R5	66

**25-231  
Modification of requirements to facilitate affordable housing**

[DELETED – OBSOLETE DUE TO NEW AUTHORIZATION FOR REMOVAL OF REQUIRED PARKING IN SECTION 75-31]

~~Within the #Transit Zone#, the City Planning Commission may permit a reduction in the parking requirements set forth in Section 25-23 in accordance with the provisions of Section 74-533 (Reduction of parking spaces to facilitate affordable housing).~~

**25-22  
Calculation of Required Parking**

[PARKING CONTINUES TO BE REQUIRED FOR EXISTING BUILDINGS; RULES ARE COMPILED HERE TO AID IN DETERMINING THE NUMBER OF SUCH SPACES]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

**Commented [Z10]:** The Proposal requires any previously required parking for residences to be maintained. The Proposal lays out options to determine the amount of required parking.

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall continue to be required for all #dwelling units# created between July 20, 1950 and [date of adoption] as set forth in this Section.

The number of required #accessory# off-street parking spaces shall be the amount set forth in either paragraph (a) or (b) of this Section.

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

Any #accessory# off-street parking spaces serving a #zoning lot# in excess of the number required by this Section shall be considered permitted spaces and shall not be regulated by the provisions of Section 25-20, inclusive.

#Rooming units# created between July 20, 1950 and March 22, 2016 shall be subject to the regulations of the applicable zoning district as set forth in this Section. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

**(a) Previously approved applications**

The number of required #accessory# off-street parking spaces shall be the number of spaces required that were, or would have been, required for the #development# or subsequent #enlargement# or #conversion#, pursuant to the regulations that were in effect prior to [date of adoption].

For the purpose of establishing this amount, the Department of Buildings may accept any historical evidence deemed appropriate by the Department of Buildings, such as construction documents, zoning analyses, or other documents submitted as part of a duly-approved application for a building permit.

Where a #building# was subsequently #enlarged# or #converted# after its #development#, this historical evidence must include materials indicating the most-recent parking requirement in effect for all #dwelling units# on the #zoning lot# prior to [date of adoption].

**(b) Simplified reference tables**

As an alternative to the method set forth in paragraph (a), the number of required #accessory# off-street parking spaces shall be the number of spaces set forth in this paragraph (b).

For #dwelling units# located within #single-# and #two-family# #residences#, the number of spaces per #dwelling unit# is set forth in Table 1. For #dwelling units# located within all other #residences#, the number of spaces expressed as a percent of such

**Commented [Z11]:** The Proposal creates a simplified chart of requirements based on the current parking rules. This is intended to make such calculations, particularly in situations where earlier documentation can not be found or zoning/building changes render them difficult to use.

This chart collapses the various waivers in the next few sections.



#dwelling units# it set forth in Table 2.

<b>TABLE 1: REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN SINGLE- AND TWO-FAMILY HOMES</b>	
<b>District</b>	<b>Requirement</b>
	<u>Parking requirement per #dwelling unit# (in spaces)</u>
<u>R1 R2 R3 R4-1 R4A</u> <u>outside #lower density growth management areas#</u>	<u>1</u>
<u>R1 R2 R3 R4-1 R4A</u> <u>inside #lower density growth management areas#</u>	<u>1.5</u>
<u>R4 R4B R5 R6 R7 R8 R9 R10 R11 R12</u>	<u>1</u>

However, in R3A and R4-1 Districts, no spaces shall be required for a #single-family residence# on an #interior lot# that has a #street line# less than 25 feet in width.

For #dwelling units# located within all other #residences#, the number of required off-street spaces shall be determined by the total number of #dwelling units# on a #zoning lot# existing prior to [date of adoption] multiplied by the applicable parking requirement in Column A or B, as applicable. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces shall be required for #residences# on the #zoning lot#.

<b>TABLE 2: REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN MULTIPLE DWELLINGS</b>			
<b>District</b>	<b>Requirement</b>		<b>Waiver</b>
	<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
	<u>Parking requirement per #dwelling unit# (in percent)</u>	<u>Parking requirement per #income-restricted housing unit# (in percent)</u>	<u>Maximum waiver (in spaces)</u>
<u>R3</u>	<u>100</u>	<u>50</u>	<u>0</u>
<u>R4</u>	<u>100</u>	<u>50</u>	<u>1</u>
<u>R5</u>	<u>85</u>	<u>42.5</u>	<u>1</u>
<u>R6</u>	<u>50</u>	<u>25</u>	<u>5</u>
<u>R7</u>	<u>50</u>	<u>15</u>	<u>25</u>

<u>R8</u>	<u>40</u>	<u>12</u>	<u>30</u>
<u>R9</u>	<u>40</u>	<u>12</u>	<u>40</u>
<u>R10</u>	<u>40</u>	<u>12</u>	<u>50</u>
<u>R11</u>	<u>40</u>	<u>12</u>	<u>60</u>
<u>R12</u>	<u>40</u>	<u>12</u>	<u>75</u>

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

**25-24**

**Modification of Requirements for Small Zoning Lots**

[DELETED, WAIVERS INCORPORATED INTO SECTION 25-22]

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section:

**25-241**

**Reduced requirements**

[DELETED, WAIVER INCORPORATED INTO TABLE 2 OF PARAGRAPH (B) OF SECTION 25-22]

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off street parking spaces is as set forth in the following table:

**REDUCED REQUIREMENTS FOR  
SMALL ZONING LOTS**

	Parking Spaces Required as a Percent of Total #Dwelling Units#
--	--

District	#Lot Area#	
R6 R7-1* R7B	10,000 square feet or less	50
R7-1 R7A R7D R7X		30
R7-2	10,001 to 15,000 square feet	30
R8** R9 R10		20

\* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

\*\* In R8B Districts, the parking requirements may not be reduced.

**25-242**

**Waiver of requirements for small zoning lots in high bulk districts**

[DELETED, WAIVER INCORPORATED INTO TABLE 2 OF PARAGRAPH (B) OF SECTION 25-22.]

~~R7-2 R8 R9 R10~~

~~In the districts indicated, the requirements set forth in Section 25-23 (Requirements where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B Districts.~~

**25-243**

**Waiver of requirements for narrow zoning lots in certain districts**

[DELETED, CONTENT MOVED TO PARAGRAPH (B) OF SECTION 25-22.]

~~R3A R4-1~~

~~In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single family residence# on an #interior lot# that has a width along a #street# less than 25 feet.~~

**25-25**

**~~Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors, or Other Government-Assisted Dwelling Units~~**

[DELETING, REQUIREMENTS FOR EXISTING IRHU/AIRS NOW LISTED IN PROPOSED SECTION 25-22.]

~~The requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) may be reduced or waived for #income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units# in accordance with the provisions of this Section, inclusive. For the purposes of this Section, not more than one #dwelling unit# reserved for occupancy by a superintendent in a #building# otherwise comprised of #income-restricted housing units# shall also be considered an #income-restricted housing unit#.~~

~~In addition, the Board of Standards and Appeals may waive or modify the requirements set forth in Section 25-23 for government-assisted #dwelling units#, in accordance with the provisions of Section 73-435 (Reduction of parking spaces for other government-assisted dwelling units).~~

**~~25-251~~**

**~~Income-restricted housing units~~**

[DELETING, REQUIREMENTS FOR EXISTING IRHUs NOW LISTED IN PROPOSED SECTION 25-22.]

~~Regulations applicable to #income-restricted housing units#, except where such units are located in an #affordable independent residence for seniors#, are set forth in this Section:~~

~~Within the #Transit Zone# no #accessory# off-street parking spaces shall be required for #income-restricted housing units# developed after March 22, 2016.~~

~~Existing required or permitted accessory off-street parking spaces for #buildings# containing #income-restricted housing units# in receipt of a certificate of occupancy prior to March 22, 2016 shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016, except that the Board of Standards and Appeals may waive or modify such requirements in accordance with the provisions of Section 73-433 (Reduction of existing parking spaces for income-restricted housing units). Outside the #Transit Zone#, #accessory# #Accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #income-restricted housing units# as set forth in the following table.~~

District	Parking requirement per #income-restricted housing unit# (in percent)
R3-2 R4	50.0

R5-R5B	42.5
R5D	35
R6-R7B	25
R7-1 R7-2 R7A R7D R7X R8B*	15.0
R8 R8A R8X R9 R10	12.0

\* — In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

**25-252**

**Affordable independent residences for seniors**

[DELETING, REQUIREMENTS FOR EXISTING AIRS  
NOW LISTED IN PROPOSED SECTION 25-22.]

Within the #Transit Zone#, no #accessory# off-street parking spaces shall be required for #dwelling units# in an #affordable independent residence for seniors developed# after March 22, 2016.

Existing required or permitted accessory off-street parking spaces for #dwelling units# in #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016, except that such parking spaces may be removed provided that any new #dwelling units# created on the portion of the #zoning lot# previously occupied by such parking spaces shall be #income restricted housing units#. Such requirement shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings. Outside the #Transit Zone#, #accessory# off-street parking spaces shall be provided for at least 10 percent of the total number of #dwelling units# in an #affordable independent residence for seniors developed# after March 22, 2016. However, within #lower density growth management areas# in Community District 10 in the Borough of the Bronx, #accessory# off-street parking spaces shall be provided for at least 16 percent of the total number of #dwelling units# in R6 Districts and for at least 12.5 percent of the total number of #dwelling units# in R7-1 Districts. Existing required or permitted #accessory# off-street parking spaces for #dwelling units# in #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, shall continue to be subject to the applicable zoning district regulations in effect prior to March 22, 2016. However, the Board of Standards and Appeals may reduce such requirements in accordance with the provisions of Section 73-434 (Reduction of existing parking spaces for affordable independent residences for seniors).

~~25-253~~

~~Other government-assisted dwelling units~~

[DELETED, PROVISION REGARDING SPECIFIC PROJECTS IN 2016, NOW OBSOLETE.]

~~R3-2 R4 R5 R6 R7 R8 R9 R10~~

~~In the districts indicated, for government-assisted #dwelling units#, other than #income-restricted housing units#, in #developments# for which the Department of Housing Preservation and Development or the Housing Development Corporation has issued a negotiation letter on or before August 31, 2016, acknowledging that HPD or HDC is actively engaged with a project sponsor in reviewing financial pro formas with the intention to finance the project, and which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended, #accessory# off-street parking spaces shall be provided for at least the percentage of the total number of government-assisted #dwelling units# set forth in the table in this Section.~~

District	Parking Spaces Required as a Percent of Total #Dwelling Units#
<del>R3-2 R4</del>	<del>80</del>
<del>R5</del>	<del>70</del>
<del>R5D-R6*</del>	<del>55</del>
<del>R6A-R6B-R7B</del>	<del>35</del>
<del>R7-1*</del>	<del>45</del>
<del>R7-2 R7A R7D R7X R8 R9 R10</del>	<del>25</del>

~~\* In R6 or R7-1 Districts which are #Quality Housing buildings#, the applicable district parking requirements shall be as follows:~~

District	Applicable District Parking Requirement
<del>R6</del>	<del>R6A</del>
<del>R7-1</del>	<del>R7A</del>

**25-26**

**Waiver of Requirements for Small Number of Spaces**

[DELETED; OBSOLETE WHERE APPLICATION FOR A BUILDING PERMIT OCCURS AFTER DATE OF ADOPTION.]

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of ~~accessory~~ off street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section.

However, the following provisions shall apply:

- (a) ~~in R5D Districts, the provisions of this Section, inclusive, shall only apply to zoning lots existing both on June 29, 2006, and on the date of application for a building permit; and~~
- (b) ~~in R6 and R7 Districts in lower density growth management areas in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to zoning lots existing both on March 25, 2003, and on the date of application for a building permit.~~

**25-261**

**For developments or enlargements**

[DELETED, WAIVERS INCORPORATED INTO COLUMN C IN TABLE 2 IN PARAGRAPH (B) OF PROPOSED SECTION 25-22.]

R4B R5B R5D R6 R7 R8 R9 R10

For ~~developments~~ in R4B and R5B Districts, and for ~~developments~~ and ~~dwelling units~~ within ~~enlarged~~ portions of ~~buildings~~ in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of ~~accessory~~ off street parking spaces for which requirements are waived is set forth in the following table:

District	Maximum Number of Spaces Waived
R4B R5B R5D	4
R6 R7-1* R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

<sup>a</sup> — ~~For #Quality Housing buildings# with #income-restricted housing units# utilizing the parking reductions of Section 25-251, or for #Quality Housing buildings# with other government-assisted #dwelling units# utilizing the parking reductions of Section 25-253, the maximum number of spaces waived shall be 15.~~

**25-262**

**For conversions**

~~R6 R7-1 R7A R7B R7D R7X~~

~~[DELETED, OBSOLETE DUE TO REMOVAL OF PARKING REQUIREMENTS FOR NEW DWELLING UNITS,]~~

~~In the districts indicated, for the creation of additional #dwelling units# or #rooming units# within existing #buildings#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces. However, the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).~~

**25-27**

**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

~~[DELETED, PROVISION MOVED TO PROPOSED SECTION 25-22.]~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, the requirements set forth in Section 25-21 (General Provisions) shall not apply to any #building# or #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).~~

**25-28**

**Special Provisions for Zoning Lots Divided by District Boundaries**

~~[DELETED – REDUNDANT; REGULATIONS ARE IN ARTICLE VII, CHAPTER 7]~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts~~



or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

**25-23**

**Removal of Required Parking**

[REPURPOSING SECTION NUMBER, ESTABLISHING NEW PROVISIONS GOVERNING REMOVAL OF EXISTING REQUIRED PARKING SPACES]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, any required #accessory# off-street parking spaces serving #dwelling units# created between July 20, 1950 and [date of adoption] shall not be removed, except:

- (a) where serving a #single#- or #two-family# #residence#, pursuant to Section 25-231 (Permitted removal for single- and two-family homes);
- (b) where serving other #residences#, as authorized by the City Planning Commission pursuant to Section 25-232 (Permitted removal of all other required parking);
- (c) where located within off-street parking facilities built prior to May 8, 2013 within the #Manhattan Core#, as authorized by the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces); or
- (d) where located within off-street parking facilities built prior to October 25, 1995 within the #Long Island City area#, as authorized by the City Planning Commission pursuant to Section 16-342 (Reduction in the number of required existing parking spaces).

Any amount of off-street parking spaces #accessory# to #dwelling units# in excess of the number required shall be permitted to be removed as-of-right at any time.

**25-231**

**Permitted removal for single- and two-family homes**

[REPURPOSING SECTION NUMBER, ESTABLISHING ALLOWANCE FOR SINGLE/TWO FAMILY HOMES TO REMOVE PARKING WITHOUT AN AUTHORIZATION.]

Any #accessory# off-street parking space serving a #single#- or #two-family# #residence# that is required pursuant to Section 25-22 shall be permitted to be removed as-of-right at any time.

However, where driveways serving such spaces provide shared access to spaces located on adjacent #zoning lots#, removal of parking spaces may only be authorized by the City Planning

**Commented [Z12]:** The Proposal lays out the process whereby previously required parking can be removed. This would be allowed as of right for single- and two-family houses. Other previously required parking for residences would require a discretionary action. The section also makes clear that parking beyond that which was required can always be removed.

Commission as set forth in Section 75-31 (Authorization to Remove Required Parking).

**25-232**

**Permitted removal of all other required parking**

[NEW SECTION, REQUIRING A CPC AUTHORIZATION TO REMOVE EXISTING PARKING.]

Any #accessory# off-street parking space that is required pursuant to Section 25-22, except for those spaces serving #single-# and #two-family# #residences#, may only be removed where authorized by the City Planning Commission as set forth in Section 75-31 (Authorization to Remove Required Parking).

**25-30**

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES**

**25-31**

**General Provisions**

[ADDING APPLICABILITY TO R11 AND R12 DISTRICTS, ELIMINATING PARKING REQUIREMENTS FOR HOUSES OF WORSHIP.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all #development# after December 15, 1961, for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#

**Commented [Z13]:** Consistent with the approach for residences, the Proposal removes parking requirements for all community facilities with sleeping accommodations. These changes are mainly effectuated by modifications in the use regulations in Article II Chapter 2. The Proposal also removes parking requirements for houses of worship.

In addition, other changes better align the parking rules for non-residential uses with DOB practice.

under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street);
- (e) ~~for houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally Oriented Houses of Worship).~~
- (d)(c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 25-37 (Waiver of Requirements for Certain Small Zoning Lots).

~~In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.~~

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

<b>Parking Requirement Category</b>	<b>Type of Requirement</b>
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

	<b>PRC - A</b>	<b>PRC- B</b>	<b>PRC - C</b>
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Parking Requirement Category	A1 <sup>1</sup>	A2 <sup>1</sup>	A3	A4	B1	B2	B3	
Unit of measurement	per square feet of #floor area# <sup>2</sup>			per persons-rated capacity			per square feet of #lot area#	
R1 R2	1 per 100	1 per 150	n/a	n/a	n/a	1 per 8	1 per 10 <sub>3</sub>	n/a
R3			1 per 400					
R4 R5	1 per 200	1 per 300	1 per 500					
R6 R7-1 R7B	1 per 300	1 per 400	1 per 800			1 per 16	1 per 20 <sub>3</sub>	
R7-2 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required			None required	None required	

<sup>1</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#.

<sup>2</sup> For ambulatory diagnostic or treatment facilities listed in Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements. However, in #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

<sup>3</sup> In R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3 <sup>5</sup>	F1	F2
Unit of measurement	per square feet of #floor area# or per employees		per bed			per guest room or suites	
R1 R2	n/a	n/a	1 per 5 <sup>4</sup>	1 per 6	1 per 10	n/a	n/a
R3							

R4 R5							
R6 R7-1 R7B			1 per 8 <sup>4</sup>	1 per 12	1 per 20		
R7-2 R7A R7D R7X R8 R9 R10 R11 R12			1 per 10 <sup>4</sup>	None required	None required		

<sup>4</sup> Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

<sup>5</sup> Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02.

Parking Requirement Category	PRC - G						
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Colleges, universities or seminaries	#Schools#	Houses of worship	Libraries, museums or non-commercial art galleries
Unit of measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per persons-rated capacity <sup>6</sup>	per square feet of #floor area# <sup>7</sup>
R1 R2	1 per 1,000	1 per 2	1 per 800	1 per 1,000	1 per 1,500	1 per 10	1 per 1,000
R3					None required		
R4 R5					1 per 15		
R6 R7-1 R7B	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000	None required	1 per 2,000	

R7-2 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required	None required		None required	None required
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<sup>6</sup> Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly. However, rooms separated by movable partitions shall be considered a single room.

<sup>76</sup> Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post offices <sup>8</sup>	Funeral establishments	Riding academies or stables
Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
R1 R2	n/a	1 per 500	n/a	see Section 62-43	1 per 2,000 or 1 per 3	1 per 800	n/a	1 per 500
R3						1 per 1,200		
R4 R5		1 per 800				1 per 1,500		1 per 800
R6 R7-1 R7B		None required				None required		None required
R7-2 R7A R7D R7X R8 R9 R10 R11 R12								

<sup>8</sup> For #accessory# #commercial# #uses# in #large-scale residential developments#.

\* \* \*

**25-33  
Waiver of Requirements for Spaces Below Minimum Number**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses# if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Districts	Number of Spaces
R1 R2 R3 R4 R5	10
R6 R7-1 R7B	25
R7-2 R7A R7D R7X R8 R9 R10 <u>R11 R12</u>	40

**25-331**

**Exceptions to application of waiver provisions**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Ambulatory diagnostic or treatment health care facilities in R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital, as defined in the New York State Hospital Code or a #long-term care facility#, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions

shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.

#### 25-34

#### Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

#### ~~25-35~~

#### ~~Waiver for Locally Oriented Houses of Worship~~

[DELETED, OBSOLETE BECAUSE THE PROPOSAL WOULD REMOVE ALL PARKING REQUIREMENTS FOR HOUSES OF WORSHIP.]

~~R1 R2 R3 R4 R5~~

~~In the districts indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:~~

- ~~(a) seventy five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;~~
- ~~(b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number); and~~
- ~~(c) such house of worship shall not include, as an #accessory# #use#, the leasing, licensing~~

**Commented [Z14]:** Since the Proposal removes parking requirements for houses of worship, these provisions would no longer be necessary.



~~or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.~~

~~For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.~~

~~The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person, in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.~~

~~A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory# #uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.~~

~~The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.~~

~~Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.~~

## ~~25-36~~ 25-35

### ~~Special Provisions for Zoning Lots Divided by District Boundaries~~

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

**25-37 25-36**

**Waiver of Requirements for Certain Small Zoning Lots**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the parking requirements of Section 25-31 (General Provisions) for camps, overnight or day, shall only apply to #developments# or #enlargements# with a minimum of either 10,000 square feet of #lot area# or 10 employees.

**25-37**

**Waiver for Mixed-Use Developments**

[ALLOWING FOR THE WAIVER OF NON-RESIDENTIAL PARKING REQUIREMENTS FOR MIXED-USE DEVELOPMENTS, CONSISTENT WITH PROJECT GOALS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the non-residential parking requirements of Section 25-30 shall be waived for permitted #community facility# and #commercial# #uses# located within #buildings# containing #residences# in accordance with this Section:

- (a) on any #zoning lot# within the #Inner Transit Zone#;
- (b) on any #zoning lot# with a #lot area# of 10,000 square feet or less that is located within the #Outer Transit Zone#; or
- (c) on any #zoning lot# with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

**25-40**

**RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES**

**25-41**

**Purpose of Spaces and Rental to Non-Residents**  
**Use of Spaces Accessory to Permitted Residential Uses**

**Commented [Z15]:** The Proposal would also waive the non-residential parking requirements for developments with residences on small lots. This would help support mixed use developments since the ground floors could be more easily used for non-residential uses instead of parking.

**Commented [Z16]:** The Proposal would provide a consistent of rules for how parking spaces may be used. Multi-space facilities could be made available as public parking. "Individual" parking spaces (typically associated with single- or two-family houses) would be allowed more limited rental options, consistent with rules in most districts today.

This flexibility would allow parking spaces to more efficiently be used.

[REVISING SECTION TO CLARIFY THAT ALL PARKING SPACES MAY BE RENTED, AND THAT ALL GROUP PARKING FACILITY SPACES MAY BE OPERATED AS PUBLIC PARKING, CONSISTENT WITH PROJECT GOALS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall ~~comply with the provisions of this Section.~~ be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#, except as set forth in this Section:

(a) within individual parking spaces:

#accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#; and

(b) within #group parking facilities#:

(1) all accessory off-street parking spaces may be made available for public use; and

(2) up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to publicly available electric vehicle charging facilities, or #car sharing vehicles#.

However, spaces designed and operated pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

#### **~~25-411~~**

##### **~~In R1 or R2 Districts~~**

[DELETING TO EXPAND PERMISSION FOR RENTAL TO R1 AND R2 DISTRICTS]

~~R1 R2~~

~~In the districts indicated, such spaces shall be designed and operated exclusively for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.~~

#### **~~25-412~~**

##### **~~In all other Residence Districts~~**

[DELETING AND MOVING CONTENT TO 25-41 TO EXPAND PERMISSION FOR PUBLIC PARKING TO ALL GROUP PARKING FACILITIES.]

~~R3 R4 R5 R6 R7 R8 R9 R10~~

~~In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#, except as set forth in this Section.~~

- ~~(a) #Accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of the #residences# to which such spaces are #accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood; or~~
- ~~(b) In R3-2 through R10 Districts, other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to publicly available electric vehicle charging facilities, or #car sharing vehicles#.~~

~~Such spaces provided pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.~~

## 25-42

### Use of Spaces Accessory to Permitted Non-residential Uses

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented, except as set forth in this Section.

- (a) #Accessory# off-street parking spaces provided for houses of worship may be shared pursuant to Section 25-542 (Shared parking facilities for houses of worship).
- (b) In R3-2 through ~~R10~~ R12 Districts, other than other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to publicly available electric vehicle charging facilities, or #car sharing vehicles#.

**25-43**

**Restrictions on Automotive Repairs and Sale of Motor Fuel**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted, except as provided in this Section in specified districts.

**25-431**

**Limited repairs permitted in specified districts**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted.

**25-44**

**Electric Vehicle Charging**

[CLARIFICATION OF APPLICABILITY IN LINE WITH TEXT STANDARDS AND UPDATED CROSS REFERENCE.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, Electric electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section ~~25-412 (In all other Residence Districts)~~ 25-41 (Use of Spaces Accessory to Permitted Residential Uses) or 25-42 (Use of Spaces Accessory to Permitted Non-Residential Uses).

**25-50**

**RESTRICTIONS ON ~~LOCATION OF~~ ACCESSORY OFF-STREET PARKING SPACES**

**25-51  
General Provisions**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility# #uses#, to #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-site Spaces for Residences)

Section 25-53 (Off-site Spaces for Permitted Non-residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

**25-52  
Off-site Spaces for Residences**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS, INCLUDING PARKING REGULATIONS FOR QUALITY HOUSING BUILDINGS FROM FORMER SECTION 28-40.]

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

- (a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-541 (Joint Facilities); ~~and~~

**Commented [Z17]:** The Proposal would maintain this existing enclosure rule for off-site parking spaces.

- (b) not further than the maximum distance from the #zoning lot# specified in Section 25-521; and
- (c) enclosed, except such spaces may be unenclosed provided that the #zoning lot# on which such spaces are located does not contain a #residential# #use#.

**25-521**

**Maximum distance from zoning lot**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from #Zoning Lot#
R3 R4 R5 R6 R7-1 R7B	600 feet
R7-2 R7A R7D R7X R8 R9 R10 <u>R11 R12</u>	1,000 feet

**Commented [Z18]:** While residential parking would no longer be required, the Proposal would continue to allow permitted parking to be located in a broader area. Doing this could support the centralization and more efficient use of parking spaces.

**25-53**

**Off-site Spaces for Permitted Non-residential Uses**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

**25-531**

**For houses of worship**

[CLARIFYING SECTION TO REFLECT THE PROPOSED REMOVAL OF REQUIREMENTS FOR HOUSES OF WORSHIP.]

R1 R2 R3 R4

In the districts indicated, ~~all required off-street~~ parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

**25-532**

**For permitted non-residential uses**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial District# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and
- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

**25-54**

**Joint and Shared Facilities**

**25-541**

**Joint facilities**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS, CLARIFYING RULES TO REFLECT THAT RESIDENTIAL PARKING REQUIREMENTS ARE PROPOSED TO BE ELIMINATED.]



R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all ~~required~~ #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required ~~in the following Sections by this Chapter~~ for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

~~Section 25-21 (General Provisions)~~

~~Section 25-31 (General Provisions)~~

~~Section 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements);~~

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), or 73-45 (Modification of Off-site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

#### **25-542**

#### **Shared parking facilities for houses of worship**

[CLARIFYING SECTION TO REFLECT THE PROPOSED REMOVAL OF REQUIREMENTS FOR HOUSES OF WORSHIP.]

R1 R2 R3 R4 R5

In the districts indicated, ~~required~~ #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for ~~both the house of worship and~~ other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;

- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

**25-55**

**Additional Regulations for ~~Required~~ Spaces When Provided Off Site**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, when ~~required~~ #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses) or 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and the owner's heirs and assigns to maintain the ~~required~~ number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

**25-60**

**ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

**25-61**

**General Provisions**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections:

Section 25-62 (Size and Location of Spaces)

Section 25-63 (Location of Access to the Street)

~~Section 25-64 (Restrictions on Use of Open Space for Parking)~~

Section ~~25-65~~25-64 (Surfacing)

Section ~~25-66~~25-65 (Screening)

Section 25-66 (Parking Lot Landscaping)

Section 25-67 (For Parking Facilities Containing Car Sharing Vehicles)

No portion of a #side lot ribbon# shall be less than eight feet wide and no portion shall be more than 10 feet wide on an #interior lot# or #through lot# and not more than 20 feet wide on a #corner lot#. If two #zoning lots# share a common #side lot ribbon# along a common #side lot line#, the width of a shared #side lot ribbon# must be at least eight feet.

Special regulations applying to #large-scale residential developments# are set forth in Article VII, Chapter 8, and to #large-scale community facility developments# in Article VII, Chapter 9.

## 25-62

### Size and Location of Spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS, AND ADDING PROPOSED ALLOWANCE FOR PARKING SPACES SERVING SINGLE- AND TWO-FAMILY HOMES.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows:

(1) Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the

developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(4) Single- and two-family homes

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

**Commented [Z19]:** The Proposal would allow parking spaces for single- and two-family houses to take up less than 300 square feet, to reflect the small lots where these buildings are typically located.

(b) Driveway access

Driveways used to access ~~required~~ parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are ~~required~~ provided if such #accessory# parking spaces are

located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

(d) Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility# #uses#, each ~~required~~ parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, ~~non-required~~ permitted parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

## 25-621

### Location of parking spaces in certain districts

[MOVING REGULATIONS FROM SECTION 28-40 TO PARAGRAPH (C).]

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

- (a) In the districts indicated, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

- (1) a #semi-detached# #building# in an R3-1 or R4-1 District; or
- (2) a #detached# #building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb

space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached# #building# in an R3-1 or R4-1 District.

### R3-2 R4 R5

- (b) In the districts indicated, other than R4-1, R4A, R4B, R5A, R5B and R5D Districts, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:
- (1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or
  - (2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b), as applicable.

### ~~R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X~~

- (c) ~~In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.~~

### R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

- (c) In all districts, as indicated, for #zoning lots# with #buildings# containing three or more #dwelling units#, all #accessory# off-street parking spaces shall be located only within such #buildings# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of such #buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block#, or where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be

**Commented [Z20]:** The Proposal would create a consistent framework for where parking for multiple dwellings can be located on zoning lots. This borrows from the current "Quality Housing" requirements, but provides some relief for larger lots where site planning flexibility is warranted.

contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres.

R6 R7 R8

~~(d) In the districts indicated without a letter suffix, the following provisions shall apply:~~

- ~~(1) for #zoning lots# containing non #Quality Housing buildings# or non #Quality Housing building# #segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;~~
- ~~(2) for #zoning lots# containing #Quality Housing buildings# or #Quality Housing building# #segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.~~

25-622

**Location of parking spaces in lower density growth management areas**

\* \* \*

25-623

**Maneuverability standards for community facility uses**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section shall apply to:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in:
  - (1) an increase in the total number of parking spaces #accessory# to #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
  - (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is

occupied by #community facility# #uses#; and

- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups VI.

For the purposes of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards, as set forth in paragraphs (b) and (c) of Section 36-58.

\* \* \*

#### 25-626

##### **Calculating floor area in parking facilities with lift systems, or in automated parking facilities**

For enclosed #accessory# off-street parking facilities, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

#### 25-63

##### **Location of Access to the Street**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the entrances and exits for all ~~permitted or required~~ #accessory# #group parking facilities# with 10 or more spaces shall be located not less than 50 feet from the



intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base his determination on such report.

The waiver provisions of Sections ~~25-27 or~~ 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

#### **25-631**

#### **Location and width of curb cuts in certain districts**

[STREAMLINING CURB CUT REGULATIONS TO REFLECT BROADER CHANGES TO THE QUALITY HOUSING PROGRAM.]

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that, in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming# #buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 Districts) shall apply.

#### R2A

- (a) In the district indicated, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

#### R2X R3 R4 R5

- (b) In the districts indicated, except R4B and R5B Districts, curb cuts shall comply with the following provisions:
- (1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are ~~required~~ provided:
- (i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted;
- (ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one

**Commented [Z21]:** The Proposal would maintain the current framework of curb cut rules that look to limit curb cuts to appropriate locations.

curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be 10 feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

- (iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and
  - (iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989, and April 14, 2010, that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#; or
- (2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are ~~required~~ provided:
- (i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;
  - (ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and April 14, 2010, that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot# along the #street#;
  - (iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet; and
  - (iv) except for paired driveways as set forth in paragraph (b)(2)(iii) of this Section, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the

Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

- (c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. Any such #zoning lot# may be subdivided; however, curb cuts are permitted only for a resulting subdivided #zoning lot# that has at least 40 feet of #street# frontage.

For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section.

For #attached# #buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989, and April 14, 2010, that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#, curb cuts shall be prohibited.

~~R6 R7 R8~~

- ~~(d) In the districts indicated without a letter suffix, for #zoning lots# containing non #Quality Housing buildings# or non #Quality Housing building# #segments#, each of which contains not more than three #dwelling units#, #accessory# off street parking spaces shall be located in accordance with the provisions of paragraph (b)(2), inclusive, of this Section.~~

R6 R7 R8

- ~~(e)~~(d) In the districts indicated, ~~except as provided for in paragraph (d) of this Section,~~ only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after April 14, 2010, curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph, ~~(e)~~.

~~These curb cut provisions shall apply as follows:~~

- ~~(1) In R6, R7 and R8 Districts without a letter suffix, to non #Quality Housing buildings# or non #Quality Housing building# #segments#, any of which contain four or more #dwelling units#;~~
- ~~(2) In R6, R7 and R8 Districts without a letter suffix, to #Quality Housing buildings# or #Quality Housing building# #segments#;~~
- ~~(3) In R6A, R7A, R7D, R7X, R8A and R8X Districts, to all #buildings#; and~~
- ~~(4) In R6B, R7B and R8B Districts, to~~

~~However, in R6B, R7B, and R8B Districts, curb cuts shall be prohibited, except on #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide. On all other #zoning lots# in R6B, R7B and R8B Districts, curb cuts shall be prohibited.~~

(f) Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

- (1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8

- (2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:
  - (i) the proposed modification does not adversely affect the character of the surrounding area; and
  - (ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curbside parking spaces along the #street frontage# of the #zoning lot#.

**Commented [Z22]:** The Proposal would better align these requirements with the residential building framework in Article II Chapter 3, which removes the concept of "quality housing" buildings.

\* \* \*

**25-634**

**Curb cut regulations for community facilities**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-635**

**Maximum driveway grade**

[CLARIFYING LANGUAGE TO REFLECT REMOVAL OF REQUIREMENTS.]

R1 R2 R3 R4 R5

In the districts indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on April 30, 2008, which exceed a grade of 11 percent, may be used to access parking spaces ~~required~~ provided for #residences# constructed after April 30, 2008.

**25-64**

**Restrictions on Use of Open Space for Parking**

[DELETING SECTION.]

~~Restrictions on the use of open space for parking and driveways are set forth in this Section, in accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space).~~

- ~~(a) In R1, R2, R3, R4-1, R4A and R4B Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 50 percent of the #lot area# not covered by #buildings# containing #residences#;~~
- ~~(b) In R4 Districts, except for R4-1, R4A and R4B Districts, and in R5 Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more~~

**Commented [Z23]:** The Proposal would provide greater flexibility in how parking spaces can be located on lots.

than 66 percent of the #lot area# not covered by #buildings# containing #residences#; and

- (e) ~~In R6, R7, R8, R9 and R10 Districts without a letter suffix, driveways, private streets, open #accessory# off street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off street loading berths may not use more than 50 percent of the required #open space# on any #zoning lot#. The provisions of this paragraph (e) shall not apply to #Quality Housing buildings#.~~

**25-65**

**25-64**

**Surfacing**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-66**

**25-65**

**Screening**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-67**

**25-66**

**Parking Lot Landscaping**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-68**

**25-67**

**For Parking Facilities Containing Car Sharing Vehicles**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-70**

**OFF-STREET LOADING REGULATIONS**

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the city, and thus to promote and protect public health, safety and general welfare.

**25-71**

**Permitted Accessory Off-street Loading Berths**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-72**

**Required Accessory Off-street Loading Berths**

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-73**

**Special Provisions for Zoning Lots Divided by District Boundaries**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-74**

**Size of Required Berths**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-75**

**Location of Access to the Street**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-76**

**Surfacing**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-77**

**Screening**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-80**

**BICYCLE PARKING**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-81**

**Required Bicycle Parking Spaces**



**25-811**

**Enclosed bicycle parking spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-812**

**Unenclosed bicycle parking spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-82**

**Authorization for Reduction of Spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-83**

**Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-84**

**Off-site Bicycle Parking Spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*

**25-85**

**Floor Area Exemption**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

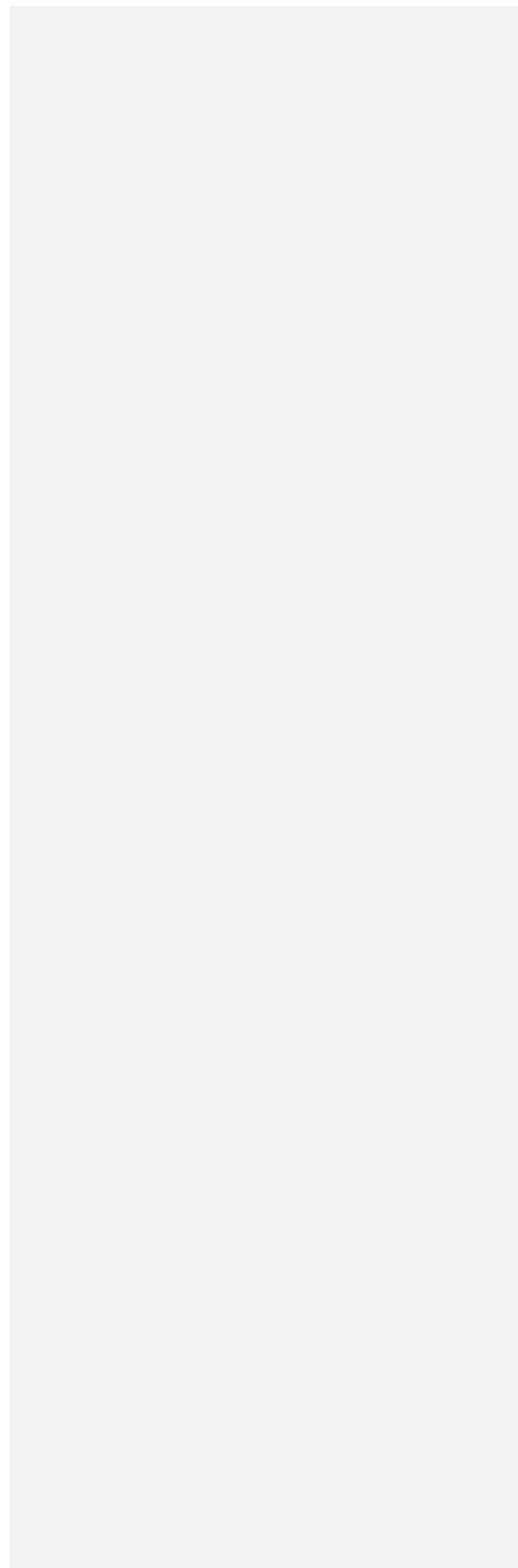
\* \* \*

**25-86**

**Waiver or Reduction of Spaces for Subsidized Housing**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

\* \* \*



**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 6  
Special Urban Design Regulations**

**26-00  
APPLICABILITY OF THIS CHAPTER**

The regulations of this Chapter shall apply:

- (a) in R9 and R10 Districts, to #developments#, as defined in Section 26-13, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #Quality Housing building#;
- (b) in R3, R4 and R5 Districts, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS), except where such #zoning lots#:
  - (1) consist entirely of #single-family detached residences#;
  - (2) are accessed by #private roads# that existed on February 6, 2002; or
  - (3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;
- (c) in #lower density growth management areas#, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS);
- (d) to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and
- ~~(e) to #Quality Housing buildings# where supplemental ground floor level rules apply to #buildings# with #qualifying ground floors#, as set forth in Section 26-50 (SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS);~~ and
- ~~(f)~~(e) to all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#, as set forth in Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

**Commented [Z1]:** Article II Chapter 6 contains a wide variety of urban design regulations for Residence Districts. The Proposal makes minor changes to the chapter to reflect others elsewhere.

**Commented [Z2]:** The Proposal updates the height and setback regulations for Residence Districts and these rules are then no longer needed.

**26-10**  
**SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS**

\* \* \*

**26-12**  
**General Purposes of Sections 26-13 through ~~26-17~~26-16**

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-11, the regulations of Sections 26-13 through ~~26-17~~26-16, inclusive, are intended to:

- (a) guide the location of arcades to assure horizontal continuity of developments with existing building arcades and to maintain visual continuity at street level;
- (b) require transparency and/or articulation of front walls to improve the visual quality of the street;
- (c) improve the quality of the street environment; and
- (d) limit the number and location of curb cuts, minimizing undue conflict between pedestrian and vehicular movements; and,
- (e) ~~eliminate trash on sidewalks by requiring central refuse storage areas within the zoning lot.~~

**Commented [Z3]:** The Proposal gives all multi family buildings the same framework for refuse collection and so the rules here are removed.

**26-13**  
**Definitions**

For the purposes of Sections 26-10 through ~~26-17~~26-16, inclusive, the following definitions shall apply:

\* \* \*

**26-16**  
**Central Refuse Storage Area**

[PROVISION BEING REPLACED BY MORE GENERAL RULE IN SECTION 23-233]

~~All #developments# shall provide facilities for central trash storage within the #zoning lot#. Where such facilities are provided outside of a #building#, such facilities shall be screened by an enclosure containing materials compatible with the materials of the front #building# wall of the #development#.~~

~~In all cases, there shall be an area for central trash collection provided at the rate of 75 square feet for uncompressed garbage or 50 square feet for compressed garbage for each 10,000 square feet of #lot area#. Such area shall be ventilated.~~

~~26-17~~

~~26-16~~

### ~~Streetscape Modifications~~

~~The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.~~

~~26-20~~

### ~~SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS~~

~~To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:~~

- ~~(a) optimize vehicular access within and among #zoning lots# containing #private roads#;~~
- ~~(b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;~~
- ~~(c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and~~
- ~~(d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.~~

**26-21**

### **Requirements for Private Roads**

**#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).**

**Commented [Z4]:** The Proposal updates some provisions here based on changes for residential buildings and also updates some provisions to the more-recent and clearer standards in Lower Density Growth Management Areas, as noted in the bracketed text.

**26-22**

**Requirements for Sidewalks, Street Trees and Planting**

[RELOCATING PROVISIONS FROM SECTIONS 26-23 AND 26-24; APPLYING STANDARD RULES.]

A minimum four-foot-wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb.

The #street# tree and planting requirements of Section 23-61, inclusive, shall apply.

**26-23**

**Yards**

[APPLYING LOW-DENSITY GROWTH MANAGEMENT AREA RULES IN LIEU OF SECTION 26-25]

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Sections 23-30, inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it.

**26-22**

**26-24**

**Requirements for Curbs and Curb Cuts**

[RELOCATING TO SECTION 25-25]

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#. ~~Curb cuts providing access from #private roads# to parking spaces located outside the road bed of the #private road# shall not exceed a width of 18 feet, including splays.~~

~~A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.~~

**Commented [Z5]:** The Proposal would apply the rule for lower density growth management areas which requires curb cuts to apply based on the applicable zoning district.

**26-25**

**Parking Location and Curb Cuts Accessing Driveways**

[APPLYING LOW-DENSITY GROWTH MANAGEMENT AREA-LIKE RULE  
IN LIEU OF SECTION 26-25]

For the purposes of this Section, a #private road# shall be considered to be a #street#, and the applicable parking location and curb cut provisions of Section 25-62, inclusive, and Section 25-63, inclusive, shall be applied accordingly.

**~~26-23~~**

**~~Requirements for Planting Strips and Trees~~**

[RELOCATING TO SECTION 26-22]

~~A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip.~~

~~Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.~~

**~~26-24~~**

**~~Requirements for Sidewalks~~**

[RELOCATING TO SECTION 26-22]

~~A minimum four-foot wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.~~

**~~26-25~~**

**~~Requirements for Open Areas Between Required Sidewalks and Buildings~~**

[REPLACING WITH PROVISIONS IN SECTIONS 26-23 AND 26-25]

~~An area open to the sky at least five feet in depth shall be provided between a required sidewalk and any #building#, except that any driveway or parking space located within such open area shall have a depth of at least 18 feet measured perpendicular to such sidewalk. Such open area shall be planted except for parking spaces and entryways to #buildings#. Where an open area at least 18 feet in depth is required, overhangs of #buildings# above the first #story# that project not more than three feet into the required open area are permitted, provided the lowest level of the overhang is at least seven feet above grade at the face of the #building#. Supports for such~~

overhang are permitted, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the overhang.

\* \* \*

**26-30**

**SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS**

For all #zoning lots# with #buildings# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superseded in accordance with the provisions of this Section.

**26-31**

**Yards**

[RELOCATING TO SECTION 26-23]

~~For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Sections 23-40, inclusive, and 23-51, et seq., shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year-round dense screen at least six feet high within three years.~~

**26-32**

**Minimum Distance Between Walls and Lot Lines**

[REMOVING PER PROPOSAL]

- (a) ~~Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.~~
- (b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls), the required curb of the #private road# shall be

**Commented [Z6]:** As noted above, the Proposal would move many of the rules from Lower Density Growth Management areas into the baseline rules described above. As such, they are deleted here. Unique rules that would continue to apply only in LDGMA areas would be maintained here.



~~considered to be a #street line#.~~

~~26-33~~

26-31

**Entrances, Parking Location and Curb Cuts**

[RELOCATING PARKING LOCATION TO GENERAL RULE]

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

- (a) are perpendicular to the roadbed;
- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and
- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

~~All #accessory# off street parking spaces shall comply with the parking location and curb cut regulations set forth in Section 25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Sections 25-64 (Restrictions on Use of Open Space for Parking) and 25-66 (Screening) shall apply.~~

~~26-34~~

26-32

**Lighting, Signage and Crosswalks**

All #private roads# shall provide street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

~~26-35~~

26-33

**Screening**

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips

shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

~~26-36~~

~~26-34~~

**Modification and Waiver Provisions**

[UPDATING CROSS-REFERENCE]

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through ~~26-35~~ 26-33, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

- (a) such modifications result in a site plan that provides sufficient open areas for the residents;
- (b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and
- (c) such modifications will not impair the essential character of the surrounding area.

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

\* \* \*

~~26-50~~

**~~SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS~~**

[REMOVING QUALIFYING GROUND FLOOR PROVISIONS (SECTIONS 26-50 THROUGH 26-54) PER PROPOSAL]

~~26-51~~

**Commented [Z7]:** The Proposal updates the permitted heights for buildings in Residence Districts and removes the need for this section.

## Applicability

This Section, inclusive, specifies ground floor level requirements that establish ground floor ~~use and depth requirements, the maximum width for certain uses, and parking wrap and screening requirements that apply to Quality Housing buildings in certain Residence Districts~~ subject to supplemental provisions for ~~qualifying ground floors~~.

### 26-52

#### Ground Floor Use and Depth Requirements

For ~~buildings, or portions thereof, with ground floor use and depth requirements, uses on the first story of a building, and within 15 feet of the ground floor level street wall~~, shall be limited to ~~community facility uses, except for lobbies, entrances and exits to accessory parking facilities, and entryways to subway stations, as applicable, provided in accordance with Section 26-53 (Maximum Width of Certain Uses). However, such minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate vertical circulation cores or structural columns associated with upper stories of the building~~.

### 26-53

#### Maximum Width of Certain Uses

The ~~maximum width of lobbies, entrances and exits to accessory off street parking facilities, and entryways to subway stations shall be as set forth in this Section.~~

(a) ~~Ground floor lobbies~~

~~Lobbies accessing uses not permitted on the ground floor level shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the street wall width of the building or more than 20 linear feet of street wall frontage on a wide street or 30 linear feet on a narrow street, whichever is less. However, the width of such lobbies need not be less than 10 feet.~~

(b) ~~Entrances and exits to accessory parking facilities~~

~~Entrances and exits to accessory off street parking facilities, where permitted on the ground floor level, or portion thereof, shall not exceed a street wall width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set forth for the district, the curb cut regulations for buildings containing residences in R6 through R8 Districts with a letter suffix, found in paragraph (e) of Section 25-631 (Location and width of curb cuts in certain districts), shall be applied.~~

(c) ~~Entryways to subway stations~~

~~Entryways to subway stations may be provided on the ground floor level of a~~

~~#building# without restriction in #street wall# width.~~

## **26-54**

### **Parking Wrap and Screening Requirements**

All ~~#accessory# off street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.~~

(a) ~~Along typical #street wall# frontages~~

~~For the ground floor level, or portions thereof, of #buildings# with a #street wall# width of 100 feet or less along a #street# frontage, any portion of an #accessory# off street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum depth of 15 feet, as measured perpendicular to the #street wall# of the #building#.~~

(b) ~~Along wide #street wall# frontages~~

~~For portions of ground floor levels of #buildings# with a #street wall# width exceeding 100 feet along a #street# frontage, at least 100 feet of such frontage shall comply with the provisions of paragraph (a) of this Section. Any portion of such an #accessory# off street parking facility that is located above #curb level# within the portion of such ground floor level #street wall# in excess of 100 feet, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:~~

- ~~(1) any non horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;~~
- ~~(2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and~~
- ~~(3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, graphic or sculptural art, decorative screening or latticework or living plant material.~~

## **26-60 26-50**

### **SPECIAL SCREENING AND ENCLOSURE PROVISIONS**

[RENUMBERING SECTIONS 26-50 THROUGH 26-62]

~~26-61~~

26-51

**Special at-grade Screening and Enclosure Regulations**

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located below the rooftop level, other than solar or wind energy systems or equipment with a depth limited to 18 inches from an exterior wall, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

- (a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
- (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line# and, where located between a #street wall# or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#;
- (c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open; and
- (d) where any equipment is located in a #front yard#, or is located within 15 feet of a #zoning lot line#, the equipment shall be fully screened from adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by:
  - (1) a wall or barrier or uniformly painted fence at least as tall as the equipment it is screening, and which must be at least 6 feet, but need not exceed 15 feet in height. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open; and
  - (2) a strip at least four feet wide and densely planted with vegetation that, at the time of planting are at least half as tall in height as the screen required by paragraph (1), and are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no signs hung or attached thereto.

**26-62**

**26-52**

**Special Rooftop Screening and Enclosure Regulations**

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#.

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

\* \* \*

## Chapter 7

### Additional Regulations and Administration in Residence Districts

#### 27-00

#### APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

#### 27-01

#### Applicability of This Chapter

#### 27-10

#### ADMINISTRATION OF AFFORDABLE HOUSING

#### 27-11

#### Definitions

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

#### 27-111

#### General definitions

The following definitions shall apply throughout Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive:

#### Affordable floor area

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #UAP site# or #MIH site#, other than any #super's unit#, are #affordable housing units#, all of the #residential# #floor area# or #community facility# #floor area# for a #supportive housing project#, in such #UAP site# or #MIH site# is "affordable floor area."
- (b) Where one or more of the #dwelling units# or #rooming units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# or #UAP site# is the sum of:
  - (1) all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site#; plus

**Commented [ZD1]:** This new chapter collects administrative provisions for UAP, MIH, and Certificate of No Harassment.

Much of this text is relocated from the former Section 23-90, with modifications to accommodate the UAP framework.

Administrative requirements for UAP and MIH are harmonized to the extent possible, and regulatory agreement projects (i.e., 100% affordable) are generally relieved from the obligation to comply with provisions in this chapter that are redundant with requirements of the applicable term sheets and subsidy agreements.

- (2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #MIH site# or #UAP site# by a fraction, the numerator of which is all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# and the denominator of which is the sum of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# plus the #residential# #floor area# of the #dwelling units# or #rooming units# in such #MIH site# or #UAP site#, other than any #super’s unit#, that are not #affordable housing units#.

#### Affordable housing

“Affordable housing” consists of:

- (a) #affordable housing units#; and
- (b) #eligible common areas#.

#### Affordable housing fund

With respect to the requirements of paragraph (a)(3)(v) of Section 27-131, the “affordable housing fund” is a fund administered by #HPD#, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the #guidelines#. Each contribution into such fund shall be reserved for use within the borough in which the #MIH development# making such contribution is located, and for a minimum of 10 years, shall be reserved for use in the same Community District in which the #MIH development# making such contribution is located. #HPD# shall issue a public report on the use of such fund no less frequently than on an annual basis.

Further provisions for the use of such funds may be set forth in the #guidelines#.

#### Affordable housing regulatory agreement

An “affordable housing regulatory agreement” is a legally binding agreement between the owner of a #building# and a Federal, State, or local agency or instrumentality which:

- (i) requires all of the #dwelling units#, #rooming units#, or #supportive housing units# in such #building# to be income-restricted and occupied by an eligible household as established by such agreement for a period of no less than thirty years;

**Commented [ZD2]:** Establishes a category of 100% affordable buildings administered in accordance with their associated subsidy program and not subject to many of the redundant and overlapping administrative provisions in this chapter.

Requires set-asides of permanent affordable housing that ensure ongoing compliance with UAP or MIH if the buildings exit their subsidy programs after 30 or more years.



- (ii) for a rental #building#, restricts an amount of #floor area# that would otherwise be required for the #UAP development# or #MIH development# for the life of such #building#, or, for a #homeownership# #building#, is owned by a housing development fund corporation established pursuant to Article XI of the Private Housing Finance Law; and
- (iii) is entered into in connection with #public funding#.

Affordable housing unit

An “affordable housing unit” is:

- (a) a #dwelling unit#, other than a #super’s unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law, or a #rooming unit#, other than a #super’s unit#, that is used for either Class A or Class B occupancy as defined in the Multiple Dwelling Law, and that is or will be restricted, pursuant to a #restrictive declaration#, to occupancy by:
  - (1) for a “UAP site”:
    - (i) #households# at a weighted average of 60 percent of the income index, with no more than three #income bands#, and no #income band# exceeding 100 percent of the #income index#; or
    - (ii) as specified in an “affordable housing regulatory agreement” executed after [effective date]; or
  - (2) #qualifying households#;
- (b) a #supportive housing unit# within a #supportive housing project#.

**Commented [ZD3]:** Reduces the AMI requirements from 80% AMI for current Inclusionary Housing programs to 60% AMI for UAP and introduces income averaging.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 27-113, pursuant to a #restrictive declaration#, must be #dwelling units#.

Capital element

“Capital elements” are, with respect to any #UAP site# or #MIH site#, the electrical, plumbing, heating and ventilation systems in such #UAP site#, any air conditioning system in such #UAP site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #UAP site# and any other portions of such #UAP site# or #MIH site# specified in the #guidelines#.

### Completion notice

A “completion notice” is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #UAP site# or #MIH site# is complete and stating the #affordable floor area# of such #affordable housing#.

### Eligible common area

An #eligible common area# includes any #residential# #floor area# that is located within a #super’s unit#, and any #residential# #floor area# in such #MIH site# or #UAP site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

### Grandfathered tenant

A “grandfathered tenant” is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# on the #restrictive declaration date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified to have an annual income below the #income band# applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing#, has been certified to have an annual income below the #income band# applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of #buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines

### Guidelines

The “guidelines” are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 27-16 (Requirements for Generating Sites, UAP Sites or MIH Sites).

### Household

Prior to #initial occupancy# of an #affordable housing unit#, a “household” is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

### HPD

“HPD” is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

### Income band

An “income band” is a percentage of the #income index# that is the maximum income for occupants of #affordable housing units# at #initial occupancy#. #Income bands# shall all be multiples of 10 percent of the #income index#, except for an #income band# at 135 percent of the #income index# provided pursuant to paragraph (a)(3)(iv) of Section 27-131.

### Income index

The “income index” is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for #household# size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

### Initial occupancy

“Initial occupancy” is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# on the #restrictive declaration date#, #initial occupancy# is the #restrictive declaration date#.

#### Affordable housing application

An “affordable housing application” is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site# or a #UAP site#, in compliance with the provisions of Section 27-00 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive.

#### Mandatory Inclusionary Housing area

A “Mandatory Inclusionary Housing area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 27-10, inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

#### MIH development

An “MIH development” is a #development#, #enlargement# or #conversion# that complies with the provisions of paragraphs (a)(3)(i) through (a)(3)(v) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an “affordable housing regulatory agreement” executed after [effective date], or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

#### MIH site

An “MIH site” is a #building# containing #affordable floor area# that satisfies either the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in

paragraphs (a)(3)(i) through (a)(3)(v) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an “affordable housing regulatory agreement” executed after [effective date], or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

#### MIH zoning lot

An “MIH zoning lot” is a #zoning lot# that contains an #MIH development#.

#### New construction affordable housing

“New construction affordable housing” is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 60 months prior to the #restrictive declaration date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #restrictive declaration date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

#### Permit notice

For #UAP developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for such #UAP development#. Such #permit notice# shall state the amount of #affordable floor area# provided on a #UAP site#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (a) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an “affordable housing regulatory agreement” executed after [effective date], or provides #affordable housing# a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

#### Preservation affordable housing

“Preservation affordable housing” is #affordable housing# that:

- (a) is a #UAP site# that existed and was legally permitted to be occupied on the #restrictive declaration date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of paragraph (e) of Section 27-161 (Special requirements for rental preservation affordable housing) or paragraph (f) of Section 27-162 (Special requirements for homeownership preservation affordable housing), as applicable.

**Commented [ZD4]:** Existing affordable housing may satisfy UAP requirements if it enters into a restrictive declaration that ensure compliance for the appropriate regulatory period.

#### Public funding

“Public funding” is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits, except as may be otherwise provided in the #guidelines#. #Public funding# shall not include the receipt of rent subsidies pursuant to any rental assistance program administered by any Federal, State, or local agency or instrumentality or any as-of-right exemption or abatement of real property taxes, except as may be otherwise provided in the #guidelines#.

#### Qualifying household

A “qualifying household” is a #household# that satisfies the applicable #income band# requirements of:

- (a) paragraphs (a)(3)(i) through (a)(3)(iv) of Section 27-131 (Mandatory Inclusionary Housing);
- (b) as specified in an “affordable housing regulatory agreement” executed after [effective date]; or
- (c) as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).

### Restrictive declaration

A “restrictive declaration” is a restrictive declaration approved by #HPD#, or other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable housing application#, Section 27-00, inclusive, other applicable provisions of this Resolution, and the #guidelines#.

### Restrictive declaration date

The “restrictive declaration date” is, with respect to any #affordable housing#, the date of execution of the applicable #restrictive declaration#. If a #restrictive declaration# is amended at any time, the #restrictive declaration date# is the original date of execution of such #restrictive declaration#, without regard to the date of any amendment.

### Regulatory period

With respect to any #UAP site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #UAP site# provides #qualifying affordable housing# for a #UAP development#, is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in Section 27-131 for an #MIH development# or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

### Super’s unit

A “super’s unit” is, in any #generating site# or #MIH site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

### UAP Development

A "UAP Development" is a development or enlargement outside a Mandatory Inclusionary Housing area that qualifies for the #floor area# regulations of Section 23-222 (Floor area regulations for affordable or senior housing) and the height and setback regulations of Section 23-434 (Height and setback modifications for affordable or senior housing).

#### UAP Offsite Option Area

A "UAP Offsite Option Area" is a former Inclusionary Housing Designated Area or R10 district outside of a former Inclusionary Housing Designated Area within which the limited UAP offsite option is applicable, pursuant to the regulations set forth for such areas in Section 27-00, inclusive, for a period of 10 years after [date of enactment]. The locations of # UAP Offsite Option Area # are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

#### UAP Site

A "UAP site" is a #building# that contains #qualifying affordable housing# for a #UAP development# utilizing the #floor area# regulations of Section 23-222 (Floor area regulations for affordable or senior housing) and the height and setback regulations of Section 23-434 (Height and setback modifications for affordable or senior housing).

#### UAP zoning lot

A "UAP zoning lot" is a #zoning lot# that contains a #UAP development# and utilizes the #floor area# regulations of Section 23-222 (Floor area regulations for affordable or senior housing) and the height and setback regulations of Section 23-434 (Height and setback modifications for affordable or senior housing).

#### 27-112

#### Definitions applying to rental affordable housing

The following definitions shall apply to rental #affordable housing# :

#### Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in

**Commented [ZD5]:** UAP is a simple zoning framework that does not include an option to achieve higher FARs by providing affordable housing offsite.

However, this provision maintains an offsite compliance option for UAP zoning lots that have an offsite compliance option today – that is, zoning lots within existing IHDA or R10 IH areas.

This limited offsite option will sunset 10 years after the date of enactment.



accordance with paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing).

#### Maximum monthly rent

The “maximum monthly rent” for an #affordable housing unit# is a rent that is affordable to an occupant in the #income band# applicable to such #affordable housing unit#, as set forth in the #guidelines#.

#### Monthly rent

The “monthly rent” is the monthly amount charged, pursuant to paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

#### Rent stabilization

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

#### Rent-up

“Rent-up” is the first rental of vacant #affordable housing units# on or after the #restrictive declaration date#, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the # restrictive declaration date#, #rent-up# shall have the same meaning as # restrictive declaration date#.

#### Rent-up date

The “rent-up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the # restrictive declaration date#, the #rent-up date# is the #restrictive declaration date#.

#### Supportive housing project

A #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 restricted to use as #affordable housing# for persons with special needs pursuant to a regulatory agreement with a Federal, State, or local agency or instrumentality.

#### Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

### **27-113**

#### **Definitions applying to homeownership affordable housing**

##### Eligible buyer

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall, except as otherwise provided in the #guidelines#:

- (a) be, at the time of application for an initial sale or resale of an #affordable housing unit#, a #household# that satisfies the #income band# applicable to such unit; and
- (b) meet such additional eligibility requirements as may be specified in the #guidelines#.

##### Homeowner

A “homeowner” is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

## Homeownership

“Homeownership” is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a cooperative corporation pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

## **27-12**

### **General Provisions**

UAP and MIH are established to promote the creation and preservation of affordable housing for residents with varied incomes citywide and to enhance neighborhood economic diversity and thus to promote the general welfare. Requirements for affordable housing are set forth in 27-00, inclusive.

Wherever the provisions of Section 27-00, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

## **23-13**

### **Applicability**

## **27-131**

### **Mandatory Inclusionary Housing**

Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

(a) For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) Affordable housing requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (a)(4), no #residential# #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 27-111 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 27-111, pursuant to the

provisions set forth in paragraph (a)(3)(i) through (a)(3)(v) and (a)(5) of this Section, inclusive.

(2) Maximum #floor area ratio#

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (a)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Mandatory Inclusionary Housing areas# shall apply.

(3) Options for compliance with affordable housing requirement

Options for compliance with the affordable housing requirement of paragraph (a)(1) of this Section are set forth in the following paragraphs (a)(3)(i) through (a)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in APPENDIX F of this Resolution. Option 4 shall only be made applicable in combination with Option 1, Option 2, or Option 3. Regardless of whether every option specified in this paragraph (a)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (a)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. Option 4 shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall comply with either Option 1, Option 2, Option 3, Option 4, or the Affordable Housing Fund Option, as applicable.

**Commented [ZD6]:** Option 3 (formerly the Deep Affordability Option) will be made available as a stand-alone option when mapped by the City Planning Commission and City Council.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (a)(3), inclusive: #residential# #floor area# that is reconstructed, or #residential# #floor area# that is located within a #dwelling unit# where the layout has been changed.

(i) Option 1

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 40 percent of the #income

index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) Option 3

For #MIH developments# utilizing Option 3, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 40 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) Option 4

For #MIH developments# utilizing Option 4, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least 5 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index#, and in addition, at least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

Option 4 shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in APPENDIX F of this Resolution. However, Option 4 shall apply to an #MIH development# that has filed an #MIH application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Option 4 in such #Mandatory Inclusionary Housing area#.

Option 4 shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

(v) Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential# #floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(4) Exceptions

The requirements of this Section shall not apply to:

- (i) A single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential# #floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area#;

- (ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#; or
  - (iii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (a)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-624 (Reduction or modification of Mandatory Inclusionary Housing requirements).
- (5) Additional requirements where #affordable housing# is provided off-site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 27-16 (Requirements for UAP or MIH Sites), the amount of #affordable floor area# required pursuant to paragraphs (a)(3)(i) through (a)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential# #floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (a)(3)(i) through (a)(3)(iv) of this Section, as applicable to the #MIH development#.

### **27-132**

#### **Affordable housing plans approved prior to [Effective Date]**

[VESTING LANGUAGE TO COME]

### **27-133**

#### **Mandatory Inclusionary Housing areas**

The Mandatory Inclusionary Housing Program shall apply in #Mandatory Inclusionary Housing areas#.

The Mandatory Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Mandatory Inclusionary Housing areas# within the special purpose district.

The Mandatory Inclusionary Housing Program shall also apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-32 (Additional Considerations

for Special Permit Use and Bulk Modifications), in Special Purpose Districts as set forth in Section 27-134 (Special permit approval in Special Purpose Districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in APPENDIX F of this Resolution.

#### **27-134**

##### **Special permit approval in Special Purpose Districts**

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in #residential# #floor area# where the special #floor area# requirements in #Mandatory Inclusionary Housing areas# are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of Section 27-131 (Mandatory Inclusionary Housing).

#### **27-14**

##### **Methods of Providing Affordable Housing**

- (a) For #UAP developments#, #affordable housing# shall be either #new construction affordable housing#, #preservation affordable housing# or a #conversion# from non-#residential# to #residential use#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. #Conversions# shall comply with the requirements of Section 27-10, inclusive, applicable to #new construction affordable housing#.
- (b) When determining whether #affordable housing# is #new construction affordable housing# or #preservation affordable housing#, or when making a determination of which #building# constitutes a #UAP site#, #HPD# may separately consider each #building# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such



sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

- (c) The amount of #affordable floor area# in any #UAP site# or #MIH site# shall be determined based upon plans for such #UAP site# or #MIH site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #UAP sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.
- (d) The amount of qualifying #floor area# for any #income band# in an #MIH site# or #UAP site# shall be determined by the same method as the calculation of #affordable floor area#.
- (e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.
- (f) An #MIH site# that is part of an #MIH zoning lot#, or a #UAP site# that is part of a #UAP zoning lot#, in which at least two-thirds of the #dwelling units# are #affordable housing units# shall be either a #building# that:
  - (1) shares a common #street# entrance with another #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#;  
or
  - (2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#, and such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#.
  - (3) #HPD# may waive the requirements of this paragraph (f) if it determines that the #buildings# on the #zoning lot# are otherwise located in a manner that does not stigmatize occupants of #affordable housing units#.
- (g) #HPD# shall have the right to deny, in its sole discretion, any #affordable housing application# proposing #preservation affordable housing#, and shall have the right to deny, in its sole discretion, any #affordable housing application# that includes #homeownership affordable housing#, #qualifying senior housing#, or a #supportive housing project#, and instead require that such #UAP site# or #MIH site# be developed with rental #affordable housing#. #HPD# may adopt #guidelines# for the implementation of this paragraph (g).

## 27-15

### UAP Zoning Lots and MIH Zoning Lots

The #residential floor area ratio# of a #UAP zoning lot# and the #residential floor area ratio# of an #MIH zoning lot# shall be determined, in accordance with the applicable provisions of Section 23-222 (Floor area regulations for affordable or senior housing).

## 27-151

### Additional requirements for UAP developments and MIH developments

- (a) #UAP development# or #MIH development# building permits
- (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the # restrictive declaration date#. The Department of Buildings may thereafter issue building permits to a #UAP development# or an #MIH development# based on the #affordable housing# or, for an #MIH development# contribution to the #affordable housing fund# described in such #permit notice#.
  - (2) If #HPD# does not receive confirmation that the # restrictive declaration# has been recorded within 45 days after the later of the #restrictive declaration date# or the date upon which #HPD# authorizes the recording of the # restrictive declaration#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the # restrictive declaration# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #UAP development# or #MIH development#.
- (b) #UAP development# or #MIH development# certificates of occupancy
- (1) The Department of Buildings shall not issue a permanent certificate of occupancy for any #UAP development# or #MIH development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that satisfies the requirements of Section 23-222 (Floor area regulations for affordable or senior housing). However, where any #story# of a #UAP development#, or #MIH development# contains one or more #affordable housing units#, the Department of Buildings may issue a temporary certificate of occupancy for such #story# if such temporary certificate of occupancy either includes each #affordable housing

unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #UAP site# or #MIH site# unless:

(i) the Department of Buildings has issued temporary certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or

(ii) where a #UAP site# contains #affordable housing# that had a valid certificate of occupancy on the #restrictive declaration date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #restrictive declaration# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #restrictive declaration#.

## **27-16**

### **Requirements for UAP Sites or MIH Sites**

#Affordable housing# in a #UAP site# or #MIH site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of #UAP site# or #MIH site# and #UAP zoning lot# or #MIH zoning lot#

Where a #UAP site# or #MIH site# is not located within the #UAP zoning lot# or the #MIH zoning lot#, as applicable:

(1) the #UAP site# or #MIH site# and the #UAP development# or #MIH zoning lot#, as applicable, shall be located within the same Community District; or

(2) the #UAP site# or #MIH site# and the #UAP zoning lot# or #MIH zoning lot#, as applicable, shall be located in adjacent community districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

Outside of #UAP offsite option areas#, a #UAP site# must be located within the #UAP zoning lot#.

(b) Distribution of #affordable housing units#

In #new construction affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #UAP site# or #MIH site#, other than any #super's unit#, are not #affordable housing units# :

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #UAP site# or #MIH site#, or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and
- (2) not more than two-thirds of the #dwelling units# and #rooming units# on any #story# of such #UAP site# or #MIH site# shall be #affordable housing units#, unless not less than two-thirds of the #dwelling units# and #rooming units# on each #residential story# of such #UAP site# or #MIH site# are #affordable housing units#. #HPD# may waive such requirement for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#.

Where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#.

However, the distribution requirements above shall not apply if all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, and shall not apply to any #affordable housing units# that are also #supportive housing units# or #affordable independent residences for seniors#.

In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

#HPD# may disapprove any #building# configuration that would frustrate the intent and purpose of this section by segregating #affordable housing units# or stigmatizing residents of such #affordable housing units#.

(c) Bedroom mix of #affordable housing units#

- (1) In #new construction affordable housing#, where one or more of the #dwelling units# in a #UAP site# or #MIH site#, other than any #super's unit#, are not #affordable housing units#, either:

- (i) the #dwelling units# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units#, other than any #super's unit#, that are not #affordable housing units#; or
- (ii) not less than 50 percent of the #dwelling units# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors#. #HPD# may also waive such bedroom mix requirements for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

- (2) Where all of the #dwelling units# in a #UAP site# or #MIH site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing units#, the bedroom mix shall be as set forth in the #guidelines#.
- (3) #Supportive housing units# shall contain such configuration as #HPD# shall require.
- (4) For purposes of this paragraph, (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of #affordable housing units#

- (1) The average size of #affordable housing units# of a particular bedroom count shall be not less than either the average size of #dwelling units# that are not #affordable housing units# with the same number of bedrooms.

However, these unit size requirements shall not apply to #affordable independent residences for seniors#

#HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice; and

- (2) Where all of the #dwelling units# in a #UAP site# or #MIH site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing

units#, such #affordable housing units# shall comply with the size requirements as set forth in the #guidelines#.

- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Records

- (1) For a period of time specified in the #guidelines#, the owner of the #affordable housing units# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#, and shall make such records available for inspection and audit by #HPD# upon request.

(f) #Restrictive declaration#

- (1) The #restrictive declaration# shall require compliance with and shall incorporate by reference the #affordable housing application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #restrictive declaration# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 23-94.
- (3) The #restrictive declaration # shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# or #UAP site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing application# for the entire #regulatory period#.
- (4) Where applicable in accordance with paragraph (b) (Monthly rent) of Section 27-161, the #restrictive declaration# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #UAP site# or #MIH site# shall be free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines#.

(h) Insurance

The #affordable housing# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #UAP site# or #MIH site# shall run with the #zoning lot# containing such #UAP site# or #MIH site# for not less than the #regulatory period#.

(j) One #UAP site# or #MIH site# may satisfy requirements for multiple #UAP zoning lots# or #MIH zoning lots#, as applicable

Any #UAP site# or #MIH site# may contain #affordable housing# that satisfies the requirements of Section 27-00, inclusive, for more than one #UAP development# or #MIH development#, as applicable, provided that no #affordable floor area# shall be counted more than once in satisfying the #floor area# provisions for #zoning lots# in Section 23-222 (Floor area regulations for affordable or senior housing).

(k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 27-00, inclusive.

**27-161**

**Additional requirements for rental affordable housing**

The additional requirements of this Section shall apply to rental #affordable housing# for the entire #regulatory period#.

(a) Tenant selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #households# that satisfy the #income bands# applicable to such unit.

(2) A tenant may with the prior approval of #HPD#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any

calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #restrictive declaration#.

(3) A #household# may rent an #affordable housing unit# that is restricted to occupancy by #households# of higher #income bands#, provided that the #household# is able to utilize rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality to afford the applicable #monthly rent#.

(4) #Affordable housing units# shall be marketed and leased in accordance with the #guidelines#.

(b) Monthly rent

(1) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy.

(i) However, any #affordable housing unit# of #preservation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #restrictive declaration date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #restrictive declaration date# and shall thereafter be subject to #rent stabilization# as provided herein.

(ii) The #restrictive declaration# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #restrictive declaration# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #restrictive declaration date#.

(2) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #restrictive declaration# shall provide that these requirements shall not apply to an #affordable housing

**Commented [ZD7]:** Expands options for tenants with federal, state, or city housing vouchers to access UAP or MIH units.



unit# occupied by a #grandfathered tenant#, until the first vacancy after the #restrictive declaration date#.

However, #HPD# may adopt #guidelines# to permit the #monthly rent# to exceed the #maximum monthly rent#, provided that the #monthly rent#, less rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.

- (4) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) For any #affordable housing unit# subject to #rent stabilization#, the applicable #restrictive declaration# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:
  - (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;
  - (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;
  - (iii) the nature of the tenant; or
  - (iv) any other reason.
- (6) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

(7) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

(1) Each #affordable housing unit# shall be leased to and occupied by #households# of the applicable #income band# for the entire #regulatory period#, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(2) The owner of the #affordable housing units# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #household# that qualifies at the #income band# applicable to such unit, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(3) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing application#

(1) An #affordable housing application# shall include the building plans, state the number, bedroom mix and #income band# applicable to the #affordable housing units# to be #developed#, #converted#, or preserved, and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.

(2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph (e), shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #UAP site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #households# within the applicable #income band# for the entire #regulatory period#;
- (2) on the #restrictive declaration date#, the average of the #legal regulated rents# for all #affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the income index divided by 12;
- (3) on the #restrictive declaration date#, #HPD# shall have determined that the condition of the #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #restrictive declaration#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #restrictive declaration date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #UAP site#, even though such increases may be permitted by other laws;
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#; and
- (7) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration#.

**27-162**

**Additional requirements for homeownership affordable housing**

(a) #Affordable housing application#

- (1) An #affordable housing application# shall include the building plans; state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, #converted#, or preserved and the #income band# applicable to each #homeownership affordable housing unit#; and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.
- (2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(b) #Homeownership affordable housing# on a #UAP site# or #MIH site# shall comply with the additional requirements set forth in the #guidelines# for the entire #regulatory period#.

(c) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph (g) shall apply to #homeownership preservation affordable housing# :

- (1) on the #restrictive declaration date#, the #UAP site# shall be an existing #building# containing #residences#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 27-112, for all #homeownership affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the #income index# divided by 12;
- (3) where #grandfathered tenants# continue in residence subsequent to the #restrictive declaration date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 27-161 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the # restrictive declaration date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the # restrictive declaration #, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

- (5) on the # restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the # restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#; and
- (7) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration#.

## **27-20**

### **Anti-Harassment Provisions**

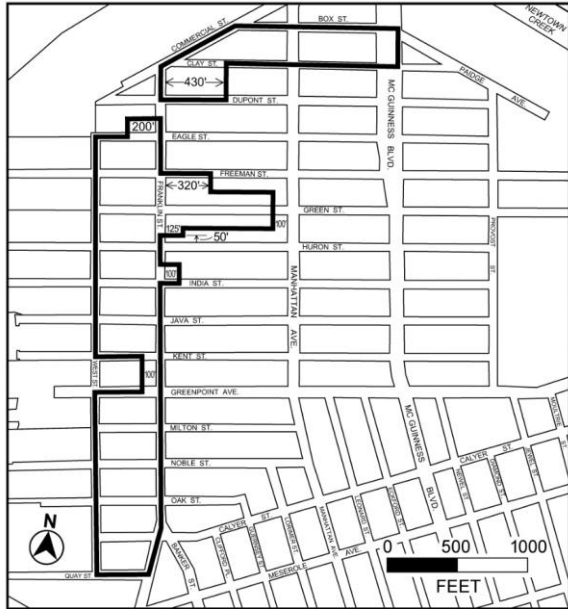
[MOVING TEXT FROM SECTION 23-013]

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90, paragraph (a), shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



— Anti-harassment area



— Anti-harassment area

Greenpoint-Williamsburg Anti-Harassment Areas

Referral date

“Referral date” shall mean October 4, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to the provisions of Sections 27-10 or 62-352 (Inclusionary Housing); or

(ii) increase the maximum height of a #building# or the height above which the gross area per #residential# #story# of a #building# is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d); or

(iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.



## ARTICLE II RESIDENCE DISTRICT REGULATIONS

### ~~Chapter 8~~ ~~The Quality Housing Program~~

[REMOVING SECTION 28-00, 28-01, 28-02 AND 28-03 TEXT, NO LONGER APPLICABLE PER PROPOSAL]

#### ~~28-00~~ ~~GENERAL PURPOSES~~

~~The Quality Housing Program is established to foster the provision of multifamily housing and certain #community facilities# that:~~

- ~~(a) are compatible with existing neighborhood scale and character;~~
- ~~(b) provide on-site amenity spaces to meet the needs of its residents; and~~
- ~~(c) are designed to promote the security and safety of its residents.~~

#### ~~28-01~~ ~~Applicability of this Chapter~~

~~The Quality Housing Program is a specific set of standards and requirements that, in conjunction with the #bulk# provisions for #Quality Housing buildings# set forth in Article II, Chapter 3, and Article III, Chapter 5, as applicable, apply to #buildings# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or some combination thereof as follows:~~

- ~~(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter.~~
- ~~(b) In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all #developments# and #enlargements# of such #buildings# utilizing the Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the Quality Housing Program standards and requirements set forth in this Chapter.~~
- ~~(c) In R5D Districts, only the requirements set forth in Sections 28-12 (Refuse Storage and Disposal), 28-23 (Planting Areas) and 28-43 (Location of Accessory Parking) shall apply.~~

**Commented [Z1]:** The Proposal extends a similar framework of regulations to multi-family buildings citywide and so these rules here would no longer be needed.

Text in brackets notes where the rules migrated elsewhere in the Zoning Resolution.

- (d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 24-111 and 24-112, for #developments# and #enlargements# of #community facility buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or portions of #buildings# containing such #uses#, where such #buildings# utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3, in R6 through R10 Districts without a letter suffix, the Quality Housing Program standards and requirements of this Chapter shall apply, except that the provisions of Section 24-12 shall be optional.
- (e) The provisions of this Chapter shall not apply to #dwelling units# #converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

## 28-02

### Definitions

#### Dwelling unit

For the purposes of applying the provisions of this Chapter to philanthropic or non-profit institutions with sleeping accommodations and to #long-term care facilities#, the term "dwelling unit" shall include #dwelling units# and #rooming units#, as set forth in the New York City Housing Maintenance Code.

---

#### Vertical circulation core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a non-elevator #building#.

## 28-03

### Quality Housing Program Elements

The Quality Housing Program consists of four components: #building# interior, recreation space and planting, safety and security, and parking requirements.

The #building# interior component sets forth special refuse storage and disposal systems, and encourages laundry facilities and daylight in corridors.

The recreation and planting component establishes minimum space standards for indoor and outdoor recreation space and requires planting of open areas between the front #building# wall and the #street#.

The safety and security component encourages fewer #dwelling units# per corridor.

The parking component screens #accessory# parking spaces from the public realm.

Each #Quality Housing building# shall comply with the mandatory requirements of this Chapter.

## **28-10**

### **BUILDING INTERIOR**

[REMOVING, ELEVATED GROUND FLOOR TEXT MOVED TO SECTION 23-234 AND MODIFIED; REFUSE STORAGE AND DISPOSAL TEXT MOVED TO SECTION 23-233 AND MODIFIED; LAUNDRY FACILITIES TEXT MOVED TO 23-231 AND MODIFIED; DAYLIGHT IN CORRIDORS TEXT MOVED TO PARAGRAPH (a) SECTION 23-232 AND MODIFIED]

## **28-11**

### **Elevated Ground Floor Units**

For all #Quality Housing buildings# with entryways at #curb level# that accommodate ramps, stairs or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each #building#.

## **28-12**

### **Refuse Storage and Disposal**

In R6 through R10 Districts, #developments#, with nine or more #dwelling units# per #vertical circulation core#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #vertical circulation core#, shall comply with the provisions of this Section.

In R5D Districts, #developments# with nine or more #dwelling units# per #zoning lot#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #zoning lot#, shall comply with the provisions of this Section. Such provisions shall also apply to any #zoning lot# with less than nine units where such #zoning lot# and any adjacent #zoning lot# with a total of nine or more #dwelling units# are #developed# or #enlarged# under common ownership or control.

The storage of refuse shall occur entirely within an enclosed area on the #zoning lot# and appropriate locations within the #zoning lot# shall be delineated for this purpose: at least one for #residential uses#, #long term care facilities# and philanthropic or non profit institutions with sleeping accommodations, as applicable, and at least one for other #community facility# and

~~#commercial uses#. #Residential# storage and removal locations shall be provided at the rate of 2.9 cubic feet per #dwelling unit#.~~

~~A refuse disposal room of not less than 12 square feet with no dimension less than three feet shall be provided on each #story# that has entrances to #dwelling units#. Twelve square feet of floor space allocated to such refuse disposal room shall be excluded from the definition of #floor area# per #story#.~~

### **28-13**

#### **Laundry Facilities**

~~If the #building# provides the following, then that portion of the laundry room which is used to meet these minimum requirements shall be excluded from the definition of #floor area#:~~

- ~~(a) at least one washing machine per 20 #dwelling units# and at least one dryer per 40 #dwelling units#;~~
- ~~(b) such machines are located in a room or rooms with an additional three square feet of unobstructed floor space equipped with chairs and tables for folding laundry for each machine provided;~~
- ~~(c) such rooms have at least one exterior wall with windows, or ceilings with skylights, measuring not less than 9.5 percent of the total floor space of the rooms;~~
- ~~(d) where windows are provided to meet such requirement, they face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3; and~~
- ~~(e) where skylights are provided to meet such requirement, they are located in a #yard# or #court# that meets the regulations set forth in Article II, Chapter 3, and are unobstructed from their lowest level to the sky, except by permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).~~

### **28-14**

#### **Daylight in Corridors**

~~Fifty percent of the square footage of a corridor may be excluded from the definition of #floor area# if a window with a clear, non-tinted, glazed area of at least 20 square feet is provided in such corridor, provided that such window:~~

- ~~(a) shall be directly visible from at least 50 percent of the corridor or from the #vertical circulation core#. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell, and the window; and~~
- ~~(b) is facing a #street#, #yard# or #court# that meets the applicable regulations set forth in~~

Article II, Chapter 3.

**28-20**

**RECREATION SPACE AND PLANTING AREAS**

[REMOVING, RECREATION SPACE TEXT MOVED TO SECTION 23-231 AND 23-63 AND MODIFIED; PLANTING AREAS TEXT MOVED TO SECTION 23-613 AND MODIFIED]

**28-21**

**Required Recreation Space**

All ~~developments~~ with nine or more ~~dwelling units~~, and ~~enlargements~~, ~~extensions~~ or ~~conversions~~, that result in nine or more ~~dwelling units~~, shall provide at least the minimum amount of recreation space as set forth in the table in this Section.

The amount of recreation space required is expressed as a percentage of the total ~~residential~~ ~~floor area~~ or ~~community facility~~ ~~floor area~~ allocated to ~~long-term care facilities~~ or philanthropic or non-profit institutions with sleeping accommodations, as applicable, of the ~~development~~, ~~enlargement~~, ~~extension~~ or ~~conversion~~, and may be aggregated in one type, indoors or outdoors.

The floor space of indoor recreation space provided in accordance with the standards set forth in Section 28-22 (Standards for Recreation Space), not exceeding the amount required in the table, shall be excluded from the definition of ~~floor area~~.

District	Minimum Required Recreation Space (as a percentage of the <del>residential</del> <del>floor area</del> or applicable <del>community facility</del> <del>floor area</del> )
R6-R7	3.3
R8-R9-R10	2.8

**28-22**

**Standards for Recreation Space**

- (a) All recreation space shall be accessible to the residents of the ~~building~~. In a mixed use ~~building~~, the recreation space shall be accessible only from the ~~residential~~ portion of the ~~building~~, or the ~~community facility~~ portion of a ~~building~~ allocated to ~~long-term care facilities~~ or philanthropic or non-profit institutions with sleeping accommodations, as applicable.

- (b) ~~The minimum dimension of any recreation space shall be 15 feet. The minimum size of any outdoor recreation space shall be 225 square feet, and the minimum size of any indoor recreation space shall be 300 square feet.~~
- (c) ~~Outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to 10 percent of the outdoor recreation space, provided that the lowest level of the projection is at least 10 feet above the level of the outdoor recreation space.~~
- (d) ~~Any indoor recreation room located in a #story# shall have at least one exterior wall with windows, or ceiling with skylights, that measures not less than 9.5 percent of the total floor space of the room. Where windows are provided to meet such requirement, they shall face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3. Where skylights are provided to meet such requirement, they shall be located in a #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3 and shall be unobstructed from their lowest level to the sky, except for permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).~~

**28-23**

**Planting Areas**

~~The area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between non-#residential uses#, other than philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#, and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.~~

**28-30**

**SAFETY AND SECURITY**

[REMOVING, DENSITY PER CORRIDOR TEXT MODIFIED  
AND MOVED TO PARAGRAPH (b) SECTION 23-232 AS ‘LENGTH OF CORRIDOR’]

**28-31**

**Density per Corridor**

~~If the number of #dwelling units# served by a #vertical circulation core# and corridor on each #story# does not exceed the number set forth in the following table, 50 percent of the square feet of the corridor serving such #dwelling units# on such #story# may be excluded from the~~

definition of #floor-area#.

#Dwelling units# with entrance doors on more than one corridor (duplex and triplex units), may count each entrance door as a fraction of the total number of doors to such #dwelling unit# when determining the number of #dwelling units# served per corridor.

**DENSITY OF DWELLING UNITS PER CORRIDOR**

District	Number of #Dwelling Units# Served by a Corridor per #Story#
R6-R7	11
R8	10
R9-R10	8

**28-40**

**PARKING FOR QUALITY HOUSING**

[REMOVING, PARKING REGULATIONS UNIFIED WITHIN SECTION 25-00]

Except as modified by the provisions of this Section, #accessory# off-street parking shall be provided as set forth in the applicable underlying district regulations.

**28-41**

**Screening**

[REMOVING, REGULATIONS EXIST IN PARAGRAPH (a) OF SECTION 25-66]

All open #accessory# off-street #group parking facilities# shall be screened from #dwelling units#, adjacent #zoning lots# and #streets# in accordance with paragraph (a) of Section 25-66.

**28-42**

**Special Regulations for Off-site Accessory Parking**

[REMOVING, RELOCATING TO SECTION 25-52]

Off-site #accessory# parking spaces may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

**28-43**

### **Location of Accessory Parking**

[REMOVING, REGULATIONS EXIST IN PARAGRAPH (c) OF SECTION 25-621]

~~On site #accessory# off street parking shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.~~

~~However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, #accessory# off street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.~~



**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

**32-00  
GENERAL PROVISIONS**

[REMOVING REFERENCE TO DELETED PROVISIONS; CHAPTER REFLECTS LANGUAGE FROM ZONING FOR ECONOMIC DEVELOPMENT (ZEO) TEXT AMENDMENT, CURRENTLY IN PUBLIC REVIEW]

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purpose of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Commercial Districts# subject to the provisions of the following Sections:

- (a) Sections 32-11 (Use Group I – Agriculture and Open Uses) through 32-20 (Use Group X – Production Uses), inclusive, establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Commercial District#, and additional provisions for certain #uses# where applicable.
- (b) Section 32-30 (STREETSCAPE REGULATIONS), inclusive, sets forth streetscape regulations on designated street frontages.
- (c) Section 32-40 (SUPPLEMENTARY USE REGULATIONS), inclusive, sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:
  - (1) enclosure within buildings, as set forth in Section 32-41, inclusive;
  - (2) location within buildings, as set forth in Section 32-42, inclusive; and
  - (3) limitations on business entrances, show windows or #signs#, as set forth in Section 32-43, inclusive.
- ~~(d) Section 32-50 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS), inclusive, sets forth special provisions applicable to certain areas.~~

**Commented [Z1]:** Article III Chapter 2 includes the use regulations for Commercial Districts.

The Proposal makes updates to this chapter to reflect new zoning districts, changes to parking requirements for some community facility uses, changes for railroad right of ways, and other terminology changes.

(e)(d) Section 32-60 (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (GENERAL PROVISIONS), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

**32-01  
Special Provisions for Adult Establishments**

\* \* \*

**32-10  
USE ALLOWANCES**

\* \* \*

**32-12  
Use Group II – Residences**

C1 C2 C3 C4 C5 C6

\* \* \*

**32-122  
Use Group II – uses permitted with limited applicability**

For #uses# denoted with “♦” in Section 32-121 (Use Group II – general use allowances), the provisions of this Section shall apply. In C3A Districts, only #single-# or #two-family detached# or #zero lot line residences# shall be permitted.

**32-123  
Use Group II – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-121 (Use Group II – general use allowances), the provisions of this Section shall apply. In C4 Districts, all #residential uses# shall be permitted except that in #lower density growth management areas# within the Borough of Staten Island, no #residences# shall be allowed on ~~the following #zoning lots#~~ in C4-1 Districts where such zoning district occupies at least four acres within a #block#, except by special permit of the City Planning Commission in accordance with Section 74-121 (Residential use in C4-1 Districts in Staten Island):

(a) ~~any #zoning lot# where such zoning district occupies at least four acres within a block; or~~

**Commented [Z2]:** The Proposal removes the restriction on as-of-right housing development on smaller lots in C4-1 Districts in Staten Island. Large lots would still require a CPC special permit.





Non-commercial clubs	● P	● P	● P	● P	● P	● P	● P	● P	B3
Non-commercial recreation centers	●	●	●	●	●	●	●	●	B3
Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities	● S	● S	● S	● S	● S	● S	● S	● S	B3
Welfare centers	●	●	●	●	●	●	●	●	B3

\* \* \*

**32-133**

**Use Group III – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-131 (Use Group III – general use allowances), the following provisions shall apply:

- (a) Monasteries, convents or novitiates in C8 Districts, used only for living purposes, are permitted provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face.
- (b) #Long-term care facilities# in C1 through C7 Districts are permitted except that in ~~certain areas, the following provisions shall apply:~~
  - (1) ~~In the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.~~
  - (2) ~~In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, developments of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit of the City Planning Commission pursuant to Section 74-131 (Long term~~

**Commented [Z4]:** The Proposal removes restrictions on nursing homes in certain community districts and so these provisions are removed.

care facilities). However, such special permit may not be applied to ~~#developments# or #enlargements#~~ that are subject to the restrictions set forth in paragraph (a) of this Section.

\* \* \*

**32-135**

**Use Group III – additional provisions for parking requirement category**

For permitted ~~#uses#~~ denoted with “\*” for parking requirement category (PRC) in Section 32-131 (Use Group III – general use allowances), the following provisions shall apply:

- (a) ~~#Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 36-021 (Applicability of regulations to non-profit hospital staff dwellings).~~
- (b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

\* \* \*

**32-14**

**Use Group IV – Public Service Facilities and Infrastructure**

**C1 C2 C3 C4 C5 C6 C7 C8**

\* \* \*

**32-142**

**Use Group IV – uses subject to size limitations**

[ADDING NEW DISTRICTS]

For ~~#uses#~~ denoted with an “S” in Section 32-141 (Use Group IV – general use allowances), the following provisions shall apply:

\* \* \*

- (b) The following capacity limitations shall apply to docks:

\* \* \*

- (3) Docks for sightseeing, excursion or sport fishing vessels shall be limited to the following aggregate dock capacities per ~~#zoning lot#~~, whereby “dock capacity” is

**Commented [Z5]:** The Proposal removes parking requirements for community facilities with sleeping accommodations (such as non-profit hospital staff dwellings) and so this provision is no longer necessary.

**Commented [Z6]:** The Proposal updates these provisions to include new zoning districts.

the U.S. Coast Guard-certified capacity of the largest vessel using a dock and “aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot#:

- (i) 200 in C1, C2 and C3 Districts;
- (ii) 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2 and C8-3 Districts; and
- (iii) 2,500 in C4-4A, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6, C7 and C8-4 Districts.

- (c) In all #Commercial Districts#, recycling, or organic material, receiving, shall be limited to 5,000 square feet per establishment.

\* \* \*

**32-18**  
**Use Group VIII – Recreation, Entertainment and Assembly Spaces**

**C1 C2 C3 C4 C5 C6 C7 C8**

\* \* \*

**32-183**  
**Use Group VIII – uses subject to additional conditions**

[ADDING NEW DISTRICTS]

For #uses# denoted with a “P” in Section 32-181 (Use Group VIII – general use allowances), the following provisions shall apply:

- (a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.
- (b) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

**32-19**

**Use Group IX – Storage**

**C1 C2 C3 C4 C5 C6 C7 C8**

\* \* \*

**32-192**

**Use Group IX – uses permitted with limited applicability**

[ADDING NEW DISTRICTS, UPDATING TERMINOLOGY]

For #uses# denoted with “♦” in Section 32-191 (Use Group IX – general use allowances), the provisions of this Section shall apply. For #public parking garages# and #public parking lots# the following provisions shall apply:

- (a) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6;
- (b) In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #~~expanded~~ Greater Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots outside high density areas); and
- (c) In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6, C7 inside the #~~expanded~~ Greater Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-195 (Public parking garages or public parking lots in high density central areas).

\* \* \*

**32-30**

**STREETSCAPE REGULATIONS**

[UPDATING TERMINOLOGY]

The provisions of Section 32-30, inclusive, sets forth streetscape regulations on designated #street# frontages. Such provisions shall apply as follows:



- (a) The provisions of Sections 32-31, 32-32 and 32-33, inclusive apply to #developments# or #ground floor level# #enlargements# of #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#, respectively.

However, the provisions of this Section, inclusive, shall not apply to:

\* \* \*

- (2) #zoning lots# with a #lot area# greater than five acres and located entirely outside the #~~expanded~~ Inner Transit Zone#.

\* \* \*

### 32-301 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

\* \* \*

#### Tier A street frontage

A “Tier A street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#, that is not a #Tier B# or #Tier C street frontage#.

#### Tier B street frontage

A “Tier B street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in the #~~expanded~~ Inner Transit Zone# that is located within C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#.

#### Tier C street frontage

A “Tier C street frontage” shall be that portion of the #ground floor level# #street# frontage of a #zoning lot# along a #street# specifically designated as such in a Special Purpose District or other streetscape provision of this Resolution.

\* \* \*

### 32-40

**SUPPLEMENTARY USE REGULATIONS**

\* \* \*

**32-412**

**In other Commercial Districts**

[ADDING NEW DISTRICTS]

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

\* \* \*

**32-50**

**SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS**

**Commented [Z7]:** The Proposal moves regulations for Railroad Rights of Way to bulk chapters.

**32-51**

**Use of Railroad or Transit Air Space**

[RELOCATING TO BULK CHAPTERS]

In all #Commercial Districts#, #railroad or transit air space# may be #developed# or used in accordance with the provisions of this Section.

- (a) #Railroad or transit air space# may be #developed# or used only for a permitted #use# #accessory# to the railroad or transit right of way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-61 (Development within or over a railroad or transit right of way or yard), or a railroad passenger station permitted by the Commission as set forth in Section 74-148 (Railroad Passenger Stations) unless the right of way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-61 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-61 may be changed to another #use# listed in a permitted Use Group and no additional special permit from the Commission shall be

required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right of way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

(b) When the #use# of a railroad or transit right of way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential# or #community facility development# or a #large-scale general development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:

(1) the proposed #zoning lots#, indicated by a map describing the boundaries of the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and

(2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land, or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot#, which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to such right of way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or

portion thereof for a railroad or transit #use#.

- (e) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-16 (Air Space Over a Railroad or Transit Right of way or Yard).

\* \* \*

### 32-60 SIGN REGULATIONS

\* \* \*

### 32-64 Surface Area and Illumination Provisions

\* \* \*

### 32-642 Non-illuminated signs

C1 C2 C3 C4 C5 C6 C7 C8

[ADDING NEW DISTRICTS]

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area
C3	50 square feet
C1 C2	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 sq. ft. for #interior# or #through lots# or 150 sq. ft. on each frontage for #corner lots#.
C5-1 C5-2 C5-3 C5-5	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 200 sq. ft. for #interior# or #through lots# or 200 sq. ft. on each frontage for #corner lots#.
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 sq. ft. for #interior# or #through lots# or 500 sq. ft. on each frontage for #corner lots#.
C8	

Commented [Z8]: The Proposal updates these provisions to include new zoning districts.

Six times the #street# frontage of the #zoning lot# (in feet), but in no event more than 750 sq. ft. for each #sign#.

C6-5 C6-7

No restrictions as to size

**32-643**

**Illuminated non-flashing signs**

\* \* \*

**32-644**

**Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts**

C4 C5-4 C6 C7

[ADDING NEW DISTRICTS]

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area (in square feet)
C4 C5-4	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.
C6-1 C6-2 C6-3 C6-4	
C6-6 C6-8 C6-9 <u>C6-11 C6-12</u> C7	
C6-5 C6-7	No restrictions as to size

However, in a C6-1A District, #flashing signs# are not permitted.

\* \* \*

**32-652**

**Permitted projection in all other Commercial Districts**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

[ADDING NEW DISTRICT APPLICABILITY]

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#.

\* \* \*

**32-655**

**Height of signs in all other Commercial Districts**

C1 C2 C3 C4 C5 C6 C7

[ADDING NEW DISTRICTS]

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

Districts	Maximum Height (in feet)
C1 C2 C3 C5-1 C5-2 C5-3 C5-5	25
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 <u>C6-11 C6-12</u> C7	40
C6-5 C6-7	No restriction as to height

**32-656**

**Height of signs above roof**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

[ADDING NEW DISTRICT APPLICABILITY]

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

**32-657**

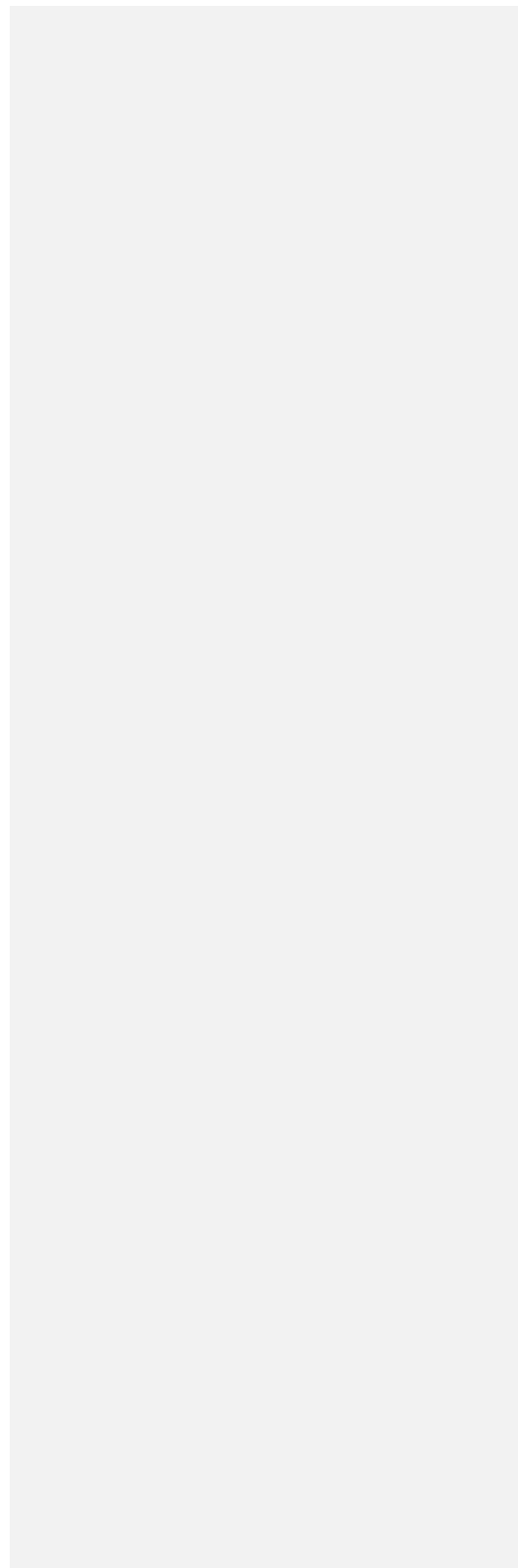
**Roof signs**

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

[ADDING NEW DISTRICTS]

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

\* \* \*



## ARTICLE III COMMERCIAL DISTRICT REGULATIONS

### Chapter 3

#### Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

**Commented [Z1]:** Article III Chapter 3 includes the regulations for non-residential buildings in Commercial Districts. Most changes in the chapter reflect changes made in the Residence District bulk regulations.

New districts are added to some charts and changes regarding railroad right of way are reflected as well.

### 33-00

#### APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

### 33-01

#### Applicability of This Chapter

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commrcial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

### 33-02

#### Applicability in Special Situations

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #community facility# #uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8 and special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 9.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in

**Commented [Z2]:** The Proposal would extend the special conversion provisions of Article I Chapter 5 across the city and update the framework for railroad right of ways.



Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

~~In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).~~

The #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

The #development# or #enlargement# of a #building# that occurs on or over a #railroad right-of-way#, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than four acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be authorized by the Commission pursuant to 75-22.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**33-011**

### **Quality Housing Program**

**Commented [Z3]:** The Proposal would remove this obsolete text as rules would be made to apply elsewhere in the chapter.

**33-03**

### **Applicability of Article II, Chapter 3 regulations**

**Commented [Z4]:** The Proposal would provide greater clarity on how the residential bulk regulations apply in these districts. In general, the Proposal allows non-residential buildings to use some residential bulk rules if they so choose.

~~The applicability of the Quality Housing Program to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use# is set forth in this Section.~~

~~In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5. Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 33-012 (Special provisions for certain community facility uses).~~

For #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) Height and setback

(1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:

(1) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(ii) the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential bulk# regulations may also be applied to the entire #building#:

(1) the #rear yard# and #rear yard equivalent# requirements of Section 23-34, inclusive; and

(3) for #community facility uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23, inclusive;

(ii) the #court# regulations of Section 23-35, inclusive; and

- (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

### **33-02-33-04**

#### **Special provisions for certain community facility uses**

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# ~~or philanthropic or non-profit institutions with sleeping accommodations~~, as listed in Use Group III(A).

The special #floor area ratio# and height and setback regulations applicable to #qualifying senior housing# in Section 23-20, inclusive, and Section 23-40, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, where #long-term care facilities# are located on #qualifying transit-accessible sites#, such provisions may be applied as an alternative. The provisions of paragraph (b) of Section 33-03 may be applied to such #buildings#.

(a) ~~#Buildings# containing #long-term care facilities#~~

(1) ~~#Commercial Districts# with a residential equivalent of an R1 or R2 District~~

~~In C1 or C2 Districts mapped within R1 or R2 Districts, where a #long-term care facility# is permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).~~

(2) ~~#Commercial Districts# with a residential equivalent of an R3 through R5 District~~

~~In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to~~

**Commented [Z5]:** The Proposal would remove this often confusing list of rules and rely on the provisions in the rest of the chapter that typically repeat them.

The Proposal would maintain the current concept that long term care facilities follow the rules for affordable senior housing. Rules in this chapter that departed from that general rule would be removed.

~~#buildings#, or portions thereof, containing #long-term care facilities#, except as follows:~~

- ~~(i) the #lot coverage# provisions of Section 23-144 shall not apply;~~
- ~~(ii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;~~
- ~~(iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;~~
- ~~(iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and~~
- ~~(v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.~~

~~In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).~~

~~The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.~~

~~In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long-term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (d) or (e) of Section 33-121, as applicable, except as permitted by the Commission pursuant to Section 74-903.~~

- ~~(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District~~

~~In C1 or C2 Districts mapped within R6 through R10 R12 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 R12 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors# inclusive, shall apply to #buildings#, or~~

portions thereof, containing #long term care facilities#, except as follows: that

- (i) — in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long term care facilities# shall be 3.6;
- (ii) — in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long term care facilities# shall be 4.6;
- (iii) — the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;
- (iv) — the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and
- (v) — the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential# #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long term care facilities# pursuant to the special permit in Section 74-903.

- (4) — Applicability of #affordable independent residences for seniors#

Where #buildings# containing #long term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of applying such provisions, and the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

- (b) — #Buildings# containing philanthropic or non profit institutions with sleeping

accommodations

The provisions of this Chapter apply to #buildings#, or portions thereof, containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special #bulk# provisions apply:

(1) — #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraph (b) of Section 33-121, except as permitted by the Commission pursuant to Section 74-902.

(2) — #Commercial Districts# with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (d) or (e) of Section 33-121, except as permitted by the Commission pursuant to Section 74-903.

In other #Commercial Districts# with a residential equivalent of R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (a) and (b) of Section 33-123 (Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts), as applicable, except as permitted by the Commission pursuant to Section 74-903.

In C1 or C2 Districts mapped within R10 Districts or in #Commercial Districts# with a residential equivalent of an R10 District, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in the tables of Sections 33-121 or 33-123, as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied. However, the provisions of Section 23-66 are modified by Section 35-65 (Height and Setback Requirements for Quality Housing Buildings).

(e) — Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as

~~modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).~~

**33-03**

### **Lower Density Growth Management Areas**

[REMOVING. MANY LDGMA SPECIFIC REGULATIONS REMOVED, PER PROPOSAL]

~~For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:~~

~~Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)~~

~~Section 12-10 (DEFINITIONS — Floor area; Lower density growth management area; Private road)~~

~~Section 22-14 (Use Group 4 — Ambulatory diagnostic or treatment health care facilities)~~

~~Section 32-11 (Use Groups 1 and 2)~~

~~Section 32-433 — (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)~~

~~Section 33-121 — (In districts with bulk governed by Residence District bulk regulations)~~

~~Section 33-431 — (In C1 or C2 Districts with bulk governed by surrounding Residence District)~~

~~Section 36-21 (General Provisions)~~

~~Section 36-231 — (In districts with high, medium or low parking requirements)~~

~~Section 36-27 (Waiver for Certain Small Zoning Lots)~~

~~Section 36-521 — (Size of spaces)~~

~~Section 36-581 — (Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)~~

~~Section 37-10 (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS)~~

**Commented [Z6]:** The Proposal would remove this collection of provisions since many of the LDGMA rules are either subsumed into the underlying zoning rules or removed entirely.

~~Section 73-125 (Ambulatory diagnostic or treatment health care facilities)~~

~~Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)~~

~~Section 107-42 (Minimum Lot Area and Lot Width for Residences)~~

~~Section 107-464 (Side yards for permitted non-residential use)~~

~~Section 107-62 (Yard, Court and Parking Regulations)~~

~~Section 119-05 (Applicability of Parking Location Regulations)~~

~~Section 119-214 (Tier II requirements for driveways and private roads)~~

~~Section 128-052 (Applicability of Article I, Chapter 2)~~

### **33-04**

### **33-05**

#### **Outdoor Table Service Areas**

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

### **33-10**

#### **FLOOR AREA REGULATIONS**

### **33-12**

#### **Maximum Floor Area Ratio**

C1 C2 C3 C4 C5 C6 C7 C8

[ADDING NEW DISTRICTS]

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the

**Commented [Z7]:** The next sections include updates to reflect the proposed new high density districts. They are placed into the charts and text as needed.



following Sections:

\* \* \*

In addition, the following limitations on maximum permitted #floor area# shall apply:

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A  
C6-3D C6-3X C6-4A

(a) In contextual Commercial Districts

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A, ~~or~~ R10X or R11A Districts, no #floor area# bonuses are permitted.

(b) In Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in Manhattan, in R10 equivalent #Commercial Districts# without a letter suffix, the maximum #floor area ratio# shall not exceed 10.0.

(c) In C6-1A Districts

In C6-1A Districts, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 50 percent.

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for a #public plaza# pursuant to Section 33-13.

### 33-121

#### In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

[BASELINE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY. ADDING NEW DISTRICTS. UPDATING CROSS-REFERENCES]

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility# #use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	Column A For #Zoning Lots# Containing only #Commercial# #use#	Column B For #Zoning Lots# Containing only #Community facility# #use#	Column C For #Zoning Lots# Containing both #Commercial# and #Community facility# #uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.60	1.60	1.60
R4 R5	2.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
<u>R6D</u>	<u>2.00</u>	<u>2.50</u>	<u>2.50</u>
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 <u>R6-1</u> R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 <u>R7-3</u> R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9 <u>R9-1</u>	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00
<u>R11</u>	<u>2.00</u>	<u>12.00</u>	<u>12.00</u>

<u>R12</u>	<u>2.00</u>	<u>15.00</u>	<u>15.00</u>
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\* In R8B Districts, within the boundaries of Community District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #use# exclusively shall not exceed 5.10

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# set forth in Column A.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility# #uses# on a #zoning lot# containing both #commercial# #uses# and #community facility# #uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed under Use Group III(B), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, for any #zoning lot# containing #long-term care facilities#, the total #floor area# for all such #community facility# #uses# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section 24-111 (Maximum floor area ratio for certain community facility uses) or, for #Quality Housing buildings#, as set forth in Section 23-153, unless modified pursuant to Section 74-903.
- (e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #uses# and partly for #long-term care facilities# in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, or philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraphs (b) or (c) of Section 24-111 or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, as set

forth in Column A, the provisions of paragraph (b) or (c) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot#, unless modified pursuant to Section 74-903.

**33-122**

**Commercial buildings in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY. ADDING NEW DISTRICTS]

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial# #uses# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7-1 C8-2 C8-3	2.00
C4-2A C4-3A C7-2	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6 <u>C4-8</u> <u>C4-9 C4-11 C4-12</u>	3.40
C4-4A C4-4L C4-5A C4-5X C5-1 C7-3	4.00
C4-5D	4.20
C7-4 C8-4	5.00
C6-1 C6-2 C6-3	6.00
C7-5	6.50
C7-6	8.00
C6-3D	9.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8 C7-7	10.00
C7-8 <u>C6-11</u>	12.00

C5-3 C5-5 C6-6 C6-7 C6-9 C7-9 <u>C6-12</u>	15.00
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**33-123**

**Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY. ADDING NEW DISTRICTS]

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility# #uses#, or for a #zoning lot# containing both #commercial# and #community facility# #uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00
C4-1 C7-1	2.00
C8-1	2.40
C4-2A C4-3A C7-2	3.00
C1-6A C2-6A C4-4A C4-4L C4-5A C7-3	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X C7-4	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 <u>C4-8</u> C6-1 C6-2 C7-5 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C7-6	8.00
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 <u>C4-9</u> C5-1 C5-	

2 C5-4 C6-3 C6-4 C6-5 C6-8 C7-7	10.00
C7-8 <u>C4-11 C6-11</u>	12.00
C5-3 C5-5 C6-6 C6-7 C6-9 C7-9 <u>C4-12 C6-12</u>	15.00

For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# in Section 33-122.

In addition, the following provisions shall apply:

- (a) In all #Commercial Districts# except C8 Districts, or districts with a #residential equivalent# of ~~an R10, R11 or R12~~ Districts, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such #community facility# #use# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section 24-111 (Maximum floor area ratio for certain community facility uses) ~~or, for #Quality Housing buildings#, as set forth in Section 23-153~~, applying the equivalent #Residence District# (indicated in Section 34-112) for the #Commercial District# in which such #use# is located, unless modified pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).
- (b) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #use# and partly for philanthropic or non-profit institutions with sleeping accommodations in #Commercial Districts# other than C8 Districts, or #Commercial Districts# with a #residential equivalent# of ~~an R10, R11 or R12~~ District, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraphs (b) or (c) of Section 24-111 ~~or, for #Quality Housing buildings#, as set forth in Section 23-153~~, exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

**33-13**

**Floor Area Bonus for a Public Plaza**

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY. ADDING NEW DISTRICTS]

C1-8 C1-9 C2-7 C2-8

(a) #Zoning lots# containing #community facility# #uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 ~~or R10~~ through R12 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased by six square feet.

C4-7 C4-11 C4-12 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(b) #Zoning lots# containing only #commercial# #uses#

In the districts indicated, for #zoning lots# containing only #commercial# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #commercial# #use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9 <u>C6-12</u> C7-9	10 square feet
C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8 <u>C6-11</u> C7-7 C7-8	6 square feet
C6-1 C6-2 C6-3 C7-5 C7-6	4 square feet

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-3 C5-4 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(c) #Zoning lots# containing #community facility# #uses# or both #commercial# and #community facility# #uses#

In the districts indicated, for #zoning lots# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, for each square foot of #public

plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
<u>C4-12</u> C5-3 C5-5 C6-6 C6-7 C6-9 <u>C6-12</u> C7-9	10 square feet
C4-6 C4-7 <u>C4-9</u> <u>C4-11</u> C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 <u>C6-11</u> C7-7 C7-8	6 square feet
<u>C4-8</u> C6-1 C6-2 C7-5 C7-6	4 square feet

**33-14**

**Floor Area Bonus for Arcades**

C4-7 C5-2 C5-3 C5-4 C5-5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY. ADDING NEW DISTRICTS]

- (a) In the districts indicated, for #zoning lots# containing #commercial# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #commercial# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A C6-4 C6-5 C6-6	



C6-7 C6-8 C6-9 <u>C6-11 C6-12</u> C7-7 C7-8 C7-9	3 square feet
C6-1 C6-2 C6-3 C7-5 C7-6	2 square feet

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #zoning lots# containing #community facility# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C1 or C2 when mapped within R9 <del>or R10 through R12</del> C1-8 C1-9 C2-7 C2-8 C4-6 <u>C4-9 C4-11 C4-12</u> C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 <u>C6-11 C6-12</u> C7-7 C7-8 C7-9	3 square feet
<u>C4-8</u> C6-1 C6-2 C7-5 C7-6	2 square feet

\* \* \*

**Definitions and General Provisions**

\* \* \*

**33-23  
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

[UPDATING CROSS-REFERENCES]

In all #Commercial Districts#, the obstructions set forth in ~~Section 23-441 (General permitted obstruction allowances)~~ Sections 23-311 and 23-341, as well as the following obstructions, shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

\* \* \*

**33-28  
Special Provisions for Through Lots**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

**33-281  
Excepted districts**

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C7 C8-4

[ADDING NEW DISTRICTS]

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (For zoning lots with multiple rear lot lines).

\* \* \*

**33-283**

**Required rear yard equivalents**

C1 C2 C3 C4-1 C8-1 C8-2 C8-3

[ADDING NEW DISTRICTS]

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A, R10X or R11A or ~~R10~~ Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

\* \* \*

**33-30**

**OTHER SPECIAL PROVISIONS FOR REAR YARDS**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the #rear yard# requirements set forth in Section 33-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

\* \* \*

**33-32**

**Modifications of Yard Regulations**

C5-5 C6-8 C6-9 C6-11 C6-12

[ADDING NEW DISTRICTS]

- (a) In the districts indicated, the regulations set forth in Sections 33-26 through 33-30, inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

- (b) In all districts, the regulations set forth in Section 33-303 (For zoning lots with multiple

rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

### 33-40 HEIGHT AND SETBACK REGULATIONS

[UPDATING CROSS-REFERENCES. ADDING NEW DISTRICTS]

All #buildings# in #Commercial Districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive, shall not apply in ~~C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section 33-03. In lieu thereof, all #buildings# in such districts shall comply with the applicable #residential# height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 as modified by Article III, Chapter 5.~~

### 33-41 Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

### 33-42 Permitted Obstructions

[UPDATING CROSS-REFERENCE]

In all #Commercial Districts#, the obstructions set forth in ~~Section 23-621 (General permitted obstruction allowances)~~ Section 23-411 (General permitted obstructions), inclusive, as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or

#sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

\* \* \*

**33-43  
Maximum Height of Walls and Required Setbacks**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

**33-431  
In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

[ADDING NEW DISTRICTS]

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

**MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS**

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	Height above the #Street Line# (in feet)	#Sky Exposure Plane#			
				Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5, R5A or R5B Districts							
20	15	30 feet or two #stories#, whichever is	30	1	to 1	1	to 1

less

Within R6 or R7 Districts

20	15	60 feet or four #stories#, whichever is less	60	2.7 to 1	5.6	to 1
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Within R8, R9 ~~or~~ R10, R11 or R12 Districts

20	15	85 feet or six #stories#, whichever is less	85	2.7 to 1	5.6	to 1
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\* \* \*

33-432

In other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

[ADDING NEW DISTRICTS]

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	Height above the #Street Line# (in feet)	#Sky Exposure Plane#			
				Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance

Within C3 C4-1 C8-1 Districts

20	15	30 feet or two #stories#, whichever is less	30	1 to 1	1 to 1	
----	----	---	----	--------	--------	--

Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts

20 15 60 feet or four #stories#, whichever is less 60 2.7 to 1 5.6 to 1

Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts

20 15 85 feet or six #stories#, whichever is less 85 2.7 to 1 5.6 to 1

\* \* \*

**33-433**

**Special height and setback regulations**

[UPDATING CROSS REFERENCES]

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in ~~an R10 equivalent~~ #Commercial Districts# with a #residential equivalent# of an R10 District without a letter suffix shall comply with the requirements of ~~Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).~~ 23-43 (Height and Setback Requirements in R6 Through R12 Districts).
- (b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to ~~Section 23-674 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan)~~ paragraph (a) of Section 23-443 (Special provisions for certain community districts).
- (c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of ~~Section 23-60~~ Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts).

**33-44**

**Alternate Front Setbacks**

C1 C2 C3 C4 C5 C6 C7 C8

[UPDATING TERMINOLOGY]

In all districts as indicated, for ~~#buildings# other than #Quality Housing buildings#~~, if an open area is provided along the full length of the ~~#front lot line#~~ with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the ~~#front lot line#~~. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no ~~building or other structure#~~ shall penetrate the alternate ~~#sky exposure plane#~~ set forth in this Section, and the ~~#sky exposure plane#~~ shall be measured from a point above the ~~#street line#~~.

If the open area provided under the terms of this Section is a ~~#public plaza#~~, such open area may be counted for the bonus provided for a ~~#public plaza#~~ in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

**33-441  
In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

[ADDING NEW DISTRICTS]

In the districts indicated, the alternate front setback regulations applicable to a ~~building or other structure#~~ shall be determined by the ~~Residence District#~~ in which such ~~Commercial District#~~ is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#	
		Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
On #Narrow Street#	On #Wide Street#	Height above #Street Line# (in feet)	
		On #Narrow Street#	On #Wide Street#
		Vertical Distance	Horizontal Distance
Within R1, R2, R3, R4, R5, R5A or R5B Districts			
15	10	30	1.4 to 1
			1.4 to 1



Within R6 or R7 Districts

15      10                  60                  3.7 to 1                  7.6 to 1

Within R8, R9 ~~or~~ R10, R11 or R12 Districts

15      10                  85                  3.7 to 1                  7.6 to 1

\*      \*      \*

**33-442**

**In other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

[ADDING NEW DISTRICTS]

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	Alternate #Sky Exposure Plane#			
			Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
On #Narrow Street#	On #Wide Street#		On #Narrow Street#		On #Wide Street#	
			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance

Within C3 C4-1 C8-1 Districts

15      10                  30                  1.4 to 1                  1.4 to 1

Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts

15      10                  60                  3.7 to 1                  7.6 to 1

Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts

15      10                  85                  3.7 to 1                  7.6 to 1

\* \* \*

**33-45  
Tower Regulations**

**33-451  
In certain specified Commercial Districts**

C4-7 C4-9 C4-11 C4-12 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

[ADDING NEW DISTRICTS]

\* \* \*

**33-452  
Community facility buildings in C1 or C2 Districts when mapped within R7-2, ~~R8, R9 or R10~~ through R12 Districts**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

[ADDING NEW DISTRICTS]

In the districts indicated, when mapped within an R7-2, R8, R9, ~~or R10~~, R11 or R12 District, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

**33-453  
Community facility buildings in certain specified Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-8 C4-9 C5-1 C6-1 C6-2 C6-3 C8-3 C8-4

[ADDING NEW DISTRICTS]

In the districts indicated, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Section 33-43

(Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

**33-454**

**Towers on small lots**

C1 C2 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C5 C6 C8-3 C8-4

[ADDING NEW DISTRICTS]

In the districts indicated, a tower permitted under the provisions of Sections 33-451, 33-452 or 33-453 may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

\* \* \*

**33-455**

**Alternate regulations for towers on lots bounded by two or more streets**

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

[ADDING NEW DISTRICTS]

\* \* \*

**33-456**

**Alternate setback regulations on lots bounded by two or more streets**

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

[ADDING NEW DISTRICTS]

\* \* \*

**33-457**

**Tower setbacks on narrow blocks**

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

\* \* \*

**33-471**

**Commercial and community facility uses**

C5-5 C6-8 C6-9 C6-11 C6-12 C8

[ADDING NEW DISTRICTS]

In the districts indicated, for #commercial# or #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

**33-472**

**Community facility uses**

C1 C2 C3 C4 C5 C6 C7 C8

[UPDATING TO REFLECT PROPOSAL]

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-40 through 33-45, inclusive, relating to Height and Setback Regulations in accordance with the provisions of Section 73-64 (Modifications for community facility uses). ~~However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.~~

\* \* \*

**33-49**

**Special Height and Setback Limitations**

\* \* \*

**33-492**

**Height limitations for narrow buildings or enlargements**

~~C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4D C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

[REMOVING CONTEXTURAL DISTRICTS. UPDATING REFERENCED]

~~In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.~~

In C1 or C2 Districts mapped within, or with a #residential equivalent# of, R7-2, R8, R9 or R10 Districts, the provisions of Section 23-723 (Height limitations for narrow buildings) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

### **33-50**

#### **COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES**

##### **Basic Regulations**

### **33-51**

#### **Minimum Dimensions of Courts for Community Facility Buildings**

C1 C2 C3 C4 C5 C6 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Special Provisions for Buildings Used Partly for Residential Uses)

Section 24-68 (Permitted Obstructions in Courts).

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 4  
Bulk Regulations for Residential Buildings in Commercial Districts**

**34-00  
APPLICABILITY AND DEFINITIONS**

**34-01  
Applicability of This Chapter**

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

**34-02  
Applicability in Special Situations**

[ADDING NEW SECTION AND TITLE;  
MODIFYING TEXT OF SECTION 34-01]

~~However, in In C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply to #residential buildings#.~~

[ADDING RESIDENTIAL EQUIVALENCY TO TABLE IN 34-112]

~~In C4 4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4 4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.~~

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX,

**Commented [Z1]:** Article III Chapter 4 includes the regulations for residential buildings in Commercial Districts. Most changes in the chapter reflect changes made in the Residence District bulk regulations.

The Proposal also makes changes to permit residential buildings to use R5 regulations in all low density Residence Districts mapped within Commercial Districts near transit. New districts are added to some charts and changes regarding railroad right of way are reflected as well.

**Commented [Z2]:** The Proposal would extend the special conversion provisions of Article I Chapter 5 across the city and update the framework for railroad right of ways.

X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

~~In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for new #residential# #development# of Article II (Residence District Regulations).~~

**Commented [Z3]:** The Proposal would extend the use of Article I Chapter 5 conversion regs citywide so the applicability is modified here.

The #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

The #development# or #enlargement# of a #building# that occurs on or over a #railroad right-of-way#, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than four acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be authorized by the Commission pursuant to 75-22.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

#### **34-011**

#### **Quality Housing Program**

[REMOVING OBSOLETE TEXT. CONTEXTUAL DISTRICT REGULATIONS WOULD STILL APPLY, PER 34-11]

- (a) ~~In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with applicable #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except as modified by Section 34-20 (EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS). In addition, #Quality Housing buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).~~



- (b) ~~In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix or other Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# set forth in paragraph (a) of this Section may, as an alternative, be applied to a #building# under the same conditions set forth in Sections 23-011 and 34-112.~~
- (e) ~~In #Commercial Districts#, for #Quality Housing buildings# in which at least 50 percent of the #dwelling units# are #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).~~

**34-02  
Definitions**

~~Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.~~

**34-10  
APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS**

**34-11  
General Provisions**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 through 34-24, relating to Exceptions to Applicability of Residence District Controls.

**34-111  
Residential bulk regulations in C1 or C2 Districts whose bulk is governed by surrounding Residence District**

[NEW PROVISION TO EXTEND R5 BULK IN TRANSIT-ACCESSIBLE AREAS]

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such

**Commented [Z4]:** The Proposal would allow residential buildings in low density Commercial Districts near transit to use the R5 bulk regulations. This is in keeping with the small-scale apartment buildings often found in these areas.

#Commercial Districts# are mapped apply, except that:

- (a) where such districts are mapped within R1 through R5 districts within the #Greater Transit Zone#, the #bulk# regulations for R5 Districts on #qualifying transit-accessible sites# shall apply; and
- (a) ~~when~~ outside the #Greater Transit Zone#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply.

**34-112 Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

[ADDING NEW DISTRICTS TO TABLE. RELOCATING C4-4L]

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #residential equivalent# of the #Commercial District# are ~~#Residence Districts#~~ set forth in the following table:

Districts	Applicable #Residence District# #residential equivalent#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A <u>C4-4L</u> C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F <u>C4-8</u> C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 <u>C4-9</u> C6-3	R9
C1-8A C2-7A C6-3A	R9A

**Commented [Z5]:** The Proposal would include a series of new high density Commercial Districts, which are added to this chart.

C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X
<u>C4-11 C6-11</u>	<u>R11</u>
<u>C4-11A</u>	<u>R11A</u>
<u>C4-12 C6-12</u>	<u>R12</u>

\* \* \*

**34-20  
EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

**34-21  
General Provisions**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area and Open Space Regulations), 34-23 (Modification of Yard Regulations) and 34-24 (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

**34-22  
Modification of Floor Area and Open Space Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, and made applicable

to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

**34-221**

**Maximum floor area ratio**

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade),

~~Section 34-225 (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).~~

However, for #Commercial Districts# with a #residential equivalent# of an R10 or R11 District with a letter suffix, no #floor area# bonuses for #public plazas# or #arcades# shall be permitted.

**34-222**

**Change of use**

C1 C2 C3 C4 C5 C6

[MOVING OPEN SPACE RATIO REGULATIONS TO SECTION 34-233]

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations ~~on minimum required #open space ratio# and pertaining to~~ maximum #floor area ratio# shall not apply to such change of #use#.

**34-223**

**Floor area bonus for a public plaza**

C4-6 C4-7 C4-11 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

[UPDATING CROSS REFERENCES AND TERMINOLOGY]

In the districts indicated, ~~except for #Quality Housing buildings#,~~ for each square foot of #public plaza# provided in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of ~~Section 23-15 (Open Space and~~

**Commented [Z6]:** This text would make clear how plaza and arcade bonuses apply in high density contextual districts.

~~Floor Area Regulations in R6 Through R10 Districts) Section 23-22 (Floor Area Regulations for R6 Through R12 Districts)~~ may be increased by six square feet.

#### **34-224**

##### **Floor area bonus for an arcade**

C4-6 C4-7 C4-11 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11 C6-12

[UPDATING CROSS REFERENCES AND TERMINOLOGY]

In the districts indicated, ~~except for #Quality Housing buildings#,~~ for each square foot of #arcade# provided in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of ~~Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts)~~ Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased by three square feet.

#### **34-225**

##### **Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan**

[PROVISIONS ARE REDUNDANT DUE TO PROPOSED CHANGES IN SECTION 23-16]

~~Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the Inclusionary Housing provisions of Sections 23-154 and 23-90.~~

#### **34-23**

##### **Modification of Yard and Open Area Regulations**

#### **34-231**

##### **Modification of front yard requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries),~~ no #front yard# shall be required for any #residential building#.

**34-232**

**Modification of side yard requirements**

C1 C2 C3 C4 C5 C6

[UPDATING DISTANCES, PER PROPOSAL]

In the districts indicated, ~~except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries)~~; no ~~side yard~~ shall be required for any ~~residential building~~. ~~However, if any open area extending along a side lot line is provided, such open area shall have a width of not less than eight feet. The allowances for permitted obstructions in any yard or rear yard equivalent set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), inclusive, shall be permitted in such open areas. However, if any open area extending along a side lot line is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the side lot line, and extend along the entire side lot line. The allowances for permitted obstructions in any yard or rear yard equivalent set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.~~

**Commented [Z7]:** The Proposal modifies side yard dimensions where they are required in Residence Districts and this modifies comparable rules here to reflect that dimension change.

**34-233**

**Special provisions applying along district boundaries**

C1 C2 C3 C4 C5 C6

[REMOVING PROVISIONS, PER PROPOSAL]

(a) ~~In the districts indicated, if a Commercial District boundary coincides with a side lot line of a zoning lot in an R1, R2, R3, R4 or R5 District and a side lot line of any adjoining zoning lot in such Commercial District, a front yard is required for the portion of such zoning lot in the Commercial District within 25 feet of the district boundary. The depth of such front yard shall be equal to the required depth of a front yard in the adjacent Residence District.~~

C1 C2 C3 C4 C5 C6

(b) ~~In the districts indicated, along such portion of the boundary of a Commercial District that coincides with a side lot line of a zoning lot in an R1, R2, R3, R4 or R5 District, an open area not higher than curb level with a width of at least eight feet is required for a residential building on a zoning lot within the Commercial District.~~

~~In addition, the provisions of paragraph (e) of Section 34-24 shall apply to such building.~~

**Commented [Z8]:** The Proposal would remove a yard requirement that applies next to low density Residence Districts to better reflect the common character of commercial buildings in these situations today.

**34-233**

**Change of use**

C1 C2 C3 C4 C5 C6

[MOVING OSR REGULATIONS FROM 34-222]

A non-residential use occupying a building, or portion thereof, that was in existence on December 15, 1961, may be changed to a residential use and the regulations pertaining to minimum required open space ratio shall not apply to such change of use.

### 34-24

#### Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

[MODIFYING SKY EXPOSURE PLANE REGULATIONS]

(a) Application of sky exposure planes

In the districts indicated, except as set forth in paragraph (a) of Section 34-233 (Special provisions applying along district boundaries), no front yard is required for any residential building in a Commercial District. Therefore, in applying the height and setback regulations in a Commercial District, a sky exposure plane (which in a Residence District would be measured from a point above the front yard line) may be measured from a point above the street line. In cases where the provisions of paragraph (a) of Section 34-233 apply, the sky exposure plane is measured from a point above the front yard line. where a sky exposure plane is utilized, it may be measured from a point above the street line in lieu of the front yard line.

C1 C2

(b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for residential buildings.

(c) When mapped within R4, R4-1 or R4B Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback

regulations applicable to an R5B District may be used for #residential buildings#.

~~C4 2F C4 4 C4 5 C4 6 C4 7 C5 C6~~

(d) ~~Special provisions for narrow #buildings#~~

[REMOVING PROVISIONS, PER PROPOSAL]

~~In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of Section 23-692 shall not apply.~~

**Commented [Z9]:** The Proposal would limit "sliver law" applicability to buildings using the height factor regulations.

~~C1 C2 C3 C4 C5 C6~~

(e) ~~Special provisions applying along district boundaries~~

[REMOVING PROVISIONS, PER PROPOSAL]

~~The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section 23-693 (Special provisions applying adjacent to R1 through R6B Districts).~~

**Commented [Z10]:** The Proposal would remove this rule that requires buildings next low density Residence Districts to "step down" their height toward the Residence District. This transition area can be costly for buildings and often doesn't reflect the character of existing buildings in these areas.

C1 C2 C4 C5 C6

(f)(d) ~~For #Quality Housing buildings##Street wall# location~~

[ADJUSTING TO CONNECT TO STREET WALL RULES IN 35-00]

~~In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through an R12 district, the #street wall# location provisions of Article III, Chapter 5 shall apply in lieu of the provisions of Article II, Chapter 3. for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the height and setback provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by the provisions of Section 35-65, and, for #buildings# containing #affordable independent residences for seniors#, the permitted obstructions set forth in Section 23-44 shall be modified by the provisions of Section 35-532.~~

\* \* \*



**ARTICLE III:  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 5  
Bulk Regulations for Mixed Buildings in Commercial Districts**

**35-00  
APPLICABILITY AND DEFINITIONS**

**35-01  
Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial# #use# or a #community facility# #use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

**35-02  
Applicability in Special Situations**

~~However, in C3A Districts, except for #community facility# #uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility# #use# and partly for #residential use#.~~

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

All C6-1A Districts shall comply with the regulations of C6-1 Districts, ~~except as set forth in Section 35-23 that all #residential buildings# or #residential# portion of a #building# shall comply with the #bulk# regulations for R6 Districts, with no letter suffix, in Article II, Chapter 3~~

**Commented [Z1]:** Article III Chapter 5 contains the regulations for mixed buildings in Commercial Districts. Most changes in this chapter mirror those for residences in Article II Chapter 3. Additional changes here support mixed buildings using the updated rules from that chapter.

**Commented [Z2]:** This section includes special rules. The Proposal updates the provisions to reflect the broader conversion provisions in Article I Chapter 5, the proposed framework for railroad rights of way, as well as unique provisions for some zoning districts.

(Residential Bulk Regulations in Residence Districts).

In C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply to #residential buildings#.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #development# of Article II (Residence District Regulations).

The #conversion# of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

The #development# or #enlargement# of a #building# that occurs on or over a #railroad right-of-way#, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than four acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be authorized by the Commission pursuant to 75-22.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**35-011**

### **Quality Housing Program**

[REMOVING. TEXT IN 35-20 WILL CONTINUE TO MANDATE HEIGHT CONTROLS OF 23-00 APPLY TO CONTEXTUAL DISTRICTS]

- (a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, and the applicable provisions of Article II, Chapter 8 (Quality Housing Program). In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.
- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix

**Commented [Z3]:** Like in other chapters, the Proposal would make updates to the applicability provisions to reflect changes to the Residence District bulk regulations. These are intended to make it easier to follow these regulations.

and in other ~~Commercial Districts~~ with a residential equivalent of an R6 through R10 District without a letter suffix, the ~~bulk~~ regulations applicable to ~~Quality Housing buildings~~ may, as an alternative, be applied under the same conditions set forth in Sections 23-011, 35-22 and 35-23, provided that:

- (1) the entire ~~building~~ complies with the ~~bulk~~ regulations for ~~Quality Housing buildings~~ set forth in this Chapter; and
  - (2) the entire ~~building~~ complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).
- (e) In C1 through C6 Districts, ~~special regulations are set forth for buildings containing long-term care facilities or philanthropic or non-profit institutions with sleeping accommodations in Section 35-012 (Special provisions for certain community facility uses).~~
- (d) In ~~Commercial Districts~~, for ~~Quality Housing buildings~~ in which at least 50 percent of the ~~dwelling units~~ are ~~income-restricted housing units~~, or at least 50 percent of its total ~~floor area~~ is a ~~long-term care facility~~ or philanthropic or non-profit institution with sleeping accommodation, the applicable ~~bulk~~ regulations of this Chapter may be modified for ~~zoning lots~~ with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for certain Quality Housing buildings on irregular sites).

### **35-012**

#### **Special provisions for certain community facility uses**

[RELOCATING TO 35-20]

The provisions of this Section shall apply to ~~buildings containing long-term care facilities or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.~~

- (a) ~~Buildings containing long-term care facilities~~
- (1) ~~Commercial Districts~~ with a residential equivalent of an R1 or R2 District
- In C1 or C2 Districts mapped within R1 or R2 Districts, where a ~~long-term care facility~~ is permitted pursuant to Section 74-901 (Long-term care facilities), the ~~bulk~~ regulations of this Chapter shall apply. The maximum ~~floor area ratio~~ for such ~~long-term care facilities~~ shall not exceed the applicable ~~floor area ratio~~ of paragraph (b) of Section 33-121 (In districts with bulk-governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).<sup>1</sup>

(2) ~~#Commercial Districts# with a residential equivalent of an R3 through R5 District~~

~~In C1 or C2 Districts mapped within R3-2 Districts, or within R4 or R5 Districts without a letter or number suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:~~

- ~~(i) the #lot coverage# provisions of 23-144 shall not apply;~~
- ~~(ii) the minimum size of #dwelling-unit# provisions of Section 23-23 shall not apply;~~
- ~~(iii) the #yard# regulations of Sections 33-20 and 33-30 shall apply in lieu of Sections 23-40 and 23-50;~~
- ~~(iv) in C1 or C2 Districts mapped within R3-2 Districts or in C3 Districts without a letter suffix, the height and setback provisions of Section 33-40 shall apply in lieu of Section 23-60; and~~
- ~~(v) in C1 or C2 Districts mapped within R5 Districts or in C4-1 Districts, the provisions of paragraph (j)(2) of Section 23-631 shall be modified so that the height of a #building# containing #long-term care facilities# may be increased to 55 feet beyond 25 feet of the #street line# on any #zoning lot#.~~

~~In all such Districts, the Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit provisions of Section 74-903 (Certain community facility uses in R3 through R9 Districts and certain Commercial Districts).~~

~~The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable #residential bulk# regulations of Article II, Chapter 3.~~

~~In C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B or R5D Districts, or in C3A Districts, the applicable #bulk# regulations of this Chapter shall apply to #mixed buildings# containing #long-term care facilities#. The maximum #floor area ratio# for such #long-term care facilities# shall be as set forth for certain #community facility# #uses# in paragraphs (d) and (e) of Section 33-121, as applicable, except as permitted by the Commission pursuant to Section 74-903.~~

(3) ~~#Commercial Districts# with a residential equivalent of an R6 through R10 District~~

~~In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:~~

- ~~(i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;~~
- ~~(ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;~~
- ~~(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;~~
- ~~(iv) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified by Section 35-532 (Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors); and~~
- ~~(v) the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) shall be modified by Section 35-65.~~

~~The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 shall be used to determine the applicable #residential bulk# regulations of Article II, Chapter 3.~~

~~In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit provisions of Section 74-903.~~

(4) ~~Applicability of #affordable independent residences for seniors bulk# provisions~~

~~Where #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, such #uses# shall be considered #residential# for the purpose of~~

applying such provisions, and the term *dwelling unit* shall include *dwelling units* and “rooming units”, as set forth in the Housing Maintenance Code.

- (b) *Buildings* containing philanthropic or non-profit institutions with sleeping accommodations

The provisions of Article III, Chapter 3 and this Chapter shall apply to *mixed buildings* containing philanthropic or non-profit institutions with sleeping accommodations. In addition, the following special *bulk* provisions apply:

- (1) Special *floor area ratio* provisions for the portion of a *mixed building* that contains a philanthropic or non-profit institution with sleeping accommodations are set forth in paragraph (b) of Section 33-012 (Special provisions for certain community facility uses).
- (2) For *buildings* in C1 or C2 Districts mapped within R6 and R7-1 Districts, except for R6A and R6B Districts, containing both *residential uses* and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 35-311 (Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts) shall not apply. In lieu thereof, the provisions of Section 35-31 (Maximum Floor Area Ratio) shall apply.

- (c) Applicability of Quality Housing Program elements

For all *buildings* containing *long term care facilities* that utilize the *bulk* regulations for *affordable independent residences for seniors* in Article II, Chapter 3, as modified by Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), and for *buildings* containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for *Quality Housing buildings* in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such *uses*, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

### **35-02 Definitions**

[REMOVED, TEXT IS REDUNDANT]

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

### **35-10 GENERAL PROVISIONS**

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility# #use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, 35-40 (APPLICABILITY OF DENSITY REGULATIONS), inclusive, 35-50 (MODIFICATION OF YARD REGULATIONS) and 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS),inclusive.

### 35-20 APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

#### 35-21 General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

#### 35-22 Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except that:

- (a) where such districts are mapped within R1 through R5 districts within the #Greater Transit Zone#, the #bulk# regulations for R5 Districts on #qualifying transit-accessible sites# shall apply; and
- ~~(a)~~(b) ~~when outside the #Greater Transit Zone#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply;.~~
- (b) ~~when such districts are mapped within an R5D District, the supplemental provisions of~~

**Commented [Z4]:** The Proposal would permit the R5 district regulations to apply in commercial districts in transit areas regardless of what lower density Residence District is mapped there. This would better reflect the transit access in these locations. Other existing provisions here would continue to apply and are moved elsewhere.

paragraph (b)(2) of Section 35-652 shall apply to the ground floor level of a #building# providing a #qualifying ground floor# in lieu of paragraph (b)(2) of Section 23-662; and

- (e) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for #Quality Housing buildings#.

**35-23**

**Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

[REMOVING REDUNDANT PROVISIONS, UPDATING A CROSS REFERENCE, AND MOVING AN AREA SPECIFIC PROVISION TO 35-643]

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table #residential equivalent# of the #Commercial District# set forth in Section 34-112. However, for #Quality Housing buildings# the height and setback regulations of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified by the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings).

In C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (e)(4) of Section 23-692 shall not apply.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# and #residential buildings# on #zoning lots# subject to the provisions of this Chapter shall be subject to the #bulk# regulations for #Quality Housing buildings#.

District	Applicable #Residence District#
C3	R3-2
C3A	R3A
C4-1	R5
C4-2 C4-3 C6-1A	R6
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2



C1-7 C4-2F C6-2	R8
C1-8 C2-7 C6-3	R9
C1-9 C2-8 C4-6 C4-7 C5-C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D  
C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A  
C6-4X

(b) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Section 23-66, inclusive, shall be modified by the provisions of Section 35-65.

District	Applicable #Residence District#
C4-2A C4-3A	R6A
C1-6A C2-6A C4-4A C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7A C4-4D C6-2A	R8A
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

**35-24**

**Applicability of Residential Bulk Rules to Non-Residential Portions of Mixed Buildings**

[CLARIFYING APPLICABILITY OF 23-00 TO NON-RESIDENTIAL PORTIONS. RELOCATING PROVISIONS FROM 35-011 & 35-012, AND EXPANDING ALLOWANCES]

**Commented [Z5]:** As in other chapters, the Proposal would make clear how residential bulk regulations apply in different zoning districts.

For the non-residential portion of mixed buildings or for commercial or community facility buildings on the same zoning lot as residences, the following regulations shall apply with regard to the applicability of certain bulk regulations from Article II, Chapter 3.

(a) Height and setback

(1) In Commercial Districts mapped within, or with a residential equivalent of an R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all buildings in accordance with the applicable Residence District regulations, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2) In all other Commercial Districts, the residential height and setback regulations may be applied as follows:

(i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to Commercial Districts mapped within, or with a residential equivalent of an R1 through R5 District, in accordance with the applicable Residence District regulations, as modified by the provisions of Section 35-60, inclusive.

(ii) the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to Commercial Districts mapped within, or with a residential equivalent of an R6 through R12 District without a letter suffix, in accordance with the applicable Residence District regulations, as modified by the provisions of Section 35-60, inclusive.

(b) Other bulk regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following residential bulk regulations may also be applied to the entire building:

(1) the rear yard and rear yard equivalent requirements of Section 23-34, inclusive; and

(3) for community facility uses with sleeping accommodations:

(i) the special floor area allowances of Section 23-23, inclusive;

(ii) the court regulations of Section 23-35, inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

### 35-30 APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

#### 35-31 Maximum Floor Area Ratio

[REMOVING INCLUSIONARY HOUSING DESIGNATED AREA PROVISIONS]

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except as set forth in Section 35-311,~~ the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, except as set forth in Section 35-30, inclusive. ~~provided the~~ The total of all such #floor area ratios# ~~does shall~~ not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#, except where explicitly stated otherwise. Special rules for certain areas are set forth in Section 35-35 (Special Floor Area Ratio Provisions for Certain Areas).

[REMOVING PROVISION, PER PROPOSAL]

~~Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential# #floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).~~

[REMOVING PROVISION, PER PROPOSAL]

~~In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community~~

**Commented [Z6]:** The Proposal would replace the inclusionary housing framework with the new UAP framework. Errant provisions here are no longer necessary.

facility# #uses# shall be the base #floor area ratio# set forth in Section 23-154 for the applicable district.

[REMOVING PROVISION, PER PROPOSAL]

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility# #uses# shall be either the base #floor area ratio# set forth in Section 23-154 plus an amount equal to 0.25 times the non #residential# #floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial# #uses# in such district, whichever is less.

[REMOVING PROVISION, PER PROPOSAL]

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

**35-31**

**Maximum floor area for mixed buildings on qualifying-transit-accessible sites**

[NEW PROVISION FOR MIXED BUILDINGS IN LOW DENSITY TOWN CENTERS]

On #qualifying transit-accessible sites#, subject to the individual maximum #floor area ratios# for #commercial#, #community facility# and #residential uses#, the maximum total #floor area ratio# for a #mixed building# shall be as set forth in the following table for the applicable #Residence District# the #Commercial District# is mapped within or has a #residential equivalent# of, including as modified by the provision of Section 35-22:

MAXIMUM FLOOR AREA RATIO FOR MIXED BUILDINGS

District	Maximum #Floor Area Ratio# for #zoning lot#

**Commented [Z7]:** To encourage mixed-use buildings along lower density commercial corridors, the Proposal would provide an additional 0.5 FAR which can be used for nonresidential uses.

<u>R3</u>	<u>1.50</u>
<u>R4</u>	<u>2.00</u>
<u>R5</u>	<u>2.50</u>

**~~35-311~~**

**35-32**

**Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts**

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, ~~as set forth in Section 35-012 (Special provisions for certain community facility uses).~~

- (a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

\* \* \*

**~~35-312~~ 35-33**

**Existing public amenities for which floor area bonuses have been received**

\* \* \*

**35-32**

**Open Space Ratio for Residential Portions of Buildings**

[HEIGHT FACTOR PROVISIONS MOVED TO 35-353]

C1 C2 C3 C4 C5 C6

In the districts indicated, a #zoning lot# containing a #residential building# or the #residential#

**Commented [Z8]:** The Proposal would move provisions for "height factor" buildings to a separate section, similar to how they are being treated in other chapters.

portion of a #mixed building# shall have a minimum #open space ratio# as required under the provisions of Sections 35-21 through 35-23, relating to Section 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), except as otherwise provided in this Section.

For the purposes of this Section:

- (a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (b) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (c) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non #residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

### 35-33

#### Location of Open Space

C1 C2 C3 C4 C5 C6

In the districts indicated, the #open space# required for a #residential building# or the #residential# portion of a #mixed building# under the provisions of Section 35-32 (Open Space Ratio for Residential Portions of Buildings) may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of:

- (a) the non #residential# portion of a #mixed building#;
- (b) a #commercial building#; or
- (c) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #mixed building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

35-331

**Open space restrictions in C4-1 Districts**

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, open off-street parking spaces which are #accessory# to #commercial# #uses# are not permitted obstructions within required #open space#.

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, #open space# provided on the roof of a #commercial building# that would otherwise qualify as #open space# shall be subject to authorization by the City Planning Commission. In permitting such roof area to qualify as #open space#, the Commission shall find that:

- (a) the location and layout of the roof area is directly accessible, useable and restricted for the residential occupants and their guests for whom no admission charge or membership fee is charged;
- (b) such roof area contains recreational facilities, seating areas and landscaping; and
- (c) all mechanical equipment or emissions therefrom are screened and no intake or exhaust duct faces directly into the #open space#.

**Commented [Z9]:** The Proposal would remove these restrictions, since they are inconsistent with changes made the residence district regulations subject lots to coverage and yard requirements.

35-34

**Floor Area Bonus for a Public Plaza or Arcade**

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-11 C4-12 C5 C6

[ADDING NEW DISTRICTS]

In the districts indicated, and in C1 and C2 Districts mapped within R9 ~~or R10~~ through R12 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-11A

- (a) Prohibition of #public plaza# and #arcade# bonuses
  - (1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A, ~~or R10X~~ or R11A Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

**Commented [Z10]:** The Proposal would update these provisions to include new higher density zoning districts.

[IN THESE DISTRICTS PLAZAS AND ARCADES ARE ALREADY PROHIBITED;  
CB 7 RULE APPEARS TO REDUNDANT]

(2) ~~Within the boundaries of Community District 7, Borough of Manhattan, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.~~

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 ~~or R10~~ through R12 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(c) In the districts indicated, ~~except C6-4X Districts~~, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-221 (Basic floor area regulations) ~~Section 23-152 (Basic regulations for R10 Districts)~~ may be increased by six square feet.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C4-8 C4-9 C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9 C6-12

(e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

(f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

### **35-341 Arcades**

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 ~~or R10~~ through R12 Districts, the provisions of Section 33-14 shall apply only to a #development# or



#enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5 C6

- (b) In the districts indicated, the provisions of Section 33-14 (Floor Area Bonus for Arcades) shall apply.

### 35-35

#### Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

#### **35-351**

##### **Special provisions for height factor buildings**

For #height factor buildings# in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-70, inclusive, shall be modified by the provisions of this Section.

- (a) #open space ratio# for #residential# portions of #buildings#

[RELOCATING PROVISIONS FROM 35-32]

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section 23-70. For the purposes of applying such regulations:

- (i) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (ii) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (iii) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

- (b) location of #open space#

**Commented [Z11]:** The provisions for "height factor" buildings would be concentrated here.

[RELOCATED FROM 35-33]

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on:

- (i) the non-#residential# portion of a #mixed building#;
- (ii) a #commercial building#; or
- (iii) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #mixed building#. However, #open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

### **35-351**

#### **~~Special floor area regulations in C6-3 Districts within Community District 1, Borough of the Bronx~~**

[RELOCATING TO 35-353]

~~In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #MIH developments# or #affordable independent residences for seniors#, the #residential# #floor area ratio# shall be that for an R9-1 District set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) or in Section 23-155 (Affordable independent residences for seniors), as applicable.~~

### **35-352**

#### **~~Special floor area regulations for certain districts~~ Special tower provisions**

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of ~~paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas)~~ Section 23-242 (Special tower provisions) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

**35-353**  
**Special provisions for certain Community Districts**

[RELOCATING FROM 35-351]

- (a) Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #qualifying affordable housing# or #qualifying senior housing# #floor area ratio# shall be that for an R9-1 District set forth in Section 23-222 (Floor area regulations for affordable or senior housing).

- (d) Borough of Staten Island

[RELOCATING FROM 35-23]

In C4-2 Districts, the provisions of 23-70 (Special provisions for height factor buildings) shall not apply.

**35-40**  
**APPLICABILITY OF DENSITY REGULATIONS**

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# on a #zoning lot# shall equal the maximum #residential# #floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section ~~23-20~~ 23-50 (DENSITY REGULATIONS), inclusive. For the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non-#residential# #floor area# and #floor area# allocated to ~~#affordable independent residences for seniors#~~ #qualifying senior housing#.

**35-50**

**Commented [Z12]:** The Proposal would update these yard provisions to reflect changes made to the Residence District yard regulations.

## MODIFICATION OF YARD REGULATIONS

In ~~mixed buildings~~ with differing ~~yard~~ or ~~rear yard equivalent~~ requirements for different ~~uses~~, the applicable ~~residential~~ ~~yard~~ and ~~rear yard equivalent~~ regulations shall apply at the lowest ~~story~~ containing ~~dwelling units~~ with windows facing onto such ~~residential~~ ~~yard~~ or ~~rear yard equivalent~~, as applicable.

### 35-51

#### Modification of Front Yard Requirements

C1 C2 C3 C4 C5 C6

[REMOVING 34-233 PROVISIONS]

In the districts indicated, no ~~front yard~~ shall be required, ~~except that the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) shall apply to portions of a zoning lot within 25 feet of a Commercial District boundary which coincides with a side lot line of a zoning lot in an R1 through R5 District.~~

### 35-52

#### Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts), no side yard shall be required, although, if any open area extending along a side lot line is provided at any level, it shall have a width of not less than eight feet. The allowances for permitted obstructions in any yard or rear yard equivalent set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas. However, if any open area extending along a side lot line is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the side lot line, and extend along the entire side lot line. The allowances for permitted obstructions in any yard or rear yard equivalent set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.~~

~~However, in C3A Districts, side yards shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single or two family residences).~~

### 35-53

#### Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential# #rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section ~~23-62~~ 23-41 (Permitted Obstructions), inclusive.

**35-531**

**Residential rear yard equivalents in certain districts**

[REMOVING SPECIFIC TEXT]

In C4-4L Districts, for #through lots# that have a maximum depth of 180 feet or less and are bounded by a #street# containing an elevated rail line, no #residential# #rear yard equivalent# shall be required.

**35-532**

**Modification of permitted obstructions in required yards or rear yard equivalents for certain affordable independent residences for seniors**

[REMOVING TEXT AS IS UNNECESSARY PER PROPOSAL]

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in C1 or C2 Districts mapped within R6 through R10 Districts, other than R6B, R7B or R8B Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, other than R6B, R7B or R8B Districts, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

**35-54**

**Special Provisions Applying Adjacent to R1 Through R5 Districts**

[TEXT REMOVED PER PROPOSAL]

C1 C2 C3 C4 C5 C6

In the districts indicated, on #zoning lots# adjacent to #zoning lots# in R1, R2, R3, R4 or R5 Districts, a #side yard# at least eight feet wide shall be provided along the entire length of the

**Commented [Z13]:** The Proposal would remove these provisions as changes in the Residence District bulk regulations mean these rules are no longer necessary.

**Commented [Z14]:** The Proposal would provide opportunities for ground floor construction in rear yard areas. This provision would no longer be necessary.

**Commented [Z15]:** The Proposal would remove these provisions to better align with changes made to the Residence District bulk regulations.

common #side lot line#. Such #side yard# may be used for #accessory# parking.

### 35-60 MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

[REGULATIONS OF THIS SECTION, 35-60, ARE REWRITTEN AND REORGANIZED TO REFLECT THE PROPOSAL AND REORGANIZATION OF 23-40. THE ENTIRETY IS STRUCK AND REPLACED TO IMPROVE READABILITY.]

#### **35-61**

##### **Applicability**

[CONTENT OF SECTION 35-61 MOVING TO SECTION 35-60 AND MODIFYING PER PROPOSAL]

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive, shall apply to any #zoning lot# subject to the provisions of this Chapter.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

In C1 or C2 Districts mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as modified by Section 35-65. In C1 or C2 Districts mapped in R6 through R10 Districts without a letter suffix, or in other #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #residential# portion of a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 (Basic Height and Setback Requirements) or 23-65 (Tower Regulations), as modified by Sections 35-63 and 35-64, as applicable, or the entire #building# may be #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

**Commented [Z16]:** The Proposal would look to better align provisions for mixed buildings in Commercial Districts to the changes made in Residence Districts.

**35-62**

**Commercial Districts With an R1 Through R5 Residential Equivalent**

[SECTION TITLE CHANGING AND MODIFYING REGULATIONS; CLARIFYING QUALIFYING TRANSIT ACCESSIBLE SITE APPLICABILITY]

~~C1 C2 C3 C4~~

In ~~C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts, height and setback regulations are modified as follows:~~

- ~~(a) no front yard is required for any portion of a building in a Commercial District, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of buildings or other structures is governed by sky exposure planes, such sky exposure plane, which in a Residence District would be measured from a point above the front yard line, may be measured from a point above the street line. The maximum height of a front wall within the initial setback distance permitted in the applicable district for a residential, commercial or community facility building, whichever permits the greatest maximum height;~~
- ~~(b) in cases where the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) apply, as set forth in Section 35-51, the sky exposure plane is measured from a point above the front yard line;~~
- ~~(c) in C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied;~~
- ~~(d) in C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied; and~~
- ~~(e) in C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.~~

**35-63**

**Basic Height and Setback Modifications**

[SECTION TITLE CHANGING. CONTENT OF SECTION 35-63 MOVING TO SECTION 35-641 AND MODIFYING PER PROPOSAL]

~~C1 C2 C4 C5 C6~~

In ~~C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, and in~~

~~Commercial Districts~~ with a residential equivalent of R6 through R10 without a letter suffix, height and setback regulations are modified as follows:

- (a) ~~no front yard~~ is required for any portion of a ~~building~~ in a ~~Commercial District~~, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of ~~buildings or other structures~~ is governed by ~~sky exposure planes~~, such ~~sky exposure plane~~, which in a ~~Residence District~~ would be measured from a point above the ~~front yard line~~, may be measured from a point above the ~~street line~~. The maximum height of a front wall within the ~~initial setback distance~~ shall be the maximum height for front walls permitted in the applicable district for a ~~residential~~, ~~commercial~~ or ~~community facility building~~, whichever permits the greatest maximum height;
- (b) in cases where the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) apply, as set forth in Section 35-51, the ~~sky exposure plane~~ is measured from a point above the ~~front yard line~~; and
- (c) in C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-642 (Alternate front setbacks) shall not apply to any ~~development~~ or ~~enlargement~~ with more than 25 percent of its total ~~floor area~~ occupied by ~~residential use~~.

### **35-64**

#### **Special Tower Regulations for Mixed Buildings**

[CONTENT OF SECTION 35-64 MOVING TO SECTION 35-64(b) AND MODIFYING PER PROPOSAL]

~~C1-C2-C4-C5-C6~~

In the districts indicated without a letter suffix, when a ~~mixed building~~ is subject to tower regulations, the ~~residential~~ tower regulations of paragraphs (a) and (b) or the ~~commercial~~ tower regulations of paragraph (c) of this Section shall apply to the entire ~~building~~.

- (a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a ~~mixed building~~ that meets the location and ~~floor area~~ criteria of paragraph (a) of Section 23-65 (Tower Regulations) shall be governed by the provisions of Section 23-651 (Tower on a base), except that the ~~building~~ base regulations of paragraph (b) of Section 23-651 shall be modified, as follows:
  - (1) On a ~~wide street~~, and on a ~~narrow street~~ within 30 feet of its intersection with a ~~wide street~~, the entire width of the ~~street wall~~ of a base shall be located on the ~~street line~~.



However, to allow for articulation of corners at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

- (2) On a #narrow street# beyond 30 feet of its intersection with a #wide street#, the #street wall# of a base shall be located within eight feet of a #street line#.
- (3) On a #wide street#, recesses above the ground floor are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

- (4) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

- (b) In C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# that in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 23-65, may be constructed in conformance with the provisions of Section 23-652 (Standard tower); provided the following conditions are met:

- (1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;
- (2) all #uses# within such #mixed building# comply with the provisions of Section 32-42 (Location Within Buildings); and
- (3) only the #residential# portion of such #mixed building# penetrates the #sky exposure plane# as set forth in Sections 33-432 or 33-442 (In other Commercial Districts);

(e) ~~In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.~~

~~However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non #residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Section 23-652 or, for towers on small lots, the percentages set forth in Section 23-65.~~

~~All #uses# within such #mixed building# shall comply with the provisions of Section 32-42.~~

### **35-65**

#### **Height and Setback Requirements for Quality Housing Buildings**

[CONTENT OF SECTION 35-65 MOVING TO SECTION 35-63 AND MODIFYING PER PROPOSAL]

~~C1 C2 C4 C5 C6~~

~~In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.~~

~~In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts).~~

### **35-651**

#### **Street wall location**

[CONTENT OF SECTION 35-651 MOVING TO SECTION 35-631 AND MODIFYING PER PROPOSAL]

~~C1 C2 C4 C5 C6~~

~~In the districts indicated, the #street wall# location provisions of paragraphs (a), (b), (c) or (d) of this Section shall apply to all #Quality Housing buildings#, as applicable.~~

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the applicable #street wall# location provisions of paragraphs (a), (b), (c) or (d) of this Section. Recesses, projections and other forms of articulation beyond the #street wall# locations established in paragraphs (a), (b), (c) or (d) are permitted only in accordance with paragraph (e) of this Section.

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

(a) — In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, the following shall apply:

(1) — at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#;

(2) — existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less;

(3) — for #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#; and

(4) — where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(b) — In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1, C2, C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

(2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.

(3) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

#### C4-4L

(e) In C4-4L Districts, the #street wall# location provisions of paragraph (a) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

(1) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of Section 35-65, inclusive.

- (2) — At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

#### C6-3D

- (d) — In the district indicated, and in C1 or C2 Districts when mapped within R9D Districts, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

The following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

- (1) — The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.
- (2) — Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) — Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered

to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

C1 C2 C4 C5 C6

(e) — #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b), (c) or (d) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

### 35-652

#### Maximum height of buildings and setback regulations

[CONTENT OF SECTION 35-652 MOVING TO SECTION 35-632 AND MODIFYING PER PROPOSAL]

C1 C2 C4 C5 C6

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section.

The height of a #Quality Housing building# #or other structure# shall not exceed the maximum height limit specified for the applicable district set forth in paragraphs (a) or (b) of this Section, as applicable, except as specified in paragraph (d) of this Section and elsewhere in this Chapter.

Basic building heights for #Quality Housing buildings# are set forth in paragraph (a) of this Section. Such heights may be increased in certain districts for #Quality Housing buildings# with #qualifying ground floors# pursuant to paragraph (b)(1) of this Section. For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions are set forth in paragraph (b)(2) of this Section.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in paragraphs (a) or (b) of this Section, and shall be provided in accordance

with the provisions set forth in paragraph (c) of Section 23-662, except as modified in paragraph (e) below.

(a) — Basic #building# heights

For #Quality Housing buildings#, the minimum and maximum base height, and maximum height of a #building or other structure# shall be as specified in paragraph (a) of Section 23-662 (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the Tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

(b) — Special heights in certain districts for #Quality Housing buildings# with #qualifying ground floors#

(1) — Eligible #buildings#

Table 2 in paragraph (b) of Section 23-662 sets forth the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# within:

(i) — #Commercial Districts# mapped within, or with a residential equivalent of, R6 or R7 Districts without a letter suffix outside the #Manhattan Core# and within 100 feet of a #wide street#, or R8 or R10 Districts without a letter suffix within 100 feet of a #wide street#;

(ii) — #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

(2) — Supplemental ground floor provisions for #buildings# in certain districts

For #Quality Housing buildings# with #qualifying ground floors# in #Commercial Districts# mapped within, or with a residential equivalent of R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#, supplemental ground floor provisions shall apply as follows:

(i) — Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, as defined in Section 37-311, #uses# on the first #story#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies in C1 or C2 Districts, Type 2 lobbies in C4, C5 or C6 Districts, entrances and exits to #accessory# parking spaces, and entryways to subway stations, where applicable, provided in accordance with Section 37-33 (Maximum Width of Certain Uses). #Accessory# off street parking

spaces on the ground floor shall be wrapped in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). Each ground floor level #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(ii) — Along #secondary street frontages#

For #buildings# or portions thereof, with #secondary street frontage#, as defined in Section 37-311, #accessory# off street parking spaces on the ground floor level shall be wrapped or screened in accordance with Section 37-35. However, the aggregate width of any such screening, excluding entrances and exits, shall not exceed 50 feet.

(e) — Setback modifications

(1) — In C6-3D Districts, the provisions for R9D Districts set forth in Section 23-662 shall apply, except that:

(i) — the setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and

(ii) — where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2) — In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:

(i) — a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is lower, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is lower; and

(ii) — dormers shall not be a permitted obstruction within such setback distance.

(d) — Maximum height modifications

(1) — In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations



of Section 35-653.

- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.

### **35-653**

#### **Tower regulations**

[CONTENT OF SECTION 35-653 MOVING TO SECTION 35-632 (d) AND MODIFYING PER PROPOSAL]

### **C6-3D-C6-4X**

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-623 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable provisions of Section 35-651 (Street wall location) and the setback provisions of Section 35-652 (Maximum height of buildings and setback regulations), and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

### **35-654**

#### **Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

[CONTENT OF SECTION 35-654 MOVING TO SECTION 35-632(b) AND MODIFYING PER PROPOSAL]

### **C1-C2-C4-C5-C6**

In the districts indicated, the provisions of this Section shall apply to #Quality Housing buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors).

For all such #Quality Housing buildings#, the maximum base and #building# heights established in Sections 35-652 and 23-662 (Maximum height of buildings and setback regulations) shall be modified in accordance with the table in paragraph (b) of Section 23-664 for the #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential

equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). Separate maximum #building# heights are set forth within such table for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However:

- (a) — for C4 4L Districts, the maximum #building height# shall be increased to 115 feet for #buildings# with #qualifying ground floors#, or 11 #stories#, whichever is lower, for #buildings# with #non-qualifying ground floors#. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 110 feet; and
- (b) — for such #Quality Housing buildings# in C1 or C2 Districts mapped within R6 through R8 Districts without a letter suffix or within an R9-1 District, or in other #Commercial Districts# with a residential equivalent of an R6 through R8 District without a suffix, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that meet the criteria set forth in:
  - (1) — paragraph (a)(3) of Section 23-664; or
  - (2) — paragraph (a)(4) of Section 23-664 and such #zoning lots# are located within 150 feet of the types of transportation infrastructure listed in paragraphs (c)(2)(i) through (c)(2)(iv) of Section 23-664. Such 150-foot measurement shall be measured perpendicular to the edge of such infrastructure.

In lieu thereof, the alternative height and setback regulations set forth in paragraph (c) of Section 23-664 shall apply.

### **35-655**

#### **Additional regulations**

[CONTENT OF SECTION 35-655 MOVING TO SECTION 35-643(b)(1) AND MODIFYING PER PROPOSAL]

C1-C2-C4-C5-C6

In the districts indicated, for #Quality Housing buildings#, the following additional provisions shall apply:

- (a) — Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 35-651.
- (b) — On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 35-651 shall be mandatory along only one #street# frontage. However, in C4 4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.

- (c) ~~The #street wall# location and minimum base height provisions of Sections 35-651 and 35-652, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.~~
- (d) ~~The minimum base height provisions of Section 35-652 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.~~
- (e) ~~The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.~~
- (f) ~~For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:~~
- (1) ~~The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 35-652, or as modified in any applicable Special District.~~
  - (2) ~~The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of Section 35-652, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.~~
  - (3) ~~The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 35-651, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.~~
- (g) ~~In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).~~

- (h) — For the purposes of applying the #street wall# location regulations of paragraph (b) of this Section, any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.
- (i) — For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-651 and 35-652, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

### **35-66**

#### **Special Height and Setback Provisions for Certain Areas**

[CONTENT OF SECTION 35-66 MOVING TO SECTION 35-643(a)(1) AND MODIFYING PER PROPOSAL]

#### **Community District 6, Manhattan**

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower on a base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

### **35-661**

#### **Special height and setback regulations in certain C6-3 Districts within Community District 1, Borough of the Bronx**

[CONTENT OF SECTION 35-661 MOVING TO SECTION 35-643(c)(1) AND MODIFYING PER PROPOSAL]

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the #street wall# location and height and setback provisions of Sections 35-651 and 35-652 shall not apply. In lieu thereof, the height and setback regulations for an R9-1 District set forth in paragraph (c) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), shall apply.

**35-662**

**Special height and setback provisions in certain districts along Atlantic Avenue within Community District 8, Borough of Brooklyn**

[DELETING CONTENT OF SECTION 35-662 PER PROPOSAL. 35-631 AND 35-632  
COVERS THIS]

In C6 2A, C6 3A and C6 3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

**35-663**

**Special height and setback provisions in C6 3A Districts along Atlantic Avenue within Community District 3, Borough of Brooklyn**

[DELETING CONTENT OF SECTION 35-663 PER PROPOSAL. 35-631 AND 35-632  
COVERS THIS]

In C6 3A Districts in Community District 3, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

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NEW 35-60 PROVISIONS

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**35-60**

**MODIFICATION OF HEIGHT AND SETBACK REGULATIONS**

[NEW TEXT]

Height and setback regulations are set forth in Section 35-62 for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District and Section 35-63 inclusive, for #Commercail Districts# mapped within or with a R6 through R12 District. Special regulations governing certain areas are set forth in Section 35-64, inclusive. Permitted obstructions to maximum heights are set forth in Section 35-61.

**35-61**

**Commented [Z17]:** The Proposal would update these regulations to better reflect the changes to Residence District bulk regulations. In doing so, these rules can be greatly simplified as the Residence District rules would already apply.

## **Permitted Obstructions**

[RELOCATED FROM 35-61 AND UPDATED CROSS REFERENCES]

In all #Commercial Districts#, the provisions of Section 33-42 (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 Permitted obstructions in certain districts.

### **35-62**

#### **Height and Setback Requirements in Commercial Districts with R1 Through R5 Equivalency**

[SIMPLIFYING REGULATIONS; CLARIFYING QUALIFYING TRANSIT ACCESSIBLE SITE APPLICABILITY]

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 district, for the purposes of applying the provisions of 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, to #qualifying transit-accessible sites#, the applicable #Residence District# regulations shall apply, including as modified by the provisions of Section 35-22.

The height of all #buildings or other structures# shall be measured from the #base plane#.

### **35-63**

#### **Height and Setback Requirements in Commercial Districts with R6 Through 12 Equivalency**

[MOVED FROM 35-65 AND MODIFIED]

C1 C2 C4 C5 C6

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the #street wall# location of a #building# shall be as set forth in Section 35-631, and the height and setback provisions shall be as set forth in Section 35-632.

The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to Section 23-413 (Permitted obstructions in certain districts).

### **35-631**

**Commented [Z18]:** The Proposal would update the street wall provisions in Commercial District to better reflect the built context in these districts. Similar to the changes made to the Residence District street wall rules, they would provide more flexibility to allow buildings to better match their surroundings.

## Street wall location

[CONTENT OF SECTION 35-651 MOVING TO SECTION 35-631 AND MODIFYING PER PROPOSAL]

C1 C2 C4 C5 C6

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the minimum base height set forth in 23-432 (Basic height and setback requirements) as applicable. Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

### (a) Line-up rules

For #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 through R12 Districts, when located within the #Manhattan Core#, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-632 and 23-432, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.
- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (a)(1) of this Section.

However, where, the #street walls# surrounding the subject #building# have a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-431 (Street wall location requirements) may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) the following shall apply:

- (1) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 35-632 and 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#;
- (2) for #zoning lots# bounded by more than one #street line#, these #street wall# location provisions need only apply along one #street line#. Where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

However, where, the #street wall# surrounding the subject #building# have a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-431 may be applied.

(c) Modifications along certain frontages

Notwithstanding the provisions of paragraphs (a) or (b) of this Section, the following may be applied:

- (1) for #street walls# with a #transportation infrastructure adjacent frontage#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to a minimum base height of one #story# or 15 feet, whichever is less. The minimum base height specified in Sections 35-652 and 23-432 need not apply;
- (2) for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or is coincident with the #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Sections 35-652 and 23-432, or the height of the #building#, whichever is less;

(d) Articulation allowances

**Commented [Z19]:** The Proposal would provide a framework for street walls in areas near heavy infrastructure and on large campus-like sites that are intended to reflect their unique conditions.

**Commented [Z20]:** The Proposal would provide more consistent articulation allowances to encourage better design outcomes.



In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

**35-632**

**Maximum height of buildings and setback regulations**

[CONTENT OF SECTION 35-652 MOVING TO SECTION 35-632 AND MODIFYING PER PROPOSAL; SECTION 35-653 MOVING TO SECTION 35-632 (d) AND MODIFYING]

C1 C2 C4 C5 C6

In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through R12 district, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied in accordance with the provisions set forth in this Section.

(a) Basic height and setback requirements

The minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section 23-432 for the applicable #Residence District#. At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided in accordance with Section 23-433.

(b) Height and setback modifications for affordable or senior housing

For #zoning lots# containing #qualifying senior housing# or #qualifying affordable housing#, the maximum base heights and maximum #building# heights may be increased in accordance with the table in Section 23-434 for the applicable #Residence District#.

(c) Height and setback modifications on eligible sites

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 without a letter suffix, for #zoning lots# meeting the criteria of paragraph (a) of Section 23-435, the maximum #building# heights may be increased in accordance with the table in Section 23-435 for the applicable #Residence District#.

**Commented [Z21]:** The Proposal would align the height and setback rules in these districts to the Residence District rules in Article II chapter 3.

(d) Tower regulations

In #Commercial Districts# mapped within, or with a #residential equivalent# of R9 or R10 Districts, other than R10A or R11A, as an alternative to the maximum #building# heights set forth in Sections 23-432, 23-434 or 23-435, as applicable, towers shall be permitted pursuant to the provisions of Section 23-436.

(e) Additional regulations

The additional regulations set forth in Section 23-437 shall be applied. However, for the purposes of apply such provisions, the #street wall# location provisions of Section 35-631 shall apply in lieu of Section 23-431.

**35-64**

**Special Provisions for Certain Areas**

**35-641**

**Special provisions for height factor buildings**

In #Commercial Districts# that are mapped within, or have a #residential equivalent# of an R6 through R9 District without a letter suffix, for #height factor buildings#, the height and setback regulations shall be as set forth in Section 23-72, inclusive.

[MOVING FROM 35-63 (c)]

In C1-8, C2-7 or in C1 or C2 Districts mapped within R9 Districts, the provisions of Section 23-722 (Alternate front setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.

[MOVING FROM 35-63 (a)]

In addition, the maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial#, or #community facility building#, whichever permits the greatest maximum height.

**35-642**

**Special tower provisions**

**Commented [Z22]:** Provisions for height factor buildings would be concentrated here.

C1 C2 C4 C5 C6

In addition to the provisions of Section 23-436, the following provisions shall apply to towers in certain areas.

[MOVING FROM 35-653. UPDATING PER PROPOSAL]

- (a) #Commercial Districts# mapped within, or with a #residential equivalent# of an R9D or R10X District, the minimum #lot coverage# of a tower above the maximum base height shall be 33 percent of the #lot area# of the #zoning lot#.

[MOVING FROM 35-64 (a). UPDATING PER PROPOSAL]

- (b) In C1 or C2 Districts mapped within R9 or R10 Districts without a letter suffix, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the criteria of paragraph (b) of Section 23-442 shall be governed by the tower-on-a-base provisions of such Section.

### **35-643**

#### **Special provisions for certain community districts**

- (a) Borough of Manhattan

- (1) Community District 6

[RELOCATING FROM 35-66]

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (b) of Section 35-642 (Special tower provisions) shall be modified to require that the additional tower regulations of paragraph (b) of Section 23-442 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of paragraph (a)(2) of Section 23-443 (Special provisions for certain community districts).

**Commented [Z23]:** Special provisions that apply tower on a base regulations would be maintained.

- (b) Borough of Brooklyn

- (1) Community District 8 and 9

**Commented [Z24]:** Special provisions for Ocean Parkway and for some sidewalk widenings would be maintained.

[RELOCATING FROM 35-655]

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-631 and 35-632, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

- (2) Community Districts 3, 5, and 16

[RELOCATING FROM 35-651]

For C4-4L Districts mapped within Community Districts 3, 5, and 16 in the Borough of Brooklyn with frontage along an elevated rail line, a sidewalk widening of 5 feet shall be provided. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of Section 35-63, inclusive.

- (c) Borough of the Bronx

- (1) Community District 1

[RELOCATING FROM 35-661]

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residence for seniors#, the #street wall# location and height and setback provisions of Sections 35-631 and 35-632 shall not apply. In lieu thereof, the height and setback regulations for an R9-1 District set forth in Section 23-434 (Height and setback modifications for affordable or senior housing), shall apply.

- (d) Borough of Staten Island

[RELOCATING FROM 35-23]

In C4-2 Districts, the provisions of 23-70 (Special provisions for height factor buildings) shall not apply.

ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS

**Chapter 6**  
**Accessory Off-Street Parking and Loading Regulations**

**36-00**  
**GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**36-02**  
**Applicability of District Regulations**

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

~~**36-021**  
**Applicability of regulation to non-profit hospital staff dwellings**~~

[DELETED BECAUSE THE PROPOSAL WOULD REMOVE PARKING REQUIREMENTS FOR NON-PROFIT HOSPITAL STAFF DWELLINGS.]

~~In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:~~

- ~~(a) the regulations of a C4-1 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R1, R2 and R3 Districts, and to C3 Districts;~~
- ~~(b) the regulations of a C4-2 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R4 and R5 Districts, and to C4-1 and C8-1 Districts; and~~
- ~~(c) the regulations of a C4-7 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R6 through R10 Districts, and to C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-7, C5, C6, C8-2,~~

**Commented [Z1]:** Article III Chapter 6 includes the rules for parking in Commercial Districts. Changes made in this chapter generally mirror the changes made to parking requirements for Residence Districts in Article II Chapter 5.

These include removing parking requirements for new residences, establishing a framework for the removal of the previously requirement parking for residences, removing the requirements for community facilities with sleeping accommodations and houses of worship, and supporting mixed use developments by lowering parking requirements for non-residential uses on small lots.

C8-3 and C8-4 Districts.

~~36-022~~

36-021

**Applicability of regulations of C6-1A Districts**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

~~36-023~~

36-022

**Applicability of regulations in C4-1 Districts**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

~~36-024~~

36-023

**Applicability of regulations in the Manhattan Core and the Long Island City area**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

~~36-026~~

~~**Applicability of regulations to Quality Housing**~~

[DELETED TO REFLECT THE PROPOSAL'S CHANGES TO MAKE QUALITY HOUSING PROVISIONS APPLICABLE MORE BROADLY.]

~~On any #zoning lot# containing a #Quality Housing building#, all #accessory# off street parking spaces shall comply with the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING), inclusive.~~

~~36-027~~

36-024

**Applicability of regulations in the waterfront area**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

~~36-028~~

**36-025**

**Applicability of regulations in flood zones**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

**36-029**

**36-026**

**Applicability of regulations to public parking garages and public parking lots**

[RENUMBERING, CONTENT UNCHANGED.]

\* \* \*

**36-10**

**PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

**36-11**

**General Provisions**

[UPDATING CROSS REFERENCE AND ELIMINATING CONFLICTING PROVISIONS]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section 85-03 (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 36-12 (~~Maximum Size of Accessory Group Parking Facilities~~) (Maximum Number of Residential Spaces on a Zoning Lot). Such #accessory# off-street parking spaces may be open or enclosed. ~~However, except as otherwise provided in Sections 73-48 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.~~

**36-12**

**~~Maximum Size of Accessory Group Parking Facilities~~**

[DELETED, REPLACED WITH PROPOSED SECTION 36-12.]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off street parking spaces or, in the case of a #Quality Housing building#, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory~~

Group Parking Facilities).

The provisions of this Section shall not apply to ~~#accessory#~~ off-street parking spaces provided in ~~#public parking garages#~~ in accordance with the provisions of Section 36-57 (Accessory Off-street Parking Spaces in Public Garages).

### **36-13**

#### **Modification of Maximum Size of Accessory Group Parking Facilities**

[DELETED, REPLACED WITH PROPOSED SECTION 36-12.]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

In all districts, as indicated, a ~~#group parking facility#~~ may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) ~~has separate vehicular entrances and exits thereto, located not less than 25 feet apart;~~
- (b) ~~if #accessory# to a #commercial# or #community facility# #use#, is located on a #street# not less than 60 feet in width; and~~
- (c) ~~if #accessory# to a #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.~~

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to ~~#accessory#~~ off-street parking spaces provided in ~~#public parking garages#~~ in accordance with the provisions of Section 36-57 (Accessory Off-street Parking Spaces in Public Garages).

### **36-14**

#### **Exceptions to Maximum Size of Accessory Group Parking Facilities**

[DELETED, REPLACED WITH PROPOSED SECTION 36-12.]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

In all districts, as indicated, the Board of Standards and Appeals may permit ~~#accessory# #group parking facilities#~~ with more than 150 spaces, in accordance with the provisions of Section 73-47 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to ~~#accessory#~~ off-street parking spaces provided in ~~#public parking garages#~~ in accordance with the provisions of Section 36-57 (Accessory Off-



street Parking Spaces in Public Garages).

**36-12**

**Maximum Number of Residential Spaces on a Zoning Lot**

[NEW SECTION REFLECTING EXISTING DOB PRACTICE.]

C1 C2 C3 C4 C5 C6 C7 C8

The provisions of Section 25-12 (Maximum Number of Spaces on a Zoning Lot) shall apply to parking spaces #accessory# to #residential# #uses#.

**Commented [Z2]:** The Proposal would subject parking for residences to the limits in Article II Chapter 5. Non-residential parking would be better aligned with DOB practice, which views the permitted parking in this current section as separate from the required parking spaces.

**36-20**

**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES**

**36-21**

**General Provisions**

[ELIMINATING REQUIREMENTS FOR HOUSES OF WORSHIP AND UPDATING TRANSIT ZONE NOMENCLATURE FOR C7 DISTRICTS.]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility# #uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

**Commented [Z3]:** Changes made below and in the use regulations in Article III Chapter 1 remove the parking requirements for community facilities with sleeping accommodations and houses of worship.

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street);
- ~~(c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally Oriented Houses of Worship); and~~
- (d)(c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 36-27 (Waiver for Certain Small Zoning Lots or Establishments).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

<b>Parking Requirement Category</b>	<b>Type of Requirement</b>
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

Parking Requirement Category	PRC - A				PRC - B			PRC - C
	A1	A2	A3	A4	B1	B2	B3	
Unit of measurement	per square feet of #floor area# <sup>1</sup>				per persons-rated capacity			per square feet of # lot area# <sup>4</sup>
C1-1 C2-1 C3 C4-1	1 per 100	1 per 150	1 per 150 <sup>2,3</sup>	1 per 400	1 per 4	1 per 8	1 per 10	1 per 500

C1-2 C2-2 C4-2 C8-1	1 per 200	1 per 300	1 per 300 <sup>2,3</sup>	1 per 600	1 per 8			
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 300	1 per 400	1 per 400 <sup>2</sup>	1 per 800	1 per 12	1 per 16	1 per 20	1 per 2,000
C1-4 C2-4 C4-4 C4-5D C8-3  C7 outside the #expanded transit zone# #Greater Transit Zone#	1 per 1,000	1 per 1,000	1 per 1,000	1 per 1,000	1 per 25	None required	None required	None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4  C7 within the #expanded transit zone# #Greater Transit Zone#	None required	None required	None required	None required	None required	None required	None required	None required

- <sup>1</sup> For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.
- <sup>2</sup> Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.
- <sup>3</sup> In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts, the parking requirements for ambulatory diagnostic or treatment health care facilities shall be 1 per 400 square feet of #floor area# when located above the first #story# ceiling.
- <sup>4</sup> In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3 <sup>7</sup>	F1	F2
Unit of measurement	per square feet of #floor area# or per employees <sup>5</sup>		per bed			per guest room or suites	
C1-1 C2-1 C3 C4-1	1 per 1,000 sq ft or 1 per 3 employees, whichever	1 per 2,000 sq ft or 1 per 3 employees, whichever will	1 per 5 <sup>6</sup>	1 per 6	1 per 10	1 per 1	1 per 4

C1-2 C2-2 C4-2 C8-1	will require a larger number of spaces	require a larger number of spaces				1 per 8
C1-3 C2-3 C4-2A C4-3 C8-2				1 per 12	1 per 20	1 per 12
C1-4 C2-4 C4-4 C4-5D C8-3  C7 outside the #expanded transit-zone# #Greater Transit Zone#			1 per 8 <sup>6</sup>	None required	None required	
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4  C7 within the #expanded transit-zone# #Greater Transit Zone#	None required	None required	1 per 10 <sup>6</sup>	None required	None required	None required

<sup>5</sup> For predominantly open storage of miscellaneous #uses# in PRC-D2, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

<sup>6</sup> Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

<sup>7</sup> Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 36-30. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 28-02.

Parking Requirement Category	PRC - G						
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Colleges, universities or seminaries	#Schools#	Houses of worship	Libraries, museums or non-commercial art galleries
Unit of measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per persons-rated capacity <sup>8</sup>	per square feet of #floor area# <sup>(10) 8</sup>

C1-1 C2-1 C3 C4-1	1 per 1,000	1 per 2	1 per 800	1 per 800	None required	<del>1 per 10</del> <sup>9</sup> None required	1 per 800
C1-2 C2-2 C4-2 C8-1						<del>1 per 15</del> <sup>9</sup> None required	1 per 800
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000		None required [9]	1 per 2,000
C1-4 C2-4 C4-4 C4-5D C8-3	None required	None required	None required	None required		None required [9]	None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4	None required	None required	None required	None required		None required [9]	None required
C7 outside the #expanded transit zone# #Greater Transit Zone#							
C7 within the #expanded transit zone# #Greater Transit Zone#							

<sup>8</sup> Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room.

<sup>9</sup> In C1 or C2 Districts mapped within R1, R2 or R3 Districts, the parking requirements shall be 1 per 10 persons rated capacity. In C1 or C2 Districts mapped within R4 or R5 Districts, the parking requirements shall be 1 per 15 persons rated capacity. In C1 or C2 Districts mapped within R6, R7, R8, R9 or R10 Districts, no parking shall be required.

<sup>40</sup> Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

Parking	PRC – G (continued)
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Requirement Category	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	Riding academies or stables
Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
C1-1 C2-1 C3 C4-1	1 per 500	None required	1 per 10	see Section 62-43	1 per 2,000 or 1 per 3	1 per 800	1 per 200	None required
C1-2 C2-2 C4-2 C8-1	1 per 800		1 per 20			1 per 1,200	1 per 400	
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 1,000		None required			1 per 1,500	1 per 600	
C1-4 C2-4 C4-4 C4-5D C8-3	1 per 2,000		None required			1 per 2,000		
C7 outside the #expanded transit zone# #Greater Transit Zone#	None required		None required			None required	None required	
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4	None required		None required			None required	None required	
C7 within the #expanded transit zone# #Greater Transit Zone#								

**36-211  
Special provisions in certain areas**

\* \* \*

**36-25**

**Waiver for Locally Oriented Houses of Worship**

[DELETING, CONSISTENT WITH REMOVAL OF PARKING REQUIREMENTS FOR HOUSES OF WORSHIP]

~~C1 C2 C3 C4 C8~~

~~In the districts indicated, the requirements set forth in Sections 36-21 (General Provisions) and 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:~~

- ~~(a) — seventy five percent or more of the congregants of such house of worship reside within a three quarter mile radius of the house of worship;~~
- ~~(b) — the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number); and~~
- ~~(c) — such house of worship shall not include, as an #accessory# #use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.~~

~~For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.~~

~~The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.~~

~~A certification pursuant to this Section shall be granted on condition that the certificate of occupancy for such house of worship be marked or amended to provide that #accessory# #uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.~~

~~Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.~~

**36-26**

**Special Provisions for Zoning Lots Divided by District Boundaries**

[DELETING, REDUNDANT; REGULATIONS ARE IN ART. VII, CH. 7]

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.~~

**36-27**

**36-25**

**Waiver for Certain Small Zoning Lots or Establishments**

[RENUMBERING DUE TO DELETIONS ABOVE]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the parking requirements of Section 36-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in parking requirement category (PRC) D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15;
- (c) For camps, overnight or day, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10; and
- (d) In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts and in C4-1 and C4-2 Districts, in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either #ambulatory diagnostic or treatment health care facilities# listed under Use Group III(B) or child care services,



as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

**36-26**

**Waiver for Mixed-Use Developments**

[ALLOWING FOR THE WAIVER OF NON-RESIDENTIAL PARKING REQUIREMENTS FOR MIXED-USE DEVELOPMENTS, CONSISTENT WITH PROJECT GOALS.]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the non-residential parking requirements of Section 36-20 shall be waived for #uses# located within #buildings# containing #residences# in accordance with this Section:

- (a) on any #zoning lot# within the #Inner Transit Zone#;
- (b) on any #zoning lot# with a #lot area# of 10,000 square feet or less that is located within the #Outer Transit Zone#; or
- (c) on any #zoning lot# with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

**36-30**

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

[REMOVING PARKING REQUIREMENTS FOR NEW DEVELOPMENTS, ENLARGEMENTS, OR CONVERSIONS, AND PRESERVING EXISTING PARKING REQUIREMENTS FOR EXISTING BUILDINGS, CONSISTENT WITH PROJECT GOALS.]

**36-31**

**General Provisions**

[REMOVING PARKING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENTS]

C1 C2 C3 C4 C5 C6

In the districts indicated, no #accessory# off-street parking spaces shall be required for #dwelling units# or #rooming units# created after [date of adoption].

However, #accessory# off-street parking spaces, open or enclosed, shall continue to be provided for all #dwelling units# ~~constructed after December 15, 1961~~ created between July 20, 1950 and [date of adoption], in accordance with the provisions of the following Sections and

**Commented [Z4]:** The Proposal would encourage the development of mixed use buildings on small lots by removing the parking requirements for non-residential uses. Similar provisions already exist on Staten Island and support the small-scale mixed use buildings found on the city's neighborhood retail streets.

**Commented [Z5]:** Changes in these sections reflect the Proposal's removal of parking requirements for new residences.

the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit#:

~~Section 36-32 (Requirements Where Individual Parking Facilities Are Provided)~~

~~Section 36-33 (Requirements Where Group Parking Facilities Are Provided)~~

~~Section 36-34 (Modification of Requirements for Small Zoning Lots)~~

~~Section 36-35 (Modification of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors)~~

~~Section 36-37 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements)~~

~~Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)~~

Section 36-32 (Calculation of Parking Requirements)

Section 36-33 (Removal of Required Parking)

~~For #dwelling units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.~~

~~In addition, #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to March 22, 2016, shall continue to be subject to the applicable zoning-district regulations in effect prior to March 22, 2016. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.~~

### **36-311**

#### **Application of requirements to conversions in C1 or C2 Districts**

[DELETED, PARKING REQUIREMENTS NO LONGER APPLY TO NEW CONVERSIONS.]

#### **C1-C2**

- ~~(a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6 or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.~~
- ~~(b) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 shall not apply to the additional #dwelling-~~

~~units# created by #conversions# on #zoning lots# of any size.~~

**36-312**

**Application of requirements to conversions in C3, C4, C5 and C6 Districts**

[DELETED, PARKING REQUIREMENTS NO LONGER APPLY TO NEW CONVERSIONS.]

~~C3 C4-1 C4-2 C4-3~~

~~(a) In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.~~

~~C4-4 C4-5 C4-6 C4-7 C5 C6~~

~~(b) In the districts indicated, no #accessory# off street parking is required for additional #dwelling units# created by #conversion# within #buildings# existing prior to December 15, 1961.~~

**36-32**

**Requirements Where Individual Parking Facilities Are Provided**

[MERGING INDIVIDUAL AND GROUP PARKING REGULATIONS AND UPDATING CROSS-REFERENCES TO NEW PARKING PROVISIONS IN ART. II, CH. 5. IN A NEW PROPOSED SECTION 36-32, BELOW.]

~~C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 C3 C4-1 C4-2 C4-3~~

~~In the districts indicated, where #group parking facilities# are not provided, the requirements for #accessory# off street parking spaces are as set forth in this Section.~~

**36-321**

**In C1 or C2 Districts governed by surrounding Residence District bulk regulations**

[DELETED, MERGING INDIVIDUAL AND GROUP PARKING REGULATIONS INTO PROPOSED SECTION 36-32.]

~~C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5~~

~~In the districts indicated, where such districts are mapped within R1, R2, R3, R4 or R5 Districts, and where #group parking facilities# are not provided, one #accessory# off street parking space, open or enclosed, shall be provided for each #dwelling unit#.~~

**36-322**

**In C3 or C4 Districts**

[DELETED, MERGING INDIVIDUAL AND GROUP PARKING REGULATIONS INTO PROPOSED SECTION 36-32.]

~~C3 C4-1 C4-2 C4-3~~

~~In the districts indicated, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided) and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.~~

**36-33**

**Requirements Where Group Parking Facilities Are Provided**

[DELETED, MERGING INDIVIDUAL AND GROUP PARKING REGULATIONS INTO PROPOSED SECTION 36-32.]

**36-32**

**Calculation of Required Parking**

C1 C2 C3 C4 C5 C6 C7 C8

~~In the districts indicated, for #residences# #developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided);~~

In the districts indicated, #accessory# off-street parking spaces, open or enclosed, shall continue to be required for all #dwelling units# created between July 20, 1950 and [date of adoption] as set forth in Section 25-22 (Calculation of Required Parking) for the applicable #Residence District#, as determined in accordance with Section 35-22 or 35-23.

For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C1-6, C2-6, C4-4, C4-5 and C6-1 Districts, the regulations of an R7-2 District shall apply. ~~For C1 or C2 Districts mapped within #lower density growth management areas#, the number of required #accessory# off-street parking spaces for such #residences# shall be 100 percent of the number of new #dwelling units#, and for C1 or C2 Districts mapped within R5A and R5B Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R5 District without a letter suffix.~~

**36-34**

**Modification of Requirements for Small Zoning Lots**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6~~

~~In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided), shall be modified in accordance with the provisions set forth in this Section.~~

**36-341**

**Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5~~

~~In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:~~

**REDUCED REQUIREMENTS FOR SMALL ZONING LOTS**

District within which C1 or C2 District is Mapped	#Lot Area#	Parking Spaces Required as a Percent of total #Dwelling Units#
<del>R6 R7-1<sup>a</sup> R7B</del>	<del>10,000 square feet or less</del>	<del>50</del>
<del>R7-1 R7A R7D R7X</del>		<del>30</del>
<del>R7-2</del>	<del>10,001 to 15,000 square feet</del>	<del>30</del>
<del>R8<sup>**</sup> R9 R10</del>		<del>20</del>

<sup>a</sup>—— In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community-District 10, Borough of the Bronx

<sup>\*\*</sup>—— In R8B Districts, the parking requirements may not be reduced

**36-342**

**~~Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts~~**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5-C6~~

~~In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:~~

~~REDUCED REQUIREMENTS FOR SMALL ZONING LOTS~~

<del>District</del>	<del>#Lot Area#</del>	<del>Parking Spaces Required as a Percent of Total #Dwelling-Units#</del>
<del>C4-2 C4-3</del>	<del>10,000 square feet or less</del>	<del>50</del>
<del>C1-6 C2-6 C4-4 C4-5 C6-1</del>	<del>10,001 to 15,000 square feet</del>	<del>30</del>
<del>C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9</del>		<del>20</del>

**36-343**

**~~Waiver of requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations~~**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-4 C1-5 C2-4 C2-5~~

~~In the districts indicated, when mapped within an R7-2, R8, R9 or R10 District, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B-Districts.~~

**36-344**

**~~Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts~~**

[DELETED, WAIVERS ARE LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5-C6~~

~~In the districts indicated, the requirements set forth in Section 36-33 (Requirements Where~~

Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less.

**36-345**

**Waiver of requirements for small zoning lots in certain districts in the Borough of Staten Island**

[DELETED, CONTENT MOVED TO PROPOSED 36-32.]

~~C1-C2~~

~~In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.~~

**36-35**

**Modification of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors**

[DELETED, REDUCTIONS ARE INCORPORATED INTO AMOUNTS LISTED IN COLUMN B IN TABLE 2 IN SECTION 25-22.]

~~C1-C2-C3-C4-C5-C6~~

~~In the districts indicated, the number of required #accessory# off street parking spaces is as set forth in Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) for the applicable #Residence-District#, as determined in accordance with Sections 35-22 or 35-23.~~

**36-36**

**Waiver of Requirements for Small Number of Spaces**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-C2-C4-2-C4-3-C4-4-C4-5-C4-6-C4-7-C5-C6~~

~~In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be subject to the waiver provisions of this Section.~~

**36-361**

**In C1 or C2 Districts governed by surrounding Residence-District bulk regulations**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5~~

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) shall be waived if the required number of #accessory# off street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
R5D	4
R6 R7-1* R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

\* For #Quality Housing buildings# with #income-restricted housing units# utilizing the parking reductions of Section 25-251, or for #Quality Housing buildings# with other government-assisted #dwelling units# utilizing the parking reductions of Section 25-253, the maximum number of spaces waived shall be 15.

However, the following provisions shall apply:

- (a) ~~In C1 or C2 Districts mapped within R5D Districts, the provisions of this Section shall apply only to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit; and~~
- (b) ~~In C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth-management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2010, and on the date of application for a building permit.~~

**36-362**

**In other C1 or C2 Districts or in C4, C5 or C6 Districts**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

~~C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5-C6~~



In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table:

Districts	Maximum Number of Spaces Waived
C4-2-C4-3	5
C1-6-C1-7-C1-8-C1-9-C2-6-C2-7-C2-8-C4-4-C4-5-C4-6-C4-7-C5-C6	15

**36-363**

**For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

C1-1-C1-2-C1-3-C1-4-C1-5-C2-1-C2-2-C2-3-C2-4-C2-5

In the districts indicated<sup>a</sup>, where such districts are mapped within R6, R7-1, R7A, R7B, R7D or R7X Districts, the requirements set forth in Section 36-311 (Application of requirements to conversions in C1 or C2 Districts) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

<sup>a</sup>— No #accessory# off-street parking is required for additional #dwelling units# created by #conversions# in C1 or C2 Districts mapped within R7-2, R8, R9, or R10 Districts. See Section 36-311 (Application of requirements to conversions in C1 or C2 Districts)

**36-364**

**For conversions in C4 Districts**

[DELETED, REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22.]

C4-2-C4-3

In the districts indicated<sup>a</sup>, the requirements set forth in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 Districts) shall be waived, if the required number of #accessory# off-street parking spaces resulting from the application of such

requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

<sup>a</sup> No #accessory# off-street parking is required for additional #dwelling units# created by #conversions# in the districts not indicated in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 Districts).

### **36-33**

#### **Removal of Required Parking**

[REPURPOSING SETION NUMBER, ESTABLISHING NEW PROVISIONS GOVERNING REMOVAL OF EXISTING REQUIRED PARKING SPACES, MIRRORING PROPOSED SECTION 25-23.]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, any required #accessory# off-street parking spaces serving #dwelling units# created between July 20, 1950 and [date of adoption] shall not be removed, except:

- (a) where serving a #single#- or #two-family# #residence#, pursuant to Section 36-331 (Permitted removal for single- and two-family homes);
- (b) where serving other #residences#, as authorized by the City Planning Commission pursuant to Section 36-332 (Permitted removal of all other required residential parking);
- (c) where located within off-street parking facilities built prior to May 8, 2013 within the #Manhattan Core#, as authorized by the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces); or
- (d) where located within off-street parking facilities built prior to October 25, 1995 within the #Long Island City area#, as authorized by the City Planning Commission pursuant to Section 16-342 (Reduction in the number of required existing parking spaces).

Any amount of off-street parking spaces #accessory# to #dwelling units# in excess of the number required shall be permitted to be removed as-of-right at any time.

### **36-331**

#### **Permitted removal for single- and two-family homes**

[NEW SECTION.]

Any #accessory# off-street parking space serving a #single#- or #two-family# #residence# that is required pursuant to Section 36-32 shall be permitted to be removed as-of-right at any time.

**Commented [Z6]:** The Proposal would permit the removal or previously required parking for residences for single- and two-family, and for other housing types by discretionary action. Permitted parking can be removed under current rules and this would be maintained.

**36-332**

**Permitted removal of all other required residential parking**

[NEW SECTION.]

Any #accessory# off-street parking space serving #dwelling units# other than those within a #single-# or #two-family# #residence# that is required pursuant to Section 36-32, may only be removed where authorized by the City Planning Commission as set forth in Section 75-31 (Authorization to Remove Required Parking).

**36-37**

**36-34**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements**

[RENUMBERING SECTION, REMOVING REFERENCES TO REQUIREMENTS FOR HOUSES OF WORSHIP.]

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~houses of worship~~ or for #uses# in parking requirement category B1 when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces).

**36-38**

**36-35**

**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

[RENUMBERING SECTION, CONTENT UNCHANGED.]

\* \* \*

**36-39**

**Special Provisions for Zoning Lots Divided by District Boundaries**

[REMOVING, SINCE REDUNDANT; REGULATIONS ARE LOCATED IN ART. VII, CH. 7]

~~C1 C2 C3 C4 C5 C6~~

~~In the districts indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.~~

**36-40**

**RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-442**

**Shared parking facilities for houses of worship**

[CLARIFYING LANGUAGE TO REFLECT REMOVAL OF REQUIREMENTS FOR HOUSES OF WORSHIP.]

In C1 or C2 Districts mapped within R1, R2, R3, R4 or R5 Districts and in C3, C4-1, C4-2 and C8-1 Districts, ~~required~~ #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

\* \* \*

**36-461**

**Restrictions on the use of accessory off-street parking spaces**

[CLARIFYING APPLICABILITY OF MONTHLY RENTALS AND ALLOWING RESIDENTIAL SPACES TO BE OPERATED AS PUBLIC PARKING, PER PROPOSAL.]

C1 C2 C3 C4 C5 C6 C7 C8

**Commented [Z7]:** The Proposal would make clear that required spaces for residences can be rented out or, in some situations, used for public parking.

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

~~(a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons. However, in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.~~

~~(1) in C1 and C5 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however, that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents); and~~

~~(2) in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.~~

(a) In all districts, off-street parking spaces #accessory# to #residences# may be rented, except as otherwise permitted by paragraph (b) of this Section, for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#.

(b) In all districts, within #group parking facilities#, off-street parking spaces #accessory# to #residences# may be made available for public use.

(c) In C1 or C2 Districts mapped within, or with an equivalent of, R3-2 through R10 Districts, other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

- (1) publicly available electric vehicle charging facilities;
- (2) #car sharing vehicles#; or
- (3) vehicles stored by automobile rental establishments.

~~(d)~~ (d) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

- (1) publicly available electric vehicle charging facilities;

- (2) #car sharing vehicles#;
- (3) vehicles stored by automobile rental establishments; or
- (4) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

Any spaces #accessory# to #residences# shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

\* \* \*

**36-48  
Electric Vehicle Charging**

[CLARIFYING EDITS TO ALIGN WITH STYLE OF OTHER EXISTING SECTIONS.]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, Electric electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section 36-461 (Restrictions on use of accessory off-street parking spaces).

**36-50  
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY  
OFF-STREET PARKING SPACES**

\* \* \*

**36-521  
Size of spaces**

[ADDING NEW ALLOWNCE FOR PARKING SPACES SERVING SINGLE- AND TWO-FAMILY HOMES.]

C1 C2 C3 C4 C5 C6 C7 C8

- (a) Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space-, except as follows:

(1) Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one street parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(4) Single- and two-family homes

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

\* \* \*

36-522

**Location of parking spaces in ~~certain districts~~ on zoning lots containing residences**

[STREAMLINING REGULATIONS FOR CONSISTENCY WITH THE PROPOSAL'S CHANGES TO THE QUALITY HOUSING REGULATIONS, AND TO AVOID CONFUSION

**Commented [Z8]:** The Proposal would update the parking location provisions for sites with residences. They would generally be aligned with the current "quality housing" regulations, but larger lots would be afforded greater site planning flexibility.

The streetscape regulations in the City of Yes for Economic Opportunity would also regulate parking location and so some similar provisions already found here would be removed.

WITH APPLICABLE STREETScape REGULATIONS.]

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D  
C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X~~

~~In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B,  
R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and  
for #Quality Housing buildings# in C1, C2, C4, C5 and C6 Districts without a letter-  
suffix, all #accessory# off-street parking spaces shall comply with the provisions of this  
Section.~~

~~(a) — #Buildings# other than #mixed buildings#~~

~~For any #block# front that is entirely within a #Commercial District#, #accessory# off-  
street parking spaces shall be located only within a #building# or in any open area on the  
#zoning lot# that is not between the #street line# and the #street wall# of the #building#  
or its prolongation. Where a #zoning lot# is bounded by more than one such #street line#,  
this provision shall apply along only one #street line#.~~

~~(b) — #Mixed buildings#~~

~~For #mixed buildings#, all #accessory# off-street parking spaces shall be located only  
within a #building# or in any open area on the #zoning lot# that is not between the #street  
line# and the #street wall# of the #building# or its prolongation.~~

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with #buildings# containing #residences#, all  
#accessory# off-street parking spaces shall be located only within such #buildings# or in any  
open area on the #zoning lot# that is not between the #street line# and the #street wall# of such  
#buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block#, or  
where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or  
alternate ownership arrangements that are contiguous or would be contiguous but for their  
separation by a #street#, have a #lot area# of at least 1.5 acres.

\* \* \*

**36-53**

**Width of Curb Cuts and Location of Access to the Street**

\* \* \*



**36-54**

**Restrictions on Use of Required Residential Open Space for Parking**

[DELETING TO RELAX RESTRICTIONS ON PERCENTAGE OF REQUIRED OPEN SPACE THAT CAN BE USED FOR PARKING, PER PROJECT GOALS]

~~C1-1 C1-2 C1-3 C1-4 C1-5 C1-6 C1-7 C1-8 C2-1 C2-2 C2-3 C2-4 C2-5 C2-6 C2-7 C3-C4-1 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C6-3~~

~~In the districts indicated, except for C1 or C2 Districts when mapped within an R10 District, in accordance with the provisions of Sections 34-11 or 35-21 (General Provisions), not more than 50 percent of the required #open space# on any #zoning lot# with a #building# containing #residences# may be used for driveways, private streets, open #accessory# off street parking spaces or open #accessory# off street loading berths.~~

**Commented [Z9]:** The Proposal would allow greater site planning flexibility, particularly on smaller lots, by removing limitations on parking location.

**36-55**

**36-54**

**Surfacing**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

**36-56**

**36-55**

**Screening**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

**36-57**

**36-56**

**Accessory Off-Street Parking Spaces in Public Garages**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

**36-58**

**36-57**

**Parking Lot Maneuverability and Curb Cut Regulations**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-581~~

36-571

**Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-59~~

36-58

**Cross Access Connections in the Borough of Staten Island**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-591~~

36-581

**Applicability**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-592~~

36-582

**Certification of cross access connections**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-593~~

36-583

**Site planning criteria for cross access connections**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-594~~

36-584

**Establishment of location of required cross access connection**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-595~~

36-585

**Recordation and notice requirements**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-596~~

36-586

**Certification that no connection is required, relocation of previously certified connections and voluntary connections**

[RENUMBERING, CONTENT UNCHANGED]

\* \* \*

~~36-597~~

36-587

**Authorizations for waivers or modifications of cross access connections**

[RENUMBERING AND UPDATING CROSS-REFERENCE]

The City Planning Commission may authorize modifications or waivers of the requirements of Section ~~36-59~~ 36-58, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

**36-60**

**OFF-STREET LOADING REGULATIONS**

\* \* \*

**36-62**

**Required Accessory Off-street Loading Berths**

[UPDATING TRANSIT ZONE NOMENCLATURE FOR C7 DISTRICTS]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

<b>Loading Requirement Category</b>	<b>#Use# or Use Group</b>
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

**REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS, OR ENLARGEMENTS**

<b>Loading Requirement Category</b>	<b>Districts</b>	
	C1 <sup>2</sup> C2 <sup>2</sup> C3 C4-1 C4-2 C4-3 C8-1 C8-2	C1 <sup>3</sup> C1-6 C1-7 C1-8 C1-9 C2 <sup>3</sup> C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

	<b>C7 outside the #expanded transit zone# #Greater Transit Zone#</b>	<b>C7 within the #expanded transit zone# #Greater Transit Zone#</b>
<b>LRC-A</b>	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1	First 15,000 sq. ft.: None Next 25,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1
<b>LRC-B</b>	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1	First 25,000 sq. ft.: None Next 15,000 sq. ft.: 1 Next 60,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1
<b>LRC-C</b>	First 25,000 sq. ft.: None Next 75,000 sq. ft.: 1 Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	First 100,000 sq. ft.: None Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1
<b>LRC-D</b> <sup>1</sup>	First 10,000 sq. ft.: None Next 290,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	
<b>LRC E</b>	First 10,000 sq. ft.: None Next 20,000 sq. ft.: 1 Any additional amount : 1	

<sup>1</sup> Requirements in this table are in addition to area utilized for ambulance parking.

<sup>2</sup> Mapped within R1, R2, R3, R4, R5, R6.

<sup>3</sup> Mapped within R7, R8, R9, R10.

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 7  
Special Urban Design Regulations**

\* \* \*

**37-10  
SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY  
GROWTH MANAGEMENT AREAS**

[UPDATING PER PROPOSAL]

**37-11  
Applicability of Article II, Chapter 6, to Lots with Private Roads**

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. ~~In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#. However, for #buildings# containing #commercial uses#, the #front yard# and #side yard# requirements of Section 26-23 and the #front yard# planting requirements of Section 26-22 need not apply.~~

However, Additionally, in C3A Districts located within #lower density growth management areas#, the provisions of Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

\* \* \*

**Commented [Z1]:** Article III Chapter 7 includes urban design regulations for Commercial Districts. The Proposal makes minor updates to reflect changes elsewhere.

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

[THE PROVISIONS AND TABLES INCLUDED IN SECTION 42-00, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENTS, THE FOLLOWING EDITS ARE BEING PROPOSED BY CHO]

**42-00  
GENERAL PROVISIONS**

[REMOVING SECTION THAT NO LONGER IS APPLICABLE & UPDATING CROSS REFERENCES]

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections:

- (a) Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses) establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Manufacturing District#, and additional provisions for certain #uses#, where applicable.
- (b) Section 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS) sets forth special provisions applicable to:
  - (1) ~~#Railroad or transit air space#, as set forth in Section 42-31 (Use of Railroad or Transit Air Space)~~
  - (2) Certain #Manufacturing Districts#, including
    - (i) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section ~~42-324~~ 42-311 (Residential uses in M1-1D through M1-5D Districts);
    - (ii) M1-6D Districts, as set forth in Section ~~42-322~~ 42-312 (Use regulations in M1-6D Districts);

**Commented [Z1]:** Article III Chapter 2 includes the use regulations for Commercial Districts.

The Proposal makes updates to this chapter to reflect changes in some zoning districts, changes to parking requirements for some community facility uses, changes for railroad right of ways, and other terminology changes.

- (iii) M1-5M and M1-6M Districts, as set forth in Section ~~42-323~~ 42-313 (Use regulations in M1-5M and M1-6M Districts);
  - (iv) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section ~~42-324~~ 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts);
  - (v) M1-5B Districts, as set forth in Section ~~42-325~~ 42-315 (Use regulations in M1-5B Districts); and
  - (vi) #Manufacturing Districts# with an A suffix, as set forth in Section 42-36 (Use regulations in A suffix districts).
- (c) Section 42-40 (PERFORMANCE STANDARDS) establishes performance standards that are applicable to certain #uses# listed in Use Groups I, IV, VI, VIII, IX and X.
- (d) Section 42-50 (SUPPLEMENTARY USE REGULATIONS) sets forth supplementary #use# regulations and special provisions applying along district boundaries, including
- (1) Enclosure of commercial or manufacturing activities, as set forth in Section 42-51;
  - (2) Enclosure or screening of storage, as set forth in Section 42-52; and
  - (3) Limitations on business entrances, show windows or #signs#, as set forth in Section 42-53.
- (e) Section 42-60 (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

**42-01  
Special Provisions for Adult Establishments**

\* \* \*

**42-10  
USE ALLOWANCES**

\* \* \*

**42-12  
Use Group II – Residences**

**Commented [Z2]:** The Proposal would permit as of housing development in limited situations in M1-D Districts so text here is updated to reflect this.



## M1

### [MAKING CLEAR NEW APPLICABILITY FOR M1-D DISTRICTS]

Use Group II consists of #residences# of various types. In #Manufacturing Districts#, #residences# shall be allowed as follows:

- (a) In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, ~~by authorization of the City Planning Commission,~~ in accordance with Section 42-321 (Residential uses in M1-1D through M1-5D Districts);
- (b) In M1-6D Districts, in accordance with Section 42-322 (Use regulations in M1-6D Districts);
- (c) In M1-5M and M1-6M Districts, in accordance with Section 42-323 (Use regulations in M1-5M and M1-6M Districts); and
- (d) In certain M1-1, M1-5 and M1-6 Districts, in accordance with Section 42-324 (Use regulations in certain M1-1, M1-5 and M1-6 Districts).

## 42-13

### Use Group III – Community Facilities

#### M1 M2 M3

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-131 (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section 42-132 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (c) Section 42-133 (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group tables; and
- (d) Section 42-134 (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

#### 42-131

**Commented [Z3]:** The Proposal removes parking requirements for community facilities with sleeping accommodations and houses of worship. Changes to the Parking Requirement Categories (PRC) reflect this.

**Use Group III – general use allowances**

[REMOVING CF WITH SLEEPING PARKING REQUIREMENTS PER THE PROPOSAL]

The following tables include #uses# classified as Use Group III and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

**A. Community Facilities with Sleeping Accommodations**

<b>USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS</b>				
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances				
<b>Uses</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>	<b>PRC</b>
<b>Educational Institutions</b>				
College or school student dormitories and fraternity or sorority student houses	–	–	–	<del>E2</del> N/A
<b>Faith-based Institutions and Facilities</b>				
Monasteries, convents or novitiates	–	–	–	N/A
Rectories or parish houses with sleeping accommodations	–	–	–	N/A
Seminaries with sleeping accommodations	–	–	–	<del>F1</del> N/A
<b>Health Institutions and Facilities</b>				
#Long-term care facilities#	–	–	–	<del>E3</del> N/A
#Non-profit hospital staff dwellings #	–	–	–	<del>F1</del> N/A
<b>Other Institutions and Facilities</b>				
Philanthropic or non-profit institutions with sleeping accommodations	–	–	–	<del>E3</del> N/A
Settlement houses	–	–	–	N/A

**B. Community Facilities without Sleeping Accommodations**

**USE GROUP III(B) – COMMUNITY FACILITIES  
WITHOUT SLEEPING ACCOMMODATIONS**

● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required  
 – = Not permitted  
 S = Size restriction   P = Additional conditions   U = Open use allowances

Uses	M1	M2	M3	PRC
<b>Educational Institutions</b>				
Colleges or universities, including professional schools but excluding business colleges or trade schools	–	–	–	*
#Schools#	○	–	–	G
<b>Faith-based Institutions and Facilities</b>				
Houses of worship	●	–	–	G
Parish houses without sleeping accommodations	○	–	–	N/A
Seminaries without sleeping accommodations	○	–	–	*
<b>Health Institutions and Facilities</b>				
Ambulatory diagnostic or treatment health care facilities	● P	–	–	A3
Non-profit or voluntary hospitals and related facilities, except animal hospitals	● P	–	–	E1
Proprietary hospitals and related facilities, except animal hospitals	● P	–	–	E1
<b>Other Institutions and Facilities</b>				
Community centers	○	–	–	B3
Libraries	○	–	–	G
Museums	● P	● P	● P	G
Non-commercial art galleries	○	–	–	G
Non-commercial clubs	○	–	–	B3
Non-commercial recreation centers	○	–	–	B3
Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities	○	–	–	B3

Welfare centers	o	-	-	B3
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\* \* \*

**42-30  
SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS**

**42-31  
Use of Railroad or Transit Air Space**

[REMOVING AS NO LONGER NEEDED]

In all ~~Manufacturing Districts~~, ~~railroad or transit air space~~ may be ~~developed~~ or used in accordance with the provisions of this Section.

(a) ~~Railroad or transit air space~~ may be ~~developed~~ or used only for a permitted ~~use~~ ~~accessory~~ to the railroad or transit right of way or yard, a ~~use~~ permitted by the City Planning Commission as set forth in Section 74-61 (Development within or over a railroad or transit right of way or yard), a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-149 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section unless the right of way or yard or portion thereof is no longer required for railroad or transit ~~use~~ as set forth in paragraph (b) of this Section.

If any ~~building or other structure~~ constructed in such ~~railroad or transit air space~~ in accordance with the provisions of Section 74-61 is ~~enlarged~~ or replaced by a new ~~building or other structure~~, the provisions of this Section shall apply to such ~~enlargement~~ or replacement.

However, any ~~use~~ legally established in such ~~railroad or transit air space~~ in accordance with the provisions of Section 74-61 may be changed to another ~~use~~ listed in a permitted Use Group, and no special permit from the Commission shall be required for such change of ~~use~~.

Any ~~building or other structure~~ within or over a railroad or transit right of way or yard, which ~~building or other structure~~ was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be ~~enlarged~~ or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the ~~enlargement~~ or replacement of such a ~~building or other structure~~ shall be deemed to be equivalent to ownership of a ~~zoning lot~~ or portion thereof, provided that such ~~enlargement~~ or replacement will be on one

**Commented [Z4]:** The Proposal moves regulations for Railroad Rights of Way to bulk chapters.

~~#block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative ownership arrangements specified in the #zoning lot# definition of Section 12-10 (DEFINITIONS).~~

~~#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.~~

~~(b) — When the #use# of a railroad or transit right of way or yard, or portion thereof, has been permanently discontinued or terminated and a #large-scale development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# created on such property. As a condition for such authorization, the Commission shall find that:~~

~~(1) — the proposed #zoning lots#, indicated by a map describing the boundaries of, and the total area of, each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and~~

~~(2) — each resulting #zoning lot# has direct access to one or more #streets#.~~

~~No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10.~~

~~Prior to granting any #zoning lot# authorization relating to such right of way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.~~

~~(c) — In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the Borough of Brooklyn, the Commission may authorize the #use# of #railroad or transit air space# for an open vehicle storage establishment provided the Commission makes the following findings:~~

~~(1) — that adequate access to one or more #streets# is provided;~~

- (2) ~~that access to such #use# is located on a #street# not less than 60 feet in width;~~
- (3) ~~that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and~~
- (4) ~~that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.~~

~~For the purpose of this authorization a secondary access ramp may be permitted provided that the intersection of such ramp and the #street# shall be no more than two #blocks# from the intersection of the primary access ramp and a #street#.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area, including requirements for the shielding of flood lights, screening, and surfacing of all access ramps or driveways.~~

- (d) ~~Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-16 (Air Space Over a Railroad or Transit Right of way or Yard).~~

#### **42-32-42-31**

#### **Special Regulations Applicable to Certain Districts**

[UPDATING TO FOLLOW THE PROPOSAL TO PERMIT HOUSING IN M1-1D-M1-5D DISTRICTS WHERE THE ZONING LOT CONTAINS EXISTING HOUSING AND IS NOT LOCATED IN AN IBZ]

#### **42-321 42-311**

#### **Residential uses in M1-1D through M1-5D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, #residential use# is permitted on zoning lots# that include existing #residences# and are not located in a designated area shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution. Such #residential use# shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-022 (Applicability of regulations in M1-1D through M1-5D Districts).

For all other #zoning lots#, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraphs (a), (b) or (c) of this Section.

- (a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:

**Commented [Z5]:** The Proposal would permit housing on some lots in M1-D districts. The conditions for this are listed here. All other lots would require the current discretionary action.

- (1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;
  - (2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and
  - (3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (b) On vacant #zoning lots#, new #residences# may be authorized, provided:
- (1) the #zoning lot# has been vacant continuously since June 20, 1988, or has been vacant continuously for five years prior to the date of application for such authorization;
  - (2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and
  - (3) either of the following conditions exist:
    - (i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or
    - (ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.
- (c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:
- (1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or
  - (2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.

- (d) In determining eligibility for residential use, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:
- (1) In order to determine whether a corner lot meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the block fronts occupied by zoning lots that contain residential or community facility uses may be measured along any block front upon which such corner lot has frontage.
  - (2) In determining the percent of the aggregate length of the block fronts occupied by zoning lots that contain residential or community facility uses, the length along the block front of every zoning lot, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the block fronts occupied by zoning lots containing lawful residential or community facility uses. Vacant zoning lots and land with minor improvements shall not be counted as residential or community facility frontage.

For the purpose of this Section, the length along the block front of any zoning lot occupied by a building that contains one or more stories of residential or community facility use and no more than one story of commercial or manufacturing use shall be considered as a frontage of residential or community facility uses, and the length along the block front of any zoning lot occupied by a building that contains one or more stories of residential or community facility use and more than one story of commercial or manufacturing uses shall be considered as a frontage of commercial or manufacturing uses.

- (3) New residential use shall not be authorized on any floor area that is vacant or that is occupied by a commercial or manufacturing use, except that in a building designed for residential use where at least 50 percent of the floor area is occupied by residential use, the residential use may be extended.
- (4) In any building, no residential use may be located on or below a story occupied by a commercial or manufacturing use.
- (5) For the purposes of this Section, a through lot fronting on no more than two streets shall be treated as if it consisted of two separate zoning lots with abutting rear lot lines at a line midway between the two street lines upon which such through lot fronts. In the case of a through lot that fronts on more than two streets, the through lot portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate zoning lot. Notwithstanding, in no event shall contiguous portions of a through lot that front on the same street be treated as if they were separate zoning lots.



Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

- (6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).
- (e) In authorizing such #residential uses#, the Commission shall find that:
  - (1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;
  - (2) there are no open #uses# listed under Sewage, Storm Water and Waste Infrastructure in Use Group IV(B) or Specialized Storage in Use Group IX(B) within 400 feet of the #zoning lot#;
  - (3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and
  - (4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing# #zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-45 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

~~42-322~~ **42-312**

**Use regulations in M1-6D Districts**

[UPDATING SECTION NUMBER & GRAMMATICAL ERROR]

All permitted #uses# in M1-6D Districts, as set forth in Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses) shall comply with the provisions set forth in this Section, inclusive.

(a) Residential use

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(1) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(2) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

- (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

(b) Community facility uses

The regulations for Use Group III that are applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #uses# listed in Use Group III shall be permitted, except that #uses# listed in Use Group III(A) shall only be permitted in accordance with paragraphs (1) or (2) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (1) #Uses# listed in Use Group III(A) shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (2) #Uses# listed in Use Group III(A) shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
  - (i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
  - (ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# converted to vertical circulation and lobby space associated with a #use# listed in Use Group III(A) need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the

amount of non-residential floor area that existed within qualifying buildings on April 25, 2011, on the zoning lot. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in use from non-residential to uses listed in Use Group III(A), or for a new building containing such a use.

(c) Commercial and manufacturing uses

The regulations applicable in Special Mixed Use Districts, as set forth in Section 123-21 (Modifications to M1 use regulations) and Section 123-22 (Additional conditions for certain uses), shall apply except that the size limitations for uses listed in Use Group VI, shall not apply.

(d) Streetscape provisions

For the purposes of applying the underlying ground floor level streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) to this Section, the streetscape regulations for C6 Districts shall apply in M1-6D Districts.

Ground floor level street frontages along wide streets shall be considered Tier C street frontages. A ground floor level street frontage along any other street shall be considered a Tier B street frontage. Such Tier B provisions shall apply regardless of the zoning district designations on the same or an adjoining block, notwithstanding the exemptions within the definition of Tier B street frontage. Defined terms in this Section include those in Sections 12-10 and 32-301.

~~42-323-42-313~~

**Use regulations in M1-5M and M1-6M Districts**

[UPDATING APPLICABILITY DATE AND APPLYING CF WITH SLEEPING ACCOMODATIONS]

In M1-5M and M1-6M Districts in ~~Manhattan Community Districts 1, 2, 3, 4, 5 and 6,~~ the conversion to dwelling units of non-residential buildings, or portions thereof, erected prior to ~~December 15, 1961~~ December 31, 1990, to dwelling units or community facilities with sleeping accommodations, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments, where such establishments provide entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-162.

**Commented [Z6]:** The Proposal would permit conversions citywide to use Article I Chapter 5 and this applicable to this zoning district.

**42-324 42-314**

**Use regulations in certain M1-1, M1-5 and M1-6 Districts**

[UPDATING CROSS REFERENCES & SECTION NUMBER]

- (a) In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section 44-025 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).
- (b) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Sections 15-024 (Special bulk regulations for certain pre-existing dwelling units, and joint living-work quarters for artists and loft dwellings) or 15-22 (Number of Permitted Dwelling Units), where applicable and with Section 15-23 (Light and Air Provisions). For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

- (c) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
  - (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#;
  - (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23,

1981, unless a temporary or permanent certificate of occupancy has been issued;  
and

- (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the #use# regulations set forth in Section 42-322 (Use regulations in M1-6D Districts).

~~42-325~~ 42-315

**Use regulations in M1-5B Districts**

[UPDATING SECTION NUMBER]

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 3  
Bulk Regulations**

[THE PROVISIONS AND TABLES INCLUDED IN SECTION 43-00, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENTS, THE FOLLOWING EDITS ARE BEING PROPOSED BY CITY OF YES FOR HOUSING OPPORTUNITY]

**43-00  
APPLICABILITY AND GENERAL PROVISIONS**

**43-01  
Applicability of This Chapter**

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

**43-02  
Applicability in Special Situations**

[ADDING NEW SECTION AND RELOCATING EXISTING SECTION 43-01 TEXT HERE, AND MODIFYING]

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying# #buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Article VIII, IX, X, XI, XII, XIII and XIV.

~~In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non #residential# #floor area#~~

**Commented [Z1]:** Article IV Chapter 3 includes the bulk regulations in Manufacturing Districts. The Proposal makes updates to reflect changes in M districts that permit housing, as well as other minor cross references.

**Commented [Z2]:** The Proposal would institute a new framework for developments with railroad rights of way. These provisions are applied in the various bulk chapters.

to ~~residences~~ in ~~buildings~~ erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such ~~conversions~~ meet the requirements for ~~residential~~ ~~developments~~ of Article II (Residence District Regulations).

The ~~conversion~~ of non-~~residential~~ ~~floor area~~ to ~~residences~~ shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such ~~conversions~~ meet the requirements for ~~residential~~ ~~developments~~ of Article II (Residence District Regulations).

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the ~~bulk~~ regulations governing M1 Districts shall apply to ~~community facility~~, ~~commercial~~ and ~~manufacturing~~ ~~uses~~, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to ~~residential uses~~ ~~authorized~~ ~~permitted~~ pursuant to Section 42-321 (Residential uses in M1-1D through M1-5D Districts). M1-6D Districts shall be subject to the ~~bulk~~ regulations set forth in Section 43-62.

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the ~~bulk~~ regulations of an M1 District shall apply to ~~manufacturing~~, ~~commercial~~ and ~~community facility~~ ~~uses~~, and the ~~bulk~~ regulations for an R5 District set forth in Article II, Chapter 3, shall apply to ~~residential uses~~.

The ~~development~~ or ~~enlargement~~ of a ~~building~~ that occurs on or over a ~~railroad right-of-way~~, and that is not ~~accessory~~ to such ~~railroad right-of-way~~, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the ~~development~~ or ~~enlargement~~ of a ~~building~~ on a ~~zoning lot~~ greater than four acres that includes a ~~railroad right-of-way~~ or ~~former railroad right-of-way~~, where such ~~building~~ is not ~~accessory~~ to a ~~railroad right-of-way~~, may be authorized by the Commission pursuant to 75-22.

Special regulations applying in the ~~waterfront area~~ are set forth in Article VI, Chapter 2.

Special regulations applying in the ~~flood zone~~ are set forth in Article VI, Chapter 4.

~~43-02~~

~~43-03~~

**Street Tree Planting in Manufacturing Districts**

[RENUMBERING SECTION; TEXT UNCHANGED]

M1 M2 M3

\* \* \*

~~43-03~~



**43-04**

**Outdoor Table Service Areas**

[RENUMBERING SECTION; TEXT UNCHANGED]

\* \* \*

**43-10**

**FLOOR AREA REGULATIONS**

\* \* \*

**43-17**

**Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts**

[REMOVING DELETED CROSS REFERENCE]

M1-5B

In the district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-024 for #joint living-work quarters for artists#:

- (a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to paragraphs (a)(6) or (c) of Section 42-325 (Use regulations in M1-5B Districts), ~~or Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts);~~ or
- (b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

\* \* \*

**43-20**

**YARD REGULATIONS**

\* \* \*

Commented [Z3]: Updating cross references

**43-23**

**Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Manufacturing Districts#, the obstructions set forth in ~~Section 23-441 (General permitted obstructions)~~ Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

\* \* \*

**43-29**

**Special Provisions Applying Along Railroad Rights-of-way**

M1 M2 M3

In all districts, as indicated, along such portion of a #rear lot line# which coincides with a boundary of a railroad right-of-way, no #rear yard# shall be required.

\* \* \*

**43-40**

**HEIGHT AND SETBACK REGULATIONS**

**43-41**

**Definitions**

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

**43-42**

**Permitted Obstructions**

[UPDATING CROSS-REFERENCE]

In all #Manufacturing Districts#, the obstructions set forth in ~~Section 23-621 (General permitted obstructions)~~ Section 23-411 (General permitted obstructions), as well as the following

obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks); or 43-44 (Alternate Front Setbacks) or ~~43-49 (Limited Height Districts).~~

- (a) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

\* \* \*

~~43-49~~  
**Limited Height Districts**

[REMOVING TEXT WITH NO APPLICABILITY]

M1-M2-M3

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level#
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

\* \* \*

**43-60**  
**SUPPLEMENTARY REGULATIONS**

~~43-61~~  
**Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts**

[AMENDING, PER PROPOSAL]

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section 42-321 (Residential uses in M1-1D through M1-5D Districts):

**Commented [Z4]:** The Proposal would remove these provisions pursuant to changes elsewhere. No M district is included in a Limited Height District.

**Commented [Z5]:** In M1-D districts, the bulk regulations for residences mimic those for R5 districts. The Proposal would update this provision to reflect the broader changes in R5 districts by referencing the underlying bulk for the district.

- (a) The total amount of residential floor area permitted on any zoning lot shall not exceed a floor area ratio of 1.65.

On zoning lots containing both residential use and community facility, manufacturing or commercial use, the maximum floor area shall be the maximum floor area permitted for either the commercial or manufacturing use as set forth in Sections 43-12 (Maximum Floor Area Ratio) through 43-14 (Floor Area Bonus for Arcades), or the community facility use as set forth in Section 43-122 (Maximum floor area ratio for community facilities), or the residential use as set forth in this Section, whichever permits the greatest amount of floor area.

On zoning lots containing both residential use and manufacturing or commercial use, the total floor area used for manufacturing or commercial use shall not exceed the amount permitted by Sections 43-12 through 43-14.

- (b) The maximum number of dwelling units shall equal the total residential floor area provided on the zoning lot divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one dwelling unit.
- (c) The maximum building height above curb level shall be 32 feet.
- (d) No such development or enlargement shall be permitted within 30 feet of the rear lot line.
- (e) The maximum distance from the street line to the street wall of such development shall be ten feet, unless modified by the City Planning Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts).
- (f) No side yards shall be required. However, if any open area extending along a side lot line is provided at any level it shall have a width of not less than eight feet. However, enlargements of single family or two family residences existing as of June 20, 1988, shall be exempt from this requirement, provided such enlarged building does not exceed a height of two stories.

In M1-1D through M1-5D Districts, where residential uses are permitted pursuant to Article IV, Chapter 2, the bulk regulations of an R5 District shall apply.

#### 43-62

#### Bulk Regulations in M1-6D Districts

[SIMPLIFYING M1-6D BULK REGULATIONS, CONSOLIDATING PROVISIONS IN SECTIONS 43-621 THROUGH 43-626 INTO THIS SECTION]

In M1-6D Districts, the bulk regulations of a C6-4A District shall apply except that the

**Commented [Z6]:** In M1-6D district, the bulk regulations mimic those in a C6-4A district, with limited changes. The Proposal would update this provision to reflect the broader changes in C6-4A districts by referencing the underlying bulk for the district. The special height along wide streets would be maintained.

maximum height of a #building or other structure# within 100 feet of a #wide street# shall be 290 feet.

#### **43-621**

##### **Floor area regulations in M1-6D Districts**

(a) — The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as modified for #Inclusionary Housing designated areas#, as set forth in paragraph (b) of this Section.

(b) — In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

(1) — for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and

(2) — the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non #residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

#### **43-622**

##### **Maximum lot coverage in M1-6D Districts**

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non #residential uses#, such level shall be exempt from #lot coverage# regulations.

#### **43-623**

##### **Density in M1-6D Districts**

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 680.

#### **43-624**

##### **Height and setback in M1-6D Districts**

In M1-6D Districts, the height and setback provisions of this Section shall apply to all buildings.

(a) Rooftop and permitted obstruction regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all buildings.

In addition, a maximum base height or sky exposure plane may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or sky exposure plane, provided that such columns are one story or less in height, have a street wall no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

On any street frontage, dormers may be provided in accordance with the provisions of paragraph (e) of Section 23-623 (Permitted obstructions in certain districts).

(2) Screening requirements for mechanical equipment

For all developments and enlargements, and conversions of non-residential buildings to residences, all mechanical equipment located on any roof of a building or other structure shall be subject to the provisions of Section 37-22 (Special Rooftop Screening and Enclosure Regulations).

(b) Height and setback

(1) Street wall location

The street wall shall be located on the street line and extend along the entire street frontage of the zoning lot up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the building, provided such recesses do not exceed three feet in depth as measured from the street line.

Above the level of the second story, up to 30 percent of the aggregate width of street walls may be recessed beyond the street line. However, no recesses shall be permitted within 20 feet of an adjacent building and within 30 feet of the intersection of two street lines.

(2) — Base height

(i) — Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

(ii) — Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the maximum base height may be increased to 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) — Required setbacks and maximum #building# heights

(i) — Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the maximum base height set forth in paragraph (b)(2)(i) of this Section shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of the highest two #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two #stories#.

(ii) — Along #narrow streets#

For all #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, no portion of such #building# or other structure# shall penetrate a #sky exposure plane# which begins at the maximum base height set forth in paragraph (b)(2)(ii) of this Section and

rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance.

Any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. However, for #buildings# on #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664, such maximum height may be increased, provided that the maximum number of #stories# does not exceed 23, the maximum height of a #building# with a #non-qualifying ground floor# does not exceed a height of 230 feet, and the maximum height of a #building# with a #qualifying ground floor# does not exceed a height of 235 feet.

In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

(4) — Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

#### 43-625

##### Yard regulations in M1-6D Districts

In M1-6D Districts, the provisions of Section 43-20 (YARD REGULATIONS) shall apply, except that #residential# portions of a #building# shall provide a #rear yard# with a minimum depth of 30 feet at any level not higher than the floor level of the lowest #story# containing #dwelling units# with a #window# opening upon such #rear yard#. On any #through lot# that is 110 feet or more in depth from #street# to #street#, a #rear yard equivalent# shall be provided within 15 feet of the centerline of the #through lot# or #through lot# portion. In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. For shallow #zoning lots#, a reduction in the required #rear yard# or #rear yard equivalent# may be applied pursuant to the provisions applicable for an R10 District set forth in Sections 23-52 (Special Provisions for Shallow Interior Lots) or 23-534 (Special provisions for shallow through lots), as applicable.

#### 43-626

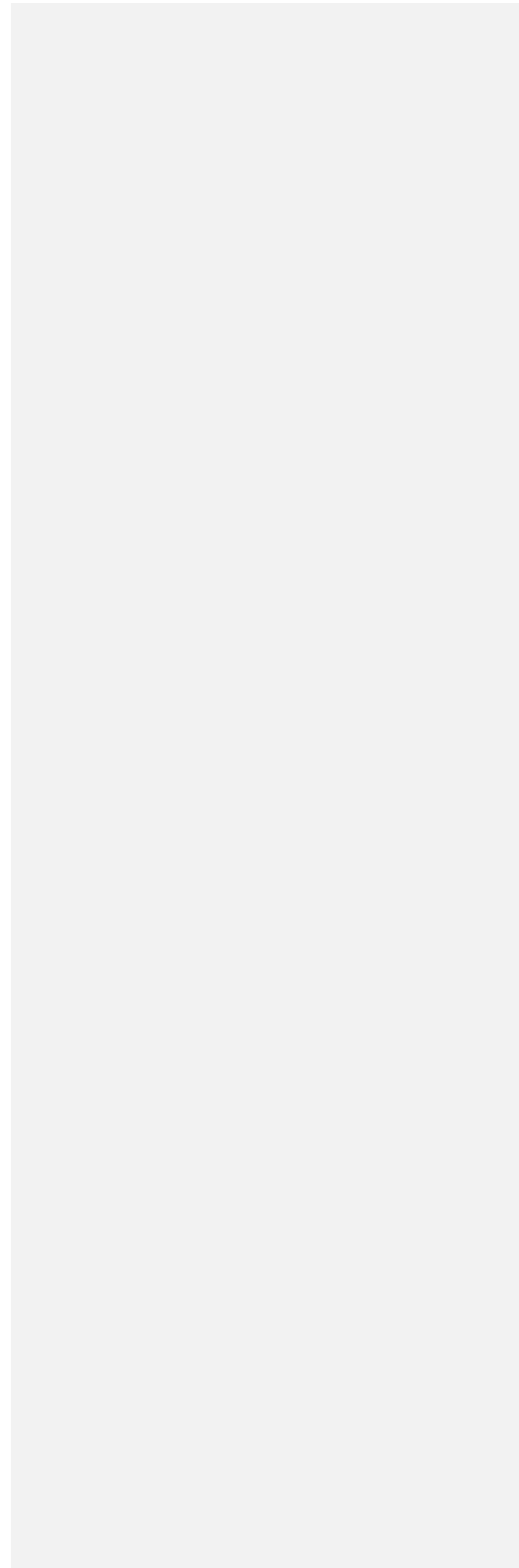
##### Courts in M1-6D Districts

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10



~~Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.~~

\* \* \*



**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 4  
Accessory Off-Street Parking and Loading Regulations**

[THE PROVISIONS AND TABLES INCLUDED IN SECTION 44-00, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPURTUNITY TEXT AMENDMENTS, THE FOLLOWING EDITS ARE BEING PROPOSED BY CHO]

**44-00  
GENERAL PURPOSES AND DEFINITIONS**

**44-01  
General Purposes**

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

**44-02  
Applicability**

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

**~~44-021  
Applicability of regulations to non-profit hospital staff dwellings~~**

[REMOVING, AS NO LONGER APPLICABLE]

~~Except as modified in Section 44-211 (Parking requirements applicable to non-profit hospital~~

**Commented [Z1]:** Article IV Chapter 4 includes the rules for parking in Manufacturing Districts. Changes made in this chapter generally mirror the changes made to parking requirements for Residence Districts in Article II Chapter 5.

These include removing parking requirements for new residences (where permitted) and removing the parking requirements for community facilities with sleeping accommodations and houses of worship.

staff dwellings), the regulations of Article III, Chapter 6, applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in M1 Districts, and the regulations of this Chapter applicable to #community facility# #uses# shall not apply to such #use#.

**44-022**

**44-021**

**Applicability of regulations in the Manhattan Core and the Long Island City area**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

**44-023**

**44-022**

**Applicability of regulations in M1-1D through M1-5D Districts**

[UPDATING REFERENCE TO RESIDENTIAL PARKING TO ALIGN WITH BROADER CHANGES TO RESIDENTIAL PARKING]

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility# #uses#, ~~and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-321 (Residential uses in M1-1D through M1-5D Districts), and the parking regulations applicable to R5 Districts, as set forth in Article II, Chapter 5, shall apply to #residences#.~~

**Commented [Z2]:** The Proposal would align residential parking regulations for M1-D Districts to those for R5 Districts. No new residences would require parking.

**44-024**

**44-023**

**Applicability of regulations in M1-6D Districts**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing# #uses#. For #residential# and #community facility# #uses#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), as applicable.

**44-025**

**44-024**

**Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

**44-026**

**44-025**

**Applicability of regulations to public parking garages and public parking lots**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

- Section 44-352 (Restrictions on the use of parking spaces in public parking garages and public parking lots)
- Section 44-423 (Calculating floor area in parking facilities with lift systems, or in automated parking facilities)
- Section 44-43 (Location of Access to the Street)
- Section 44-44 (Surfacing)
- Section 44-45 (Screening)
- Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations)

**44-03**

**Definitions**

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

**44-10**

**PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

**44-11**

**General Provisions**

M1 M2 M3

[UPDATING TO REFLECT PROPOSAL]

In all districts, as indicated, ~~#accessory#~~ off-street parking spaces may be provided for all permitted ~~#uses#~~ ~~subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities)~~. Such ~~#accessory#~~ off-street parking spaces may be open or enclosed. ~~However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.~~

**44-12**  
**Maximum Size of Accessory Group Parking Facilities**

[REMOVING SECTION]

M1 M2 M3

~~In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).~~

~~The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).~~

**44-13**  
**Modification of Maximum Size of Accessory Group Parking Facilities**

[REMOVING SECTION]

M1 M2 M3

~~In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:~~

- ~~(a) — has separate vehicular entrances and exits thereto, located not less than 25 feet apart;~~
- ~~(b) — is located on a street not less than 60 feet in width; and~~
- ~~(c) — if #accessory# to a #commercial# or #manufacturing# #use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.~~

~~The Commissioner of Buildings shall establish appropriate additional regulations with respect to~~

~~the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.~~

~~The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).~~

**44-14  
Exceptions to Maximum Size of Accessory Group Parking Facilities**

[REMOVING SECTION]

M1 M2 M3

~~In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).~~

~~The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).~~

**44-20  
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR  
MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES**

**44-21  
General Provisions**

[REMOVING HOUSE OF WORSHIP APPLICABILITY]

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

Where #residential# #uses# are permitted, the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to such #residential uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or

**Commented [Z3]:** The Proposal below and in the use regulations make changes to remove parking requirements for community facilities with sleeping accommodations and houses of worship.

other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or, for certain #uses#, below the #lot area# or establishment size thresholds set forth in Section 44-233 (Waiver of requirements for certain small zoning lots or establishments);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street);
- (c) ~~for houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).~~

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

<b>Parking Requirement Category</b>	<b>Type of Requirement</b>
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

[REMOVING HOUSE OF WORSHIP — NO LONGER REQUIRE PARKING]

Parking Requirement Category	PRC – A				PRC – B			C
	A1	A2	A3	A4	B1	B2	B3	
Unit of Measurement	per square feet of #floor area# <sup>1</sup>				per persons-rated capacity			per square feet of #lot area# <sup>3,4</sup>
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 200	1 per 300	1 per 300 <sup>2</sup>	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required	None required	None required	None required	None required	None required	None required	None required

<sup>1</sup> For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

<sup>2</sup> Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.

<sup>3</sup> In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

<sup>4</sup> In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements.

Parking Requirement Category	PRC – D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3	F1	F2
Unit of Measurement	per square feet of #floor area# or per employees <sup>5</sup>		per bed			per guest room or suites	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 5 <sup>6</sup>	n/a	n/a	1 per 1	1 per 8
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required	None required	1 per 10 <sup>6</sup>				None required

<sup>5</sup> For predominantly open storage of miscellaneous #uses# or predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.



6 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

Parking Requirement Category	PRC - G						
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Seminaries	#Schools#	Houses of worship	Museums or non-commercial art galleries
Unit of Measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per persons-rated capacity	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 1,000	1 per 2	1 per 800	1 per 1,000	None required	<del>1 per 15</del> None required	None required
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required	None required	None required	None required		None required	

Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	Riding academies or stables
Unit of Measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 600	None required	1 per 10	see Section 62-43	1 per 2,000 or 1 per 3	1 per 1,200	1 per 400	None required
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required		None required			None required		

**44-211**

**Parking requirements applicable to non-profit hospital staff dwellings**

M1

In the district indicated, the provisions of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections 36-31 to 36-39, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

District	#Commercial District# whose Regulations are Applicable
M1-1 M1-2 M1-3	C4-2
M1-4 M1-5 M1-6	C4-7

Commented [Z4]: The Proposal removes the parking requirements for community facilities with sleeping accommodations and so this provision is no longer necessary.

**44-22**

**Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements**

[REMOVING HOUSE OF WORSHIP APPLICABILITY]

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for houses of worship or for #uses# in parking requirement category B1, when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-431 (Reduction of parking spaces for houses of worship) or 73-432 (Reduction of parking spaces for places of assembly).

Commented [Z5]: The Proposal would remove the rules for houses of worship here since they would no longer have a parking requirement.

**44-23**

**44-22**

**Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1 M2 M3

In all districts, as indicated, the requirements for accessory off-street parking spaces shall be subject to the waiver provisions of this Section.

~~44-231~~

44-221

**Exceptions to application of waiver provisions**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-232 shall not apply to the following types of #uses#:

- (a) #Uses# within parking requirement category D;
- (b) The following #commercial# #uses# in parking requirement categories F or G:  
Camps, overnight or day  
#Motels# or #tourist cabins#

~~44-232~~

44-222

**Waiver of Requirements for Spaces Below Minimum Number**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses#, or #community facility# #uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

District	Number of Spaces
M1-1 M1-2 M1-3 M2-1	15

---

M2-2 M3-1

M1-4 M1-5 M1-6 M2-3  
M2-4 M3-2

40

~~44-233~~

44-223

**Waiver of requirements for certain small zoning lots or establishments**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1 M2 M3

In all districts, as indicated, the parking requirements of Section 44-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in PRC-D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15; and
- (c) For camps, overnight or day, parking requirements, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10.

~~44-24~~

44-23

**Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25

**Waiver for Locally-Oriented Houses of Worship**

[REMOVING PARKING REQUIREMENTS FOR RESIDENCES PER PROPOSAL; THIS PROVISION NO LONGER NECESSARY]

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) ~~seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;~~
- (b) ~~the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-231 (Waiver of Requirements for Spaces Below Minimum Number); and~~
- (c) ~~such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.~~

~~For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.~~

~~The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.~~

~~A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any~~

Commented [Z6]: The Proposal removes the parking requirements for residences and so this provision would no longer be necessary.

~~such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.~~

~~Within 45 days of receipt of a complete application, including documentation of the residences of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.~~

~~44-26~~

~~44-24~~

~~Special Provisions for Zoning Lots Divided by District Boundaries~~

~~[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]~~

~~M1 M2 M3~~

~~In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.~~

~~44-27~~

~~44-25~~

~~Special Provisions for Expansion of Existing Manufacturing Buildings~~

~~[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]~~

~~M1 M2 M3~~

~~In all districts, as indicated, whenever an existing #manufacturing# #building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:~~

- ~~(a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing# #building#; and~~
- ~~(b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.~~

~~44-28~~

~~Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts~~

**Commented [Z7]:** The Proposal would remove these provisions and instead apply the provisions for R5 districts, which are what M1-D districts permit.

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to ~~residential uses~~ authorized pursuant to Section 42-321 (Residential uses in M1-1D through M1-5D Districts).

- (a) In M1-1D Districts, for any new ~~residence~~ authorized pursuant to Section 42-47, one ~~accessory~~ parking space shall be provided for each ~~dwelling unit~~. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new ~~residence~~.

~~Access to such required accessory parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming manufacturing and commercial uses. If necessary, in order to implement this requirement, the Commission may modify the 10 foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).~~

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, ~~accessory~~ parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize ~~accessory~~ parking provided:

- (1) the ~~zoning lot~~ extends 40 feet or more along the ~~street line~~;
- (2) the curb cut extends no more than 15 feet along the ~~street line~~ and provides access to a ~~group parking facility~~ of five or more ~~accessory~~ off-street parking spaces; and
- (3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming ~~manufacturing~~ and ~~commercial~~ ~~uses~~.

~~44-29~~

~~44-26~~

#### **Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas**

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within ~~Manufacturing Districts~~ in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section 44-21 (General Provisions) are modified as set forth in this Section for all ~~uses~~ within the ~~industrial floor space~~.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section 42-193 (Use Group IX – use subject to additional conditions), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

**44-30  
RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET  
PARKING SPACES**

\* \* \*

**44-33  
Joint and Shared Facilities**

\* \* \*

**44-332  
Shared facilities for houses of worship**

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the required spaces in such facilities may be shared, used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

\* \* \*



**44-37**

**Electric Vehicle Charging**

M1 M2 M3

In all districts, as indicated, Electric electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section 44-351 (Restrictions on use of accessory off-street parking spaces).

\* \* \*

**54-00**

**GENERAL PROVISIONS**

\* \* \*

**54-30**

**ENLARGEMENTS OR CONVERSIONS**

**54-31**

**General Provisions**

Except as otherwise provided in this Chapter, a #non-complying# #building or other structure# may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure# or any portion thereof.

**54-311**

**Buildings containing rooming units**

[UPDATING CROSS-REFERENCE]

If a #building# or portion of a #building# contains #rooming units#, such #rooming units# may be #converted# to #dwelling units# in accordance with the provisions of Section ~~15-111~~ (Number of permitted dwelling units) 23-50 (DENSITY REGULATIONS).

**54-312**

**Modification of provisions**

The Board of Standards and Appeals may ~~modify the above requirements~~ permit #enlargements# or #conversions# that create a new #non-compliance#, or increase an existing #non-compliance# with applicable #bulk# regulations in accordance with the provisions of Sections ~~73-61 (General Provisions) and 73-65 (Enlargement of Public Utility Facilities)~~, Section 73-60 (MODIFICATION OF BULK REGULATIONS), inclusive.

**54-313**

**~~Single or two-family residences with non-complying front yards or side yards~~**

[REPLACING WITH STANDARD RULES]

(a) ~~In R4 Districts, except R4-1, R4A and R4B Districts, and in R5 Districts other than R5B~~

**Commented [Z1]:** Article V Chapter 4 includes the regulations for non-complying buildings. The Proposal would provide opportunities for non-complying buildings with residences to better address accessibility and safety concerns, as well as support other residential building retrofits.

Other changes are made to cross references and to reflect the changes above.

**Commented [Z2]:** Editing this text to make clear what "above" provisions are able to be modified by the BSA.

**Commented [Z3]:** The Proposal would remove these provisions as these elements are now addressed in the as of right rules for residences and the other non-complying provisions in this chapter.

Districts, for an existing ~~#single # or #two family residence#~~ with a ~~#non-complying#~~ ~~#front yard#~~, an ~~#enlargement#~~ involving a vertical extension of existing ~~#building#~~ walls facing such ~~#non-complying#~~ ~~#front yard#~~ is permitted, provided the following conditions are met:

- (1) the portion of the ~~#building#~~ which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and
- (2) the ~~#non-complying#~~ ~~#front yard#~~ where the ~~#building#~~ wall is being vertically extended is at least 10 feet in depth.

Notwithstanding the above, the provisions of this paragraph (a) shall also be applicable in R4A Districts in ~~#lower density growth management areas#~~.

(b) In all districts, for an existing ~~#single # or #two family residence#~~ with a ~~#non-complying#~~ ~~#side yard#~~, an ~~#enlargement#~~ involving a vertical extension of existing ~~#building#~~ walls facing such ~~#non-complying#~~ ~~#side yard#~~ is permitted, provided the following conditions are met:

- (1) the portion of the ~~#building#~~ which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;
- (2) the ~~#non-complying#~~ ~~#side yard#~~ where the ~~#building#~~ wall is being vertically extended is at least three feet in width and the minimum distance between such ~~#building#~~ wall and the nearest ~~#building#~~ wall or vertical prolongation thereof on an adjoining ~~#zoning lot#~~ across the common ~~#side lot line#~~ is eight feet;
- (3) the ~~#enlarged building#~~ does not contain more than two ~~#dwelling units#~~;
- (4) there is no encroachment on the existing ~~#non-complying#~~ ~~#side yard#~~, except as set forth in this Section; and
- (5) the ~~#enlargement#~~ does not otherwise result in the creation of a new ~~#non-compliance#~~ or in an increase in the degree of ~~#non-compliance#~~.

Notwithstanding the provisions set forth in paragraphs (a)(1) and (b)(1) of this Section, when an existing ~~#building#~~ has added ~~#qualifying exterior wall thickness#~~ pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), such vertical extensions may align with the location of the finished exterior ~~#building#~~ wall of the existing ~~#building#~~.

54-314

Modification by authorization

Commented [Z4]: Same as above

[TO BE REPLACED BY MORE GENERAL, AND MORE BROADLY APPLICABLE ACTION]

In R6, R7 or R8 Districts, for any substantial rehabilitation of one or more #non-complying# multiple dwellings which were in existence prior to December 15, 1961, the City Planning Commission may authorize the existing #open space# on the #zoning lot# to be reduced by not more than five percent and the existing #building# #floor area# on such #zoning lot# to be increased by not more than five percent, if the Commission finds that such modification of the applicable #bulk# regulations as set forth in Section 54-31 will result in an improved apartment design with adequate access of light and air and an improved circulation system. In the #Special Clinton District#, such authorizations may apply to complying multiple dwellings and may include a five percent increase in #lot coverage# and #floor area#. The Commission, in making the findings above may round out the #floor area# or #lot coverage# increase to the nearest percent.

No increase in the existing density and apartment #floor area# shall be permitted for such #buildings#.

**54-40  
DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS**

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

\* \* \*

**54-50  
MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER**

**54-51  
Energy Infrastructure or Retrofits**

\* \* \*

**54-52  
Accessibility or safety retrofits**

[NEW PROVISIONS, PER PROPOSAL]

Notwithstanding the other provisions of this Chapter, in all districts, an #enlargement#, #extension#, #conversion#, change or use or other alteration to a #non-complying building# that furthers a #building's# conformance with the American Disability Act or the most recent New

**Commented [Z5]:** The Proposal would allow non-complying buildings to create additional non-compliances to support accessibility and safety retrofits, such as elevators in yard areas.

York City Construction Codes, may create a new #non-compliance# or increase the degree of an #non-compliance#, provided that:

- (a) increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to maximum #floor area ratio# shall not exceed ten percent of the existing #floor area#, or 500 square feet, whichever is less;
- (b) increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the size of the required or existing open area, as applicable, by more than 20 percent, and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building or other structure# on the #zoning lot#; and
- (c) increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to the permitted height and setback of a #building or other structure#, shall be limited to one #story# or 15 feet, whichever is less.

**54-53**

**Residential retrofits**

[NEW PROVISIONS, PER PROPOSAL]

Notwithstanding the other provisions of this Chapter, in all districts, an #enlargement#, #extension#, #conversion#, change or use or other alteration to a #non-complying building# containing #residences# may create a new #non-compliance# or increase the degree of an #non-compliance#, provided that:

- (a) increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to maximum #residential# #floor area ratio# shall be limited in size to floor space existing with the volume of a #building or other structure# on the #zoning lot#;
- (b) increases to existing #non-compliances# with regard to required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the size of the existing open area by more than 20 percent and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building or other structure# on the #zoning lot#. New open area #non-compliances# may not be created; and
- (c) increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to the permitted height and setback of a #building or other structure#, shall be limited to one #story# or 15 feet, whichever is less.

**Commented [Z6]:** The Proposal would also permit non-complying buildings to create some limited non-compliances to support other retrofit efforts. This could include using basement or garage spaces for dwelling purposes.

ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2  
Special Regulations Applying in the Waterfront Area

\* \* \*

62-30  
SPECIAL BULK REGULATIONS

[UPDATED CROSS-REFERENCES]

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing #non-complying# #buildings or other structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of #use# involving a #building or other structure# lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district #use# regulations, as modified by the provisions of this Chapter. Any #non-compliances# created with respect to the provisions of this Section due solely to the change of #use# shall be deemed to be existing #non-compliances#. However, no #enlargement# or other alteration of such #buildings or other structures# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# with respect to the provisions of this Section.

Modification of the #bulk# regulations of Sections ~~62-31, 62-32, 62-33 or 62-34~~ 62-31, 62-32, 62-33, 62-341, 62-342, 62-343 or 62-35 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-837, 74-711, 74-74, 74-79, 78-00 or 79-00.

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections ~~62-342 and 62-343~~ 62-344 and 62-345.

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum #floor area ratio# for the applicable district set forth in ~~Section 62-322~~ Sections 62-321 or 62-322.

\* \* \*

Commented [Z1]: Article VI Chapter 2 contain the regulations for the waterfront area. The Proposal would update the bulk regulations in this area to better align with changes made for residences, as well as in line with the bulk regulations in recent special purpose districts on the waterfront. These changes are concentrated in 62-30, inclusive. Changes for BK1 are not yet included in this review.

**62-32**

**Maximum Floor Area Ratio and Lot Coverage  
Floor Area Regulations on Waterfront Blocks**

[ADDED LIST OF CONTENTS]

#Floor area# regulations for #zoning lots# within #waterfront blocks# are set forth in:

Section 62-321 for R1 through R5 Districts

Section 62-322 for R6 through R12 Districts

Section 62-323 for Community Facility and Commercial uses in Residence Districts

Section 62-324 for Commercial Districts

Section 62-325 for Manufacturing Districts

**62-321**

**Residential uses in R3, R4 and R5 Districts  
Floor area regulations for R1 through R5 Districts**

[REVISED TO ALIGN WITH PROPOSAL]

R1 R2 R3 R4 R5

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall be in accordance with as set forth for the applicable district regulations provided in Section 23-21 (Floor Area Regulations for R1 through R5 Districts), inclusive., except as provided in Section 62-323 (Affordable independent residences for seniors).

**62-322**

**Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts  
Floor area regulations for R6 through R12 Districts**

[REVISED TO ALIGN WITH PROPOSAL. MOVED LOT COVERAGE TO SECTION 62-333]

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) or Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the table below, except as provided for in Sections 23-154 (Inclusionary Housing), 62-323 (Affordable independent residences for seniors) and 62-35 (Special Bulk Regulations in Certain Areas Within

**Commented [Z2]:** The Proposal would better align the maximum permitted FARs with those allowed for the underlying applicable Residence Districts. Floor area charts included in this section would be removed since they could cause confusion.

Community District 1, Brooklyn):

**MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE FOR RESIDENTIAL BUILDINGS OR RESIDENTIAL PORTIONS OF BUILDINGS**

District	Maximum #Floor Area Ratio# <sup>1</sup>	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00 <sup>2</sup>	70

<sup>1</sup>— In #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, the #floor area ratio# has been modified, pursuant to Section 23-154 or Section 62-35, inclusive

<sup>2</sup>— In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-154

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #floor area ratio# for #residential# #buildings# or #residential# portions of #buildings# shall be as set forth for the applicable district regulations provided in Section 23-22 (Floor Area Regulations for R6 through R12 Districts), inclusive. However, for districts without a letter suffix, no additional #floor area ratio# shall be permitted within 100 feet of a #wide street#.

#Zoning lots# with #buildings# that exceed the maximum base height listed in Section 62-343



(Height and setback regulations) shall have a minimum #floor area# coverage comprising at least 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #floor area# coverage requirements of this Section at the time the site is fully developed.

**62-323**

[REMOVED TO ALIGN WITH PROPOSAL]

**Affordable independent residences for seniors**

In the districts indicated in the following table, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in Sections 23-144 and 23-155, as applicable, and the maximum #lot coverage# shall be as specified in the following table.

**MAXIMUM LOT COVERAGE FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS**

District	Maximum #Lot Coverage# (in percent)
R3	55
R4	55
R5	60
R5D R6B	60
R6 R6A R7B	65
R7 R7A R7D R7X	70
R8 R9 R10	70

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

**62-324**

**62-323**

**Community facility and commercial uses in Residence Districts**

[REVISED TO ALIGN WITH PROPOSAL; REMOVED LOT COVERAGE ]

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following ~~regulations~~ shall apply:

- (a) ~~—The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~
- (b) ~~—The maximum percent of #lot coverage# specified in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply to #community facility buildings# or to that portion of a #building# used for a #community facility# #use#:~~

**MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITIES**

District	Maximum #Lot Coverage# (in percent)
R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7A R7D R7X R8 R9A	75
R9 R9-1 R9X R10	80

~~Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table in this Section.~~

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility# #uses#.

In #Residence Districts#, when permitted, #commercial buildings# or #buildings# used partly for

~~#commercial# #use#, shall comply with the regulations for #residential buildings# as set forth in Sections 62-321 and 62-322.~~

~~The maximum #floor area ratio# permitted for a #community facility# #use# shall be in accordance with the applicable district regulations, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in this Section, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.~~

~~Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.~~

#### **62-325**

#### **62-324**

#### **Buildings in Commercial Districts**

[RENUMBERED; CROSS REFERENCES UPDATED]

In #Commercial Districts#, for any #commercial# or #community facility# #uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section;
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and
- (c) for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through ~~62-323~~, 62-322, 62-333, and 62-334 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

#### **62-326**

#### **62-325**

## Buildings in Manufacturing Districts

[RENUMBERED; TEXT UNCHANGED]

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

~~62-327~~

~~62-326~~

### Maximum floor area ratio for a mixed use building in a Special Mixed Use District

[RENUMBERED; TEXT UNCHANGED]

The maximum #floor area ratio# for #zoning lots# containing a #mixed use building# in a #Special Mixed Use District# shall be in accordance with the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings).

62-33

### Special Yard and Lot Coverage Regulations on Waterfront Blocks

[ADDED LOT COVERAGE; NO CHANGE TO YARDS; ALIGNED CROSS-REFERENCES]

#Yard# and #lot coverage# regulations for #zoning lots# within #waterfront blocks# ~~shall be governed by the provisions of this Section.~~ are set forth in:

Section 62-331 for Front yards and side yards

Section 62-332 for Rear yards and waterfront yards

Section 62-333 for Maximum lot coverage in residence districts

Section 62-334 for Maximum lot coverage for residences in commercial districts

For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# ~~in listed under Use Groups 16, 17 or 18, IV(B), IX or X~~ or for #developments# on #zoning lots# that are not #waterfront zoning lots#,

#yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

**62-331  
Front yards and side yards**

[TEXT UNCHANGED]

#Front yards# and #side yards# shall be provided on #zoning lots# within #waterfront blocks# in accordance with applicable district regulations, except that:

- (a) any #rear lot line# of a #waterfront zoning lot# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations; and
- (b) #side yard# regulations shall be inapplicable along #side lot lines# that are coincident with or seaward of the #shoreline#. In lieu thereof, a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332.

**62-332  
Rear yards and waterfront yards**

[MINOR REVISIONS TO ALIGN WITH PROPOSAL]

#Rear yard# regulations shall be inapplicable on #waterfront zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline#, bulkhead or stabilized natural shore, whichever is furthest landward. In addition, the following rules shall apply to the #waterfront yard#:

- (a) Depth of the #waterfront yard#

The required minimum depth of a #waterfront yard# is set forth in the following table. Column A sets forth districts where the minimum depth is 30 feet, and Column B sets forth districts where the minimum depth is 40 feet. Such minimum depths shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore, or, in the case of natural #shorelines#, the mean high water line.

Where a #platform# projects from the #shoreline#, stabilized natural shore, or bulkhead (see illustration below of Waterfront Yard), such #waterfront yard# shall, in lieu of following the shore at that portion, continue along the water edge of such #platform# until it again intersects the #shoreline#, stabilized natural shore, or bulkhead, at which point it

shall resume following the #shoreline#, stabilized natural shore, or bulkhead.

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column A	Column B
Districts with 30 Foot Requirement	Districts with 40 Foot Requirement
R1 R2 R3 R4 R5	R6 R7 R8 R9 R10 <u>R11 R12</u>
C1 C2 mapped in R1 R2 R3 R4 R5	C1 C2 mapped in R6 R7 R8 R9 R10 <u>R11 R12</u>
C3	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4 C5 C6 C7 C8 M1 M2 M3

\* \* \*

(c) Permitted obstructions

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall include permitted obstructions as listed in Sections ~~23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~ 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) and 62-611, except that enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted. Where any power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, are located in a #front yard#, the entire width of the portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation.

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#:

Balconies, unenclosed;

Greenhouses, non-commercial, #accessory#;

Parking spaces, off-street, open or enclosed, #accessory#;

Swimming pools, #accessory#;

Terraces or porches, open.

**62-333**

**Maximum lot coverage in Residence Districts**

[REMOVED 62-00 LOT COVERAGE RULES AND ALIGNED WITH THE PROPOSAL]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #lot coverage# for #residential# #buildings#, #community facility# #buildings# or the portions of #buildings# containing #residential# or #community facility# #uses# shall be in accordance with the applicable district regulations provided in Section 23-36 (Maximum Lot Coverage), inclusive. For the purpose of applying such regulations, the regulations for #interior lots# or #through lots# shall apply, and additional limitations for #zoning lots# with a #lot area# of at least 1.5 acres need not apply.

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table in this Section.

**62-334**

**Maximum lot coverage for residences in Commercial Districts**

[MOVED FROM 62-325. UPDATED CROSS REFERENCE]

In #Commercial Districts#, for #residential# #buildings#, or the #residential# portion of #mixed buildings#, the maximum #lot coverage# regulations of Section 62-333 (Maximum lot coverage in Residence Districts) shall apply.

**62-34**

**Height and Setback Regulations on Waterfront Blocks**

[MOVED FROM SECTION 62-341 AND ALIGNED WITH PROPOSAL]

Height and setback regulations for #zoning lots# within #waterfront blocks# ~~shall be governed by the provisions of this Section.~~ are set forth in:

Section 62-341 for Height and setback regulations in lower density districts

**Commented [Z3]:** The Proposal would simplify the coverage rules for these districts by referring to the already applicable Residence District rules, with some modifications to reflect existing waterfront provisions.

Section 62-342 for Height and setback regulations in districts with a letter suffix

Section 62-343 for Height and setback regulations in other medium- and high-density districts

Section 62-344 for Developments on piers

Section 62-345 for Developments on floating structures

However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# ~~in~~ listed under Use Group ~~16, 17 or 18~~ IV(B), IX or X shall be exempt from the requirements of this Section.

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above the mean high water line and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-344 and 62-345.

For the purposes of applying the regulations of this Section, the following provisions shall apply:

(a) #Street lines#

For the purposes of Sections 62-342 and 62-343, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(b) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4.

(c) Permitted obstructions

The obstructions permitted pursuant to Sections 23-411, inclusive, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-312, 64-313 or 64-323, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (1) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height in Section 62-343, by 15 percent, if the gross area of such highest #stories# does not exceed 90 percent of the gross area of that #story# directly below it.



(2) Wind energy systems

Regulations governing wind energy systems are modified as follows:

- (i) in R6 through R12 Districts, #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R12 Districts, C7 Districts, C8 Districts other than C8-1 Districts, or #Manufacturing Districts# other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly;
- (ii) in C4-1, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly; and
- (iii) in all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

**62-341**

**Developments on land and platforms**

[REMOVED ENTIRE SECTION AND RE-LOCATED TO SECTIONS 62-34, 62-341, 62-342 AND 62-343]

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway#

**Commented [Z4]:** The provisions of this section are organized in a somewhat confusing manner and so the Proposal would look to arrange them similar to how the underlying provisions for residential bulk are done.

or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) — #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow# #street line# and 10 feet from a #wide# #street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) — Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (General provisions).

(4) — Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, inclusive, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-623.
- (ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table A, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of this paragraph, (a)(4)(ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely

below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph, (a)(4)(iii):

In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7 and C8-1 Districts, and #Manufacturing Districts#, other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

- (i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly# #community facility building#, shall exceed a height of 35 feet.
- (ii) In R3, R4 and R5 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for #predominantly# #community facility buildings#.

(2) ~~#Predominantly# #community facility buildings#~~

~~The underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #predominantly# #community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.~~

(3) ~~#Buildings# containing #commercial# #uses#~~

~~The underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #mixed buildings# as set forth in paragraph (b)(1) of this Section or #predominantly# #community facility buildings# as set forth in paragraph (b)(2) of this Section.~~

(4) ~~Other structures~~

~~All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.~~

(e) ~~Medium and high density non-contextual districts~~

~~R6 R7 R8 R9 R10~~

~~C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4~~

~~M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3~~

~~Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.~~

(1) ~~Maximum base height~~

~~Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a #building or other structure# or portion thereof located within an #initial setback distance# may not exceed the maximum base height specified in Table A of this Section.~~

(2) Maximum #building# height

Except for penthouses permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a #building or other structure# or portion thereof may not exceed the maximum #building# height specified in Table A.

(3) #Floor area# distribution

#Zoning lots# with #buildings# that exceed the maximum base height listed in Table A shall have a minimum #floor area# coverage comprising at least 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #floor area# coverage requirements of this Section at the time the site is fully developed.

(4) Maximum #residential# tower size

Each #residential# #story# of a #building# located entirely above the maximum base height specified in Table A shall not exceed a gross area of 7,000 square feet on #zoning lots# less than 1.5 acres, and 8,100 square feet on larger #zoning lots#. On all #zoning lots#, dormers permitted within an #initial setback distance# in accordance with the provisions of paragraph (a)(4)(i) of this Section shall not be included in such gross area.

(5) Maximum width of walls facing #shoreline#

The maximum width of any #story# of a #building# that faces a #shoreline# and is entirely above the maximum base height specified in Table A shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above the maximum base height. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. (See illustration).

(6) Ground floor streetscape provisions

For the purposes of this Section, “ground floor level” shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

- (i) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and
- (ii) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS\*

District	Maximum Height (in feet)	
	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6 C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	60	110
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5	60	135
R7-3 C1 or C2 mapped within R7-3 C8-4 M1-3 M1-5 M2-2 M2-4	65	185
R8 C1 or C2 mapped within R8 C1-7 C6-1 C6-2	70	210
R9 C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225

R9-1 C1 or C2 mapped within R9-1	90	280
R10 C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	110	350

\* For #predominantly# #community facility buildings#, the applicable regulations shall be determined from Table B of this Section

TABLE B

APPLICABLE HEIGHT AND SETBACK REGULATIONS FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS

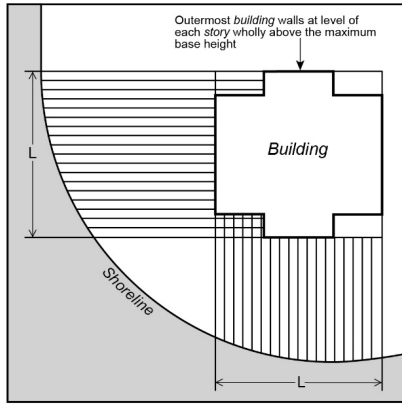
District in which #Predominantly# #Community Facility Building# is Located	Applicable Regulations from Table A
R6-R7-1 R7-3 C1 or C2 mapped within R6, R7-1 or R7-3 C4-2 C4-3 C8-2 M1-2	R7-3
R7-2 R8 C1 or C2 mapped within R7-2 or R8 C1-6 C1-7 C2-6 C4-4 C4-5 C6-1 C6-2 C8-3 C8-4 M1-3 M1-4 M1-5	R9
R9-1 C1 or C2 mapped within R9-1	R9-1
R9-R10 C1 or C2 mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	R10

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

~~C1 6A C1 7A C1 8A C1 8X C1 9A C2 6A C2 7A C2 7X C2 8A C4 2A C4 3A C4 4A  
C4 4L C4 5A C4 5D C4 5X C4 6A C4 7A C5 1A C5 2A C6 2A C6 3A C6 4A~~

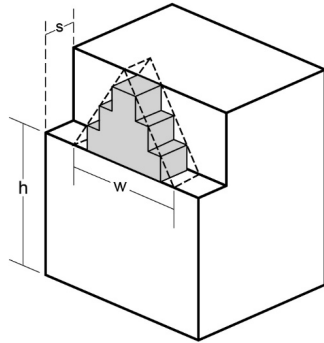
In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Section 23-662 shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used in applying such provisions. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth in Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.



L - Maximum width of building wall (100 feet)

**MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE**





h - Maximum base height  
 s - Required setback or *initial setback distance*  
 w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest story entirely below maximum base height)

 Dormer

~~DORMER~~

**62-341**

**Height and setback regulations in lower density districts**

[RE-WRITTEN AND ALIGNED WITH PROPOSAL]

R1 R2 R3 R4 R5 C3 C4-1 C8-1 M1-1

In the districts indicated, and for C1 or C2 Districts mapped within an R1 through an R5 District, all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the underlying height and setback regulations, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights in certain districts

The maximum base height and maximum #building# height for #buildings# on #waterfront blocks# for certain districts shall be as set forth in the following table:

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHT FOR #RESIDENTIAL BUILDINGS# ON #WATERFRONT BLOCKS#

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>

**Commented [Z5]:** The Proposal would align the permitted maximum heights with those proposed for the different lower density districts. Special provisions for community facilities would be maintained.

<u>R1 R2</u> <u>C1 or C2 mapped within R1 or R2</u> <u>C8-1 M1-1</u>	<u>35</u>	<u>35</u>
<u>R3</u> <u>C1 or C2 mapped within R3</u> <u>C3</u>	<u>35</u>	<u>45</u>
<u>R4</u> <u>C1 or C2 mapped within R4</u>	<u>45</u>	<u>55</u>
<u>R5</u> <u>C1 or C2 mapped within R5</u> <u>C4-1</u>	<u>55</u>	<u>65</u>

(b) Additional regulations

- (1) Above the maximum base height, a #building# shall be set back at least:
  - (i) 15 feet from a #narrow# #street line#;
  - (ii) 10 feet from a #wide# #street line#; or
  - (iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

Dormers provided in accordance with Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;
- (2) Any portion of a #predominantly# #community facility# #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of

60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

- (3) All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

**62-342  
Developments on piers**

[MOVED TO 62-344]

~~In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.~~

~~The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.~~

~~The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.~~

~~The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.~~

- (a) — Height and setback regulations on #piers#

~~The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.~~

(b) ~~Building width and spacing regulations on piers~~

~~The maximum length or width of any building or other structure on a pier shall be 200 feet. The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall be inapplicable on piers. In lieu thereof, the minimum distance on a pier between any two buildings or other structures that do not abut shall be 100 feet. However, such limitations shall not apply to any building or other structure, no portion of which exceeds 30 feet in height.~~

~~Permitted obstructions above the base plane within such required open areas between buildings or other structures shall be limited to those allowed above the lowest level of a visual corridor pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding accessory buildings or other structures shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such accessory buildings or other structures and any other building or other structure on the pier.~~

(c) ~~Modification of pier bulk regulations~~

~~Modification of the regulations of this Section involving the height and setback or width and spacing of buildings or other structures on piers shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights From Landmark Sites).~~

**62-342**  
**Height and setback regulations in districts with a letter suffix**

[MOVED FROM SECTION 62-341 (d) AND MODIFIED]

For all developments on portions of a zoning lot landward of the shoreline or on platforms within R6 through R12 Districts with a letter suffix or Commercial Districts mapped within or with a residential equivalence of an R6 through R12 District with a letter suffix, the applicable underlying height and setback regulations of Section 23-43, inclusive, shall apply.

**62-343**  
**Height and setback regulations in other medium- and high-density districts**

[MOVED FROM SECTION 62-341 (c) AND MODIFIED]

**Commented [Z6]:** The Proposal would more clearly align the height and setback regulations for "contextual" districts with those in the underlying provisions.

**Commented [Z7]:** In other medium and high density districts, the Proposal would update the height and setback regulations to better reflect the permitted FAR and UAP framework in these districts. These heights are based on work in recent special purpose districts that had to be created to address these issues.

R6 R7 R8 R9 R10 R11 R12

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-2 C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

In the districts indicated, and for those not otherwise governed by the provisions of Sections 62-341 or 62-342, the underlying height and setback regulations are applicable for all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms#, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights

For all #buildings#, the base heights, transition heights, and #building# heights for #buildings# on #waterfront blocks# shall be as set forth in the following table.

MAXIMUM BASE HEIGHT, TRANSITION HEIGHTS, AND MAXIMUM BUILDING HEIGHT - FOR NON-CONTEXTUAL DISTRICTS

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Transition Height Tier 1 (in feet)</u>	<u>Maximum Transition Height Tier 2 (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>R6</u> <u>C1 or C2 mapped within R6</u> <u>C7-1</u> <u>C8-2 C8-3</u> <u>M1-2 M1-4</u> <u>M2-1 M2-3</u> <u>M3</u>	<u>65</u>	<u>95</u>	<u>125</u>	<u>255</u>

<u>R7-1 R7-2</u>  <u>C1 or C2 mapped within R7-1 or R7-2</u>  <u>C7-2 C7-3</u>	<u>85</u>	<u>115</u>	<u>155</u>	<u>315</u>
<u>R7-3</u>  <u>C1 or C2 mapped within R7-3</u>  <u>C7-3 C8-4</u>  <u>M1-3 M1-5</u> <u>M2-2 M2-4</u>	<u>95</u>	<u>145</u>	<u>185</u>	<u>375</u>
<u>R8</u>  <u>C1 or C2 mapped within R8</u>  <u>C4-8</u>  <u>C6-1 C6-2</u>	<u>105</u>	<u>145</u>	<u>215</u>	<u>435</u>
<u>R9</u>  <u>C1 or C2 mapped within, or with a #residential equivalent# of an R9</u>  <u>C4-9 C6-3</u>  <u>C7-5 C7-6</u>	<u>135</u>	<u>185</u>	<u>285</u>	<u>N/A</u>

<u>R10</u>  <u>C1 or C2 mapped within, or with a #residential equivalent# of an R10</u>  <u>C4-6 C4-7</u>  <u>C5</u>  <u>C6-4 C6-5 C6-6 C6-7 C6-8 C6-9</u>  <u>C7-7</u>  <u>M1-6</u>	<u>155</u>	<u>235</u>	<u>355</u>	<u>N/A</u>
<u>R11</u>  <u>C1 or C2 mapped within R11</u>  <u>C4-11</u>  <u>C6-11</u>  <u>C7-8</u>	<u>155</u>	<u>325</u>	<u>405</u>	<u>N/A</u>
<u>R12</u>  <u>C1 or C2 mapped within R12</u>  <u>C4-12</u>  <u>C6-12</u>	<u>155</u>	<u>395</u>	<u>495</u>	<u>N/A</u>

C7-9				
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(b) Additional regulations for #buildings# containing #residences#

For #buildings# containing #residences#, the following shall apply:

- (1) the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply. For the purposes of applying such regulations, all #street walls# not facing the #shore public walkway# or #supplemental public access areas# shall extend to a minimum base of at least 35 feet, or the height of the #building#, whichever is less;
- (2) at a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided in accordance with the provisions of Section 23-433, except that along the #shore public walkway#:
  - (i) the depth of a setback shall be increased to 30 feet;
  - (ii) the depth of encroachment of a dormer provided in accordance with Section 23-413 within such setback shall not exceed 15 feet;
  - (iii) at least 25 percent of the #aggregate width of street walls# facing the #shore public walkway# shall be limited to a height not exceeding two-thirds of the permitted maximum base height;
  - (iv) within 50 feet of the #shoreline#, no #building# height shall exceed a height of 85 feet;
- (3) after the required setback, #buildings# may rise to the maximum transition height. However, for portions of #buildings# exceeding the maximum base height with a gross area of a #story# of 10,000 square feet, or more, exclusive of any permitted dormers, setbacks shall be taken at a point no higher than the maximum Tier 1 transition height set forth in the table in order to achieve a footprint reduction of 10 percent for #stories# below the maximum Tier 2 transition heights; and
- (4) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the following provisions of paragraph (d) of this Section.

(c) Additional regulations for other #buildings#

For #buildings# that do not contain #residences#, the following shall apply:

**Commented [Z8]:** The Proposal would include additional regulations for elements like building bases and tower footprints to reflect the location on the waterfront.



- (1) Above the maximum base height, a #building# shall be set back at least:
  - (i) 15 feet from a #narrow# #street line#;
  - (ii) 10 feet from a #wide# #street line#; or
  - (iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

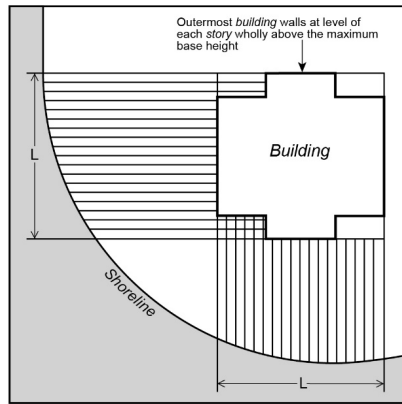
Dormers provided in accordance with Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;

- (2) after the required setback, #buildings# may rise to the maximum transition height;
- (3) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the provisions of paragraph (d) of this Section.

(d) Tower regulations

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

- (1) The maximum width of any #story# of a tower that faces a #shoreline# shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each tower #story#. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. However, such limitation may be modified as follows:
  - (i) where a tower faces two or more #shorelines#, such restriction shall apply only to one face, and the maximum length along other frontages shall not exceed 130 feet frontage(See illustration [TO BE UPDATED]);
  - (ii) where the average depth of a #zoning lot# is less than 200 feet, the maximum width of a #story# shall not exceed 130 feet.



L - Maximum width of building wall (100 feet)

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE

(2) for #residential# #stories# within a tower, the following shall apply:

(i) the tower footprint shall not exceed a gross area of 10,000 square feet, except that where the overall height of a tower exceeds two-thirds of the overall maximum permitted height set forth in the table, at least one-third of the tower #stories# shall have a footprint that does not exceed 8,500 square feet. Dormers need not be included in the calculation of such maximum gross area; and

(ii) where two or more towers are provided on a #zoning lot#, there shall be at least 50 feet in difference in height between any two towers;

62-342

62-344

**Developments on piers**

[MOVED FROM 62-342. UPDATED CROSS-REFERENCES]

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections ~~23-62~~ 23-41, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The provisions of Section ~~23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT)~~ 23-371 (Distance between buildings) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding #accessory# #buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory# #buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier# #bulk# regulations

Modification of the regulations of this Section involving the height and setback or width

and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights From Landmark Sites).

**~~62-343~~**

**62-345**

**Developments on floating structures**

[MOVED FROM 62-343. MINOR REVISIONS]

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high; and

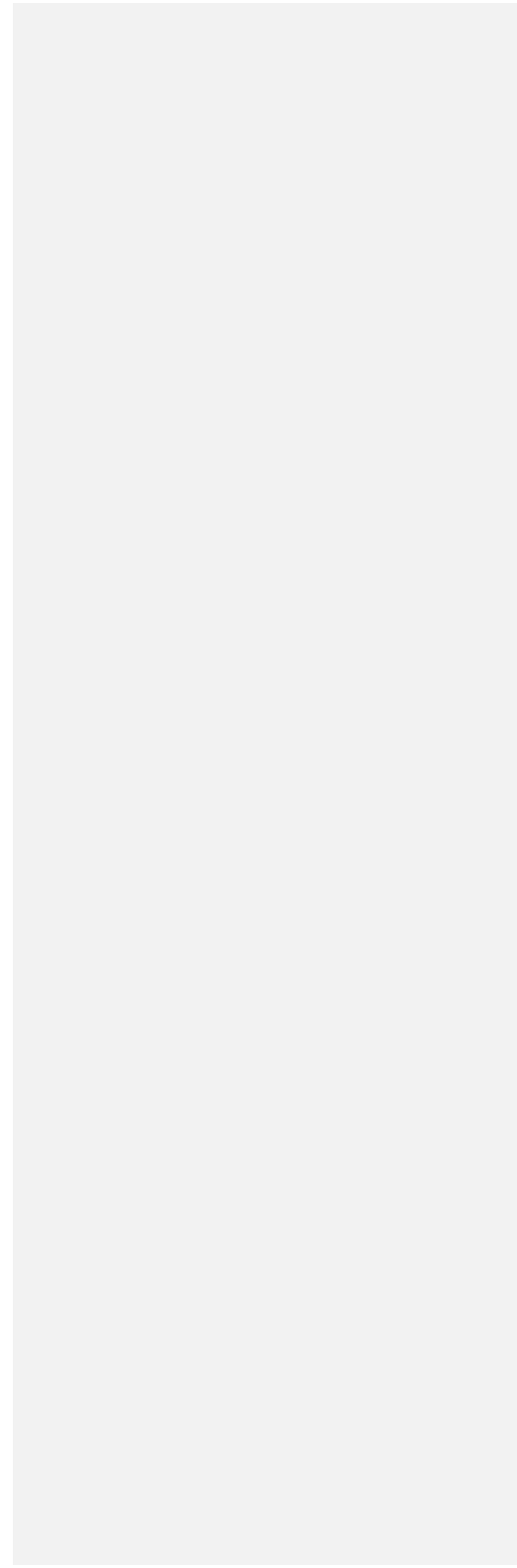
Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-834 shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

			Column A	Column B
#Residential District#	#Commercial District#	#Manufacturing District#	Maximum Structure Height (in feet)	Maximum Height of Repurposed Vessels (in feet)

R1 thru R5	C1 or C2 mapped in R1 thru R5	-	23 <del>ft.</del>	40 <del>ft.</del>
	C3			
R6	C1 or C2 mapped in R6	M1-1 M1-2 M1-4	40 <del>ft.</del>	60 <del>ft.</del>
	C4-1	M2-1 M2-3		
	C7	M3-1 M3-2		
	C8-1 C8-2 C8-3			
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5 M2-2 M2-4	50 <del>ft.</del>	70 <del>ft.</del>
	C1-6 C1-7			
	C2-6			
	C4-2 C4-3 C4-4 C4-5			
	C6-1 C6-2			
	C8-4			
R9 R10 <u>R11</u> <u>R12</u>	C1 or C2 mapped in R9 or R10	M1-6	60 <del>ft.</del>	150 <del>ft.</del>
	C1-8 C1-9			
	C2-7 C2-8			
	C4-6 C4-7			
	C5			
	C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9			



**62-35**  
**Special Ground Floor Regulations on Waterfront Blocks**

**62-351**  
**Ground floor streetscape**

[MOVED FROM 62-341(c)(6); TEXT UNCHANGED]

For the purposes of this Section, “ground floor level” shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

- (a) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and
- (b) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 6  
Special Regulations Applying Around Mass Transit Stations**

\* \* \*

**66-10  
GENERAL PROVISIONS**

\* \* \*

**66-11  
Definitions**

\* \* \*

**Eligible zoning districts**

[UPDATING ELIGIBLE ZONING DISTRICTS PER PROPOSAL; THE BASELINE TEXT IN THIS DEFINITION REFLECTS MODIFICATIONS BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) ~~R5D, R6, R7, R8, R9 or R10 Districts;~~
- (b)(a) R5D through R12 Districts or #Commercial Districts# mapped within, or with an equivalent a #residential equivalent# of, an R5, R5D, R6, R7, R8, R9, or R10 District such districts;
- (c)(b) C7 or C8 Districts;
- (d)(c) M1 Districts paired with R6 through R10 Districts a #Residence District#; or
- (e)(d) #Manufacturing Districts#.

\* \* \*

**Qualifying transit improvement sites**

[UPDATING QUALIFYING TRANSIT IMPROVEMENT SITES TO INCLUDE NEW RESIDENCE DISTRICTS PER PROPOSAL; THE BASELINE TEXT IN THIS DEFINITION

**Commented [Z1]:** Article VI Chapter 6 includes special rules near mass transit stations. The Proposal updates the applicability of this section to reflect changes in low-density districts that permit multiple dwellings and the addition of new high-density zoning districts.

Other provisions are removed or updated to reflect other changes in the Proposal.

**Commented [Z2]:** The Proposal expands the applicability of the easement provisions of this chapter to more low density districts since on sites where multi-family construction would be possible. It also expands the applicability to include the R11 and R12 high density Residence Districts.

**Commented [Z3]:** The Proposal extends the transit bonus applicability to the new high density Residence Districts

REFLECTS MODIFICATIONS BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY  
TEXT AMENDMENT]

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

- (a) located in one of the following zoning districts:
  - (1) R9 ~~or R10~~ through R12 Districts;
  - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 ~~or R10~~ through R12 District, or C7-6, C7-7, C7-8 or C7-9 Districts;
  - (3) M1 Districts paired with an R9 ~~or R10~~ through R12 District; or
  - (4) M1-6, M1-7A, M1-8A or M1-9A Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:
  - (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
  - (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

\* \* \*

Transit-adjacent sites

[ADDING SITES WITHIN LOW-DENSITY DISTRICTS THAT PERMIT MULTI-FAMILY HOUSING DEVELOPMENTS TO DEFINITION OF TRANSIT-ADJACENT SITES]

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station# and located in:

- (a) #eligible zoning districts#.
- (b) #qualifying transit-accessible sites#; or
- (c) R1 through R5 District, or #Commercial Districts# mapped within, or with a #residential equivalent# of such districts, and where either a single #zoning lot# or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are



contiguous or would be contiguous but for their separation by a #street#, have a #lot area# of at least 1.5 acres.

#Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

\* \* \*

**66-20  
SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES**

\* \* \*

**66-23  
Special Bulk Regulations**

\* \* \*

**66-232  
Special open space, lot coverage and yard modifications**

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least ~~30 feet~~ 20 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

**Commented [Z4]:** The Proposal would remove these special provisions in R5 districts since R5 districts would no longer need this special relief.

(b) Special #open space# modifications in certain districts

[REMOVING PARAGRAPH (b) PER MODIFICATIONS TO UNDERLYING PROVISIONS]

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(e)(b) Special #lot coverage# modifications in certain districts

[REMOVING PARAGRAPHS (c)(2) AND (c)(3), AS UNDERLYING PROVISIONS WOULD ACCOMMODATE MORE LOT COVERAGE PURSUANT TO SECTION 23-36, INCLUSIVE]

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

- (1) Any #any# #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.
- (2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.
- (3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

\* \* \*

66-234

Special height and setback modifications

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

[REPLACING PARAGRAPH (a)(2) WITH NEW DORMER PROVISIONS IN SECTION 23-413]

- (1) #Easement volumes#

Commented [Z5]: The Proposal updates the lot coverages in these districts and so the relief afforded here would not be needed.

Commented [Z6]: The Proposal The updates the height and setback regulations in these districts and so the relief afforded here would not be needed.

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least ~~30 feet~~ 20 feet from any #legally required window# at the same level on the #zoning lot#.

(2) ~~Dormers~~

~~For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-623, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 233 (Special street wall modifications).~~

(b) ~~Special height and setback provisions for R5 Districts~~

[CONSOLIDATING SPECIAL HEIGHT PROVISIONS IN NEW PARAGRAPH (b)]

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

- (1) ~~In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built up area#; and~~
- (2) ~~In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.~~

(e)(b) ~~Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts~~

[UPDATING SPECIAL HEIGHT PROVISIONS IN ACCORDANCE WITH THE PROPOSAL; THE BASELINE TEXT IN THIS SECTION REFLECTS MODIFICATIONS BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In R6 through R10 Districts, ~~#Commercial Districts#~~ mapped within or with a ~~#residential#~~ equivalent of such districts, C7 Districts, M1 Districts paired with R6 through R10 Districts, M1-6 Districts, and ~~#Manufacturing Districts#~~ with an A suffix, In all applicable zoning districts, excluding C8 Districts or all ~~#Manufacturing Districts#~~ other than M1-6 Districts or ~~#Manufacturing Districts#~~ with an A suffix, where maximum ~~#building#~~ height limitations apply, the maximum ~~#building#~~ height shall be increased by 10 feet, or one ~~#story#~~, whichever is less.

However, for ~~#zoning lots#~~ with an ~~#easement volume#~~ serving an ~~#above-grade mass transit station#~~ in R7 through ~~R10 Districts~~ R12 Districts, ~~#Commercial Districts#~~ mapped within or with a ~~#residential#~~ equivalent ~~#residential equivalent#~~ of such districts, C7 Districts, M1 Districts paired with R7 through ~~R10 Districts~~ R12 Districts, M1-6 Districts, and ~~#Manufacturing Districts#~~ with an A suffix, the maximum ~~#building#~~ height shall be increased by 20 feet or two ~~#stories#~~, whichever is less.

\* \* \*

66-24

**Special Regulations for Accessory Off-Street Parking**

Where an ~~#easement volume#~~ is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable ~~#zoning lots#~~, 15 spaces may be deducted from the total number of required ~~#accessory#~~ off-street parking spaces. Where ~~#accessory#~~ off-street parking spaces are required by multiple ~~#uses#~~ on a ~~#zoning lot#~~, such deduction may apply to any required ~~#accessory#~~ off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of ~~#accessory#~~ off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small ~~#zoning lots#~~

[THE BASELINE TEXT IN THIS SECTION REFLECTS MODIFICATIONS BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For ~~#zoning lots#~~ with a ~~#lot area#~~ of 10,000 or 15,000 square feet or less, as applicable, requirements for ~~#accessory#~~ off-street parking spaces are waived pursuant to the following table:

District	Lot Area (in square feet)
----------	------------------------------

**Commented [Z7]:** The new high density Residence Districts are added to the chart here.

R5 <del>R5D</del> <u>R1</u> <u>R2</u> <u>R3</u> <u>R4</u> <u>R5</u>	
C1-1 C2-1 C3 C4-1	
C1-2 C2-2 C4-2 C8-1	10,000 or less
C1-3 C2-3 C4-2A C4-3 C8-2	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	
R6 R7 R8 R9 R10 <u>R11</u> <u>R12</u>	
C1-4 C2-4 C4-4 C4-5D C8-3	
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C7 C8-4	15,000 or less
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	
#Manufacturing Districts# with an A suffix	

(c) Waiver of requirements where access would be forbidden

[UPDATING CROSS REFERENCES]

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections ~~25-27~~ 25-22, 25-34, 36-24, ~~36-38~~ 36-35 or ~~44-24~~ 44-23 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

**66-25  
Special Streetscape Regulations**

[UPDATING CROSS REFERENCES]

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections ~~62-251~~ 66-251 (Ground floor level requirements) and ~~62-252~~ 66-252 (Planting requirements).

**66-251  
Ground floor level requirements**

**Commented [Z8]:** The Proposal updates the height regulations in these districts and so these provisions are no longer needed.

[REMOVING QUALIFYING GROUND FLOOR PROVISION]

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, ~~the height of a #qualifying ground floor#~~, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252

**Planting requirements**

**Commented [Z9]:** The Proposal includes updated planting requirements and so the provisions here are updated.

[UPDATING CROSS REFERENCES; REMOVING QHALITY HOUSING PROVISIONS]

(a) **Planting requirements for R5D Districts**

~~In R5D Districts, planting requirements shall be modified as follows:~~

- (1) ~~The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement); and~~
- (2) ~~Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.~~

(b) **Planting requirements for #Quality Housing buildings#**

~~For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).~~

Planting requirements shall be modified as follows:

- (a) In R1 through R5 Districts, where planting strips are required along the entire length of the curb of the #street# pursuant to Section 23-612 (Planting Strips in Residence Districts), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#; and
- (b) In all #Residence Districts#, the #easement volume# shall be discounted from the area of the #zoning lot# between the #street line# and all #street walls# for the purposes of applying the planting requirement of Section 23-613 (Front Yard Planting Requirements).

\* \* \*

**66-30**  
**SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES**

\* \* \*

**66-32**  
**Special Modifications for Secondary Transit-adjacent Sites**

[UPDATING CROSS REFERENCE]

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

- (a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.
- (b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:
  - (1) #Use# modifications pursuant to Section 66-221 (Temporary uses);
  - (2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modifications), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-233 (Special street wall modifications), and paragraph (a)(~~4~~) of Section 66-234 (Special height and setback modifications);
  - (3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-Street Parking); and
  - (4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

\* \* \*

**66-50**  
**SPECIAL APPROVALS**

\* \* \*

**66-51**  
**Additional Floor Area for Mass Transit Station Improvements**

\* \* \*

66-513

**Additional rules and limitations, conditions, findings and requirements**

[UPDATING CROSS REFERENCES]

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit station improvements by authorization) or Section 66-512 (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

(a) Additional rules and limitations on bonus #floor area#

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;
- (2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:
  - (i) where explicitly stated otherwise in a Special Purpose District; ~~or~~
  - (ii) ~~within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;~~
- (3) ~~Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, For #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and Section 23-222 (Floor area regulations for affordable or senior housing).~~
- (4) ~~For #compensated developments# or #MHI developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 For #developments# or #enlargements# with #qualifying affordable housing#, the~~

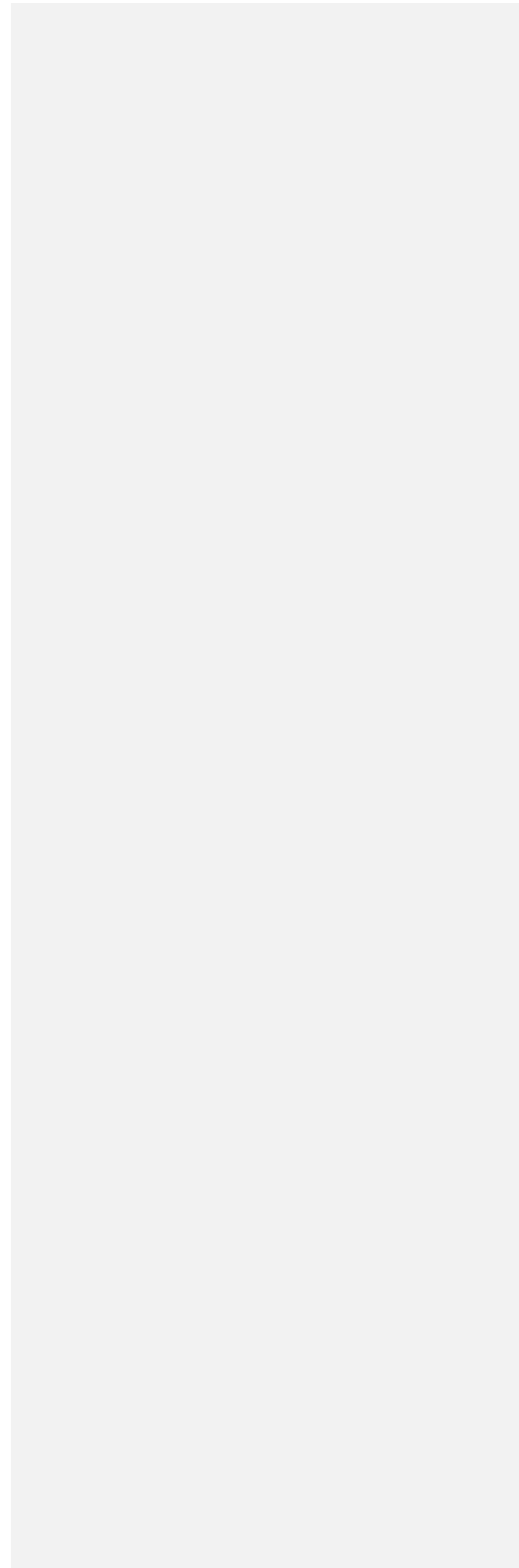
**Commented [Z10]:** The Proposal updates these provisions that describe how floor area bonuses for transit improvements are calculated to reflect the creation of the UAP framework.



requirements of #MIH developments# or #UAP developments# shall not apply to the bonus #floor area# granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511, notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

\* \* \*



**ARTICLE VII  
ADMINISTRATION**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

**73-00  
SPECIAL PERMIT USES AND MODIFICATIONS**

\* \* \*

**73-40  
MODIFICATIONS OF USE OR PARKING REGULATIONS**

\* \* \*

**73-43  
Reduction of Parking Spaces for Places of Assembly**

~~The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions), in accordance with the applicable provisions of Sections 73-431 through 73-435 for the reduction of parking spaces.~~

[RELOCATING FROM 73-432]

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category B1 whenever such #uses# are located on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds that:

- (a) the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the place of assembly during the entire period that such place of assembly remains in #use#; and
- (b) in accordance with submitted schedules of the times of operation for all #uses# on the #zoning lot#, there will be no conflict in the use of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

**Commented [Z1]:** Article VII Chapter 3 includes permits administered by the Board of Standards and Appeals. The Proposal removes some permits that are no longer needed pursuant to elements of the Proposal and updates other cross references and terminology.

**73-431**

**Reduction of parking spaces for houses of worship**

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

In all districts, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off street parking spaces for houses of worship, provided:

- (a) ~~the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking; and~~
- (b) ~~such reduction is commensurate with the reduced demand for on-site parking.~~

Factors to be considered by the Board may include, without limitation, the size of the congregation, the frequency and time of worship services and other events, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-432**

**Reduction of parking spaces for places of assembly**

\* \* \*

**73-433**

**Reduction of existing parking spaces for income restricted housing units**

[REMOVING TO REFLECT NEW FRAMEWORK FOR PARKING REMOVAL ACTIONS]

For #zoning lots# within the #Transit Zone# with #buildings# containing #income restricted housing units# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of #accessory# off street parking spaces required for such #income restricted housing units# prior to March 22, 2016, provided that the Board finds that such waiver or reduction will:

- (a) facilitate an improved site plan;
- (b) facilitate the creation or preservation of affordable housing, where a #development# includes new #residential floor area# on the #zoning lot#;
- (c) not cause traffic congestion; and
- (d) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

**Commented [Z2]:** The Proposal removes parking requirements for houses of worship and this permit would no longer be needed.

**Commented [Z3]:** The Proposal creates a new framework for the removal of existing parking through a CPC authorization. This permit is therefore removed.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-434**

**Reduction of existing parking spaces for affordable independent residences for seniors**

[REMOVING TO REFLECT NEW FRAMEWORK FOR PARKING REMOVAL ACTIONS]

For #zoning lots# outside the #Transit Zone# with #buildings# containing #affordable independent residences for seniors# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off street parking spaces required for such #affordable independent residences for seniors# prior to March 22, 2016, provided that the Board finds that:

- (a) such reduction will facilitate an improved site plan;
- (b) any new #dwelling units# created on the portion of the #zoning lot# previously occupied by such parking spaces will be #income restricted housing units#;
- (c) such reduction will not cause traffic congestion; and
- (d) such reduction will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

Any permitted reduction shall be in compliance with the parking requirement for #affordable independent residences for seniors# developed after March 22, 2016, as set forth in Section 25-252.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity to public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-435**

**Reduction of parking spaces for other government assisted dwelling units**

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

In all districts in the #Transit Zone#, the Board of Standards and Appeals may permit a waiver of, or reduction in, the number of required #accessory# off street parking spaces required for

**Commented [Z4]:** The Proposal creates a new framework for the removal of existing parking through a CPC authorization. This permit is therefore removed.

**Commented [Z5]:** The Proposal removes parking requirement for all forms of housing and so this permit is no longer needed.

government assisted #dwelling units# subject to restrictions on rents in #developments# or #enlargements#, provided that the conditions and findings set forth in this Section are met.

As a condition for such waiver or reduction, at least 20 percent of all #dwelling units# in such #development# or #enlarged building# shall be #income restricted housing units#, and an additional 30 percent of all #dwelling units# in such #development# or #enlarged building# shall be subject to a legally binding restriction limiting rents as prescribed by a City, State, or Federal agency, law, regulation, or regulatory agreement, for a period of not less than 30 years.

In order to grant such permit, the Board shall find that such waiver or reduction will:

- (a) facilitate such #development# or #enlargement#;
- (b) not cause traffic congestion; and
- (c) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### 73-44

#### Reduction of Parking Spaces for Uses in Parking Requirement Category A3

\* \* \*

#### 73-46

#### Waiver of Requirements for Conversions

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

In R6 or R7-1 Districts, in C1 or C2 Districts mapped within R6 or R7-1 Districts, or in C4-2 or C4-3 Districts, where the number of #accessory# off street parking spaces required for additional #dwelling units# created by #conversions# of any kind exceeds the number of spaces which may be waived as of right under the provisions of Sections 25-262 (For conversions), 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) or 36-364 (For conversions in C4 Districts), the Board of Standards and Appeals may waive all or part of the required spaces, provided that the Board finds that there is neither a practical possibility of providing such spaces:

- (a) on the same #zoning lot# because of insufficient #open space# and the prohibitive cost of structural changes necessary to provide the required spaces within the #building#; nor
- (b) on a site located within 1,200 feet of the nearest boundary of the #zoning lot# because all

**Commented [Z6]:** The Proposal removes parking requirement for all forms of housing and so this permit is no longer needed.

~~sites within such radius are occupied by substantial improvements.~~

~~73-47~~

73-46

**Exceptions to Maximum Size of Accessory Group Parking Facilities**

[RENUMBERING SECTION; TEXT UNCHANGED]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities listed under Use Group III(B) in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

~~73-471~~

73-461

**For hospitals and related facilities in Residence Districts**

[RENUMBERING SECTION; TEXT UNCHANGED]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces for hospitals and related facilities listed under Use Group III(B) in all #Residence Districts#, provided that the following findings are made:

- (a) that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.

**73-472**

**73-462**

**In Commercial or Manufacturing Districts**

[RENUMBERING SECTION; TEXT UNCHANGED]

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

- (a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and
- (b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

**73-48**

**73-47**

**Roof Parking**

[RENUMBERING SECTION; TEXT UNCHANGED]

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7 outside the #expanded Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.

73-50  
SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

\* \* \*

73-60  
MODIFICATIONS OF BULK REGULATIONS

\* \* \*

73-62  
Modification of Bulk Regulations for Buildings Containing Residences

**73-621**  
~~Enlargement, change of use, or extension within buildings containing residential uses~~

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

~~For a complying or #non-complying# #building# existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing #residential uses#, the Board of Standards and Appeals may permit an #enlargement#, a change of #use# or (in the case of a #mixed building#) an #extension#, provided that such #enlargement#, change of #use# or #extension# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.~~

~~In the districts and for the #buildings# for which an #open space ratio# is required, the #open space ratio# permitted under this Section shall not be less than 90 percent of the #open space ratio# required under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In the districts and for the #buildings# to which a maximum #lot coverage# applies, the maximum #lot coverage# permitted under this Section shall not exceed 110 percent of the maximum #lot coverage# permitted under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional #floor area# permitted pursuant to this Section may be computed using a base #floor area ratio# including the #floor area# permitted under a sloping roof with a structural headroom between five and eight feet when such space is provided in the #building#.~~

**73-622**  
~~Enlargements of single and two-family detached and semi-detached residences~~

[REMOVING TO REFLECT UNDERLYING PROPOSAL]

~~The Board of Standards and Appeals may permit an #enlargement# of an existing #single # or~~

**Commented [Z7]:** The Proposal updates the as of right bulk regulations for residences and this permit should no longer be required.

**Commented [Z8]:** The Proposal updates the as of right bulk regulations for residences in this geography and this permit should no longer be required.



~~two-family# #detached# or #semi-detached# #residence#, except #cottage envelope buildings# as such term is defined in Section 64-11 (Definitions), utilizing the provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), within the following areas:~~

- ~~(a) Community Districts 11 and 15, in the Borough of Brooklyn;~~
- ~~(b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn; and~~
- ~~(c) within Community District 10 in the Borough of Brooklyn, after October 27, 2016, only the following applications, Board of Standards and Appeals Calendar numbers 2016-4218-BZ, 234-15-BZ and 2016-4163-BZ, may be granted a special permit pursuant to this Section. In addition, the provisions of Section 73-70 (LAPSE OF PERMIT) and paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), shall not apply to such applications and such special permit shall automatically lapse and shall not be renewed if substantial construction, in compliance with the approved plans for which the special permit was granted, has not been completed within two years from the effective date of issuance of such special permit.~~

~~Such #enlargement# may create a new #non-compliance#, or increase the amount or degree of any existing #non-compliance#, with the applicable #bulk# regulations for #lot coverage#, #open space#, #floor area#, #side yard#, #rear yard# or perimeter wall height regulations, provided that:~~

- ~~(1) any #enlargement# within a #side yard# shall be limited to an #enlargement# within an existing #non-complying# #side yard# and such #enlargement# shall not result in a decrease in the existing minimum width of open area between the #building# that is being #enlarged# and the #side lot line#;~~
- ~~(2) any #enlargement# that is located in a #rear yard# is not located within 20 feet of the #rear lot line#; and~~
- ~~(3) any #enlargement# resulting in a #non-complying# perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the #enlarged building# is adjacent to a #single # or #two-family# #detached# or #semi-detached# #residence# with an existing #non-complying# perimeter wall facing the #street#. The increased height of the perimeter wall of the #enlarged building# shall be equal to or less than the height of the adjacent #building's# #non-complying# perimeter wall facing the #street#, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.~~

~~The Board shall find that the #enlarged# #building# will not alter the essential character of the neighborhood or district in which the #building# is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~73-623~~

~~73-621~~

**Bulk modifications for certain ~~Quality Housing~~ residential buildings on irregular sites**

[RENUMBERING SECTION;  
UPDATING TEXT TO REFLECT UNDERLYING PROPOSAL]

For ~~developments~~ or ~~enlargements~~ of ~~Quality Housing buildings~~ of ~~buildings~~, ~~except height factor buildings~~, in which at least 50 percent of the ~~dwelling units~~ are ~~income-restricted housing units~~, or at least 50 percent of its total ~~floor area~~ is a ~~long-term care facility~~ or philanthropic or non-profit institution with sleeping accommodation, the Board of Standards and Appeals may modify the underlying ~~bulk~~ regulations, other than ~~floor area ratio~~ or the ~~maximum height of buildings~~ or other ~~structures~~, ~~provided that in no event shall such building height or the number of stories therein exceed those set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors)~~, and provided that the Board finds that:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the ~~bulk~~ regulations for ~~Quality Housing buildings~~ and would adversely affect the ~~building~~ configuration or site plan;
- (b) the practical difficulties of developing on the ~~zoning lot~~ have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or ~~streets~~;
- (d) the proposed scale and placement of the ~~development~~ or ~~enlargement~~ relates harmoniously with the surrounding area; and
- (e) the requested modification is the least amount necessary to relieve such practical difficulties.

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

~~73-624~~

~~73-622~~

**Reduction or modification of Mandatory Inclusionary Housing requirements**

\* \* \*

**Commented [Z9]:** The Proposal would update this permit to reflect terminology changes to the underlying bulk regulations

**Commented [Z10]:** The Proposal would update cross references here. They are not yet included in this draft.

**73-625**

**73-623**

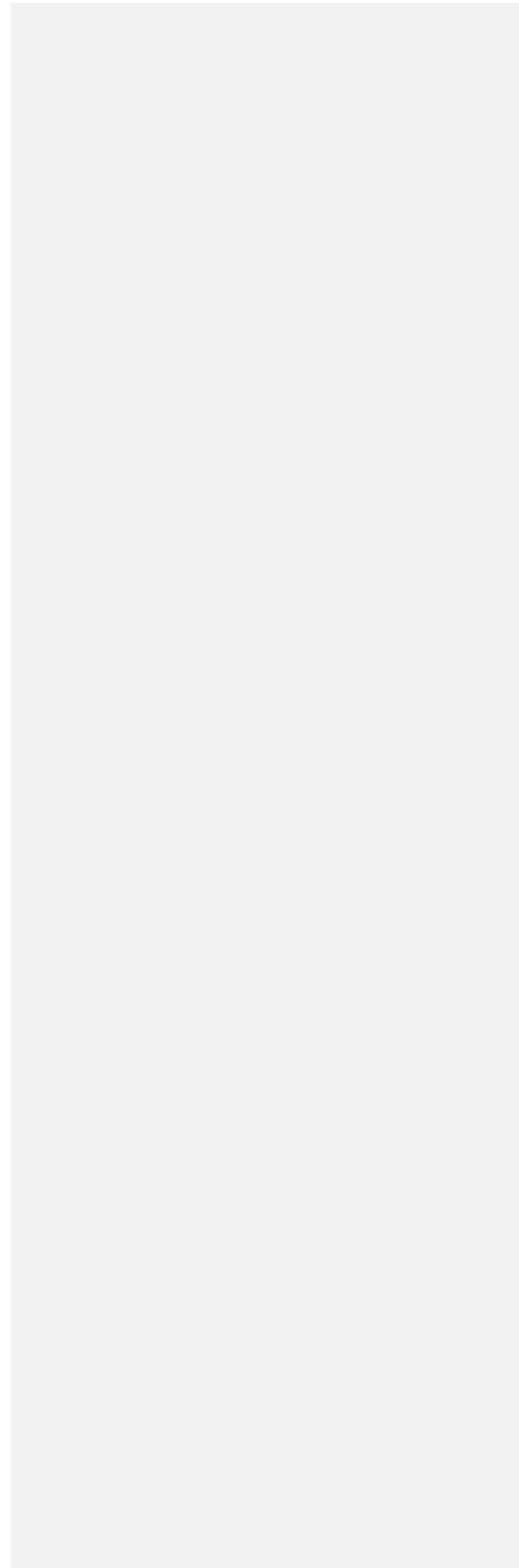
**Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District**

\* \* \*

**73-63**

**Enlargement of Non-residential Buildings**

\* \* \*



**ARTICLE VII  
ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

**74-00  
POWERS OF THE CITY PLANNING COMMISSION**

[THE PROVISIONS OF THIS CHAPTER, INCLUSIVE, ARE BEING PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPURTUNITY TEXT AMENDMENT AND ARE MODIFIED BY CITY OF YES FOR HOUSING OPPURTUNITY TEXT AMENDMENT]

**74-01  
General Provisions**

\* \* \*

**74-10  
SPECIAL PERMIT USES**

**74-11  
Agriculture and Other Open Uses**

**74-12  
Residences**

**74-121  
Residential use in C4-1 Districts in Staten Island**

[REMOVING 20,000 SF APPLICABILITY TO ALIGN WITH CHO PROPOSAL]

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the

**Commented [Z1]:** Article VII Chapter 4 includes special permits by the City Planning Commission. The Proposal removes some permits and makes updates to others based on changes described earlier in the zoning text.

**Commented [Z2]:** The Proposal would allow smaller lots in C4-1 districts on Staten Island to develop housing as of right. The special permit would remain for larger lots.

~~#streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

~~The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.~~

**74-122**

**Accessory outdoor swimming pools for residences**

[REMOVING AS WILL FOLLOW THE UNDERLYING MAKING THIS PERMIT NO LONGER NEEDED]

~~The City Planning Commission may permit, as #accessory# to a #use# listed under Use Group II other than a #single family# or #two family residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.~~

~~The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.~~

~~The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.~~

**74-13  
Community Facilities**

**74-131**

**Long-term care facilities**

[REMOVING AS THE PROPOSAL IS EDITING THE APPLICABILITY OF THE PERMIT & NURSING HOMES WILL NO LONGER BE RESTRICTED IN THE COMMUNITY DISTRICTS LISTED BELOW]

~~The City Planning Commission may permit #long term care facilities# listed under Use Group III(A) in locations where they are not permitted as of right, in accordance with paragraph (a) or (b) of this Section.~~

**(a) In R1 and R2 Districts**

~~The Commission may permit #long term care facilities# in R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts#, provided that the following~~

**Commented [Z3]:** The Proposal would permit accessory swimming pools in the same locations for all residential buildings. This special permit would no longer be needed.

**Commented [Z4]:** The Proposal would update the applicability of this permit to reflect other changes. Nursing homes would not be restricted in the listed community districts below.

findings are made:

- (1) ~~such #use# is compatible with the character of the surrounding area;~~
- (2) ~~the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and~~
- (3) ~~the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

(b) ~~In certain Community Districts~~

~~The Commission may permit the #development# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, in Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, provided that the Commission finds that the #development# of additional nursing home beds will not unduly burden such community district. However, such special permit shall not apply to #developments# or #enlargements# that are subject to the restrictions set forth in Section 22-16 (Special Regulations for Nursing Homes).~~

[MOVING TEXT TO REMOVE OUT OF NUMBER SEQUENCE AND REMOVING CERTAIN COMMUNITY DISTRICT REGULATIONS AS UNDERLYING WILL APPLY]

The Commission may permit #long-term care facilities# listed under Use Group III(A) in R1 and R2 Districts where they are not permitted as of right, provided that the following findings are made:

- (a) such #use# is compatible with the character of the surrounding area;
- (b) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and
- (c) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), or Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts), as applicable.

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

\* \* \*

74-50

OFF-STREET PARKING ESTABLISHMENTS

\* \* \*

74-52

**Reduction of Parking Spaces to Facilitate Affordable Housing**

[REMOVING TO ALIGN WITH CHO AS PARKING REQUIREMENTS FOR RESIDENCES ARE NO LONGER NECESSARY]

In all districts in the #Transit Zone#, the City Planning Commission may permit a waiver of, or a reduction in, the number of required #accessory# off street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided the Commission finds that such waiver or reduction:

- (a) will facilitate such #development# or #enlargement#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

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

74-53

74-52

**Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments**

[UPDATING SECTION NUMBER]

74-531

74-521

**Additional parking spaces or roof parking for accessory group parking facilities**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

74-532

**Commented [Z5]:** The Proposal would no longer require parking for residences in a development or enlargement and so this permit would no longer be necessary.

**Commented [Z6]:** The Proposal would no longer require parking residences in a development or enlargement and would include a separate framework for the removal of previously required parking. As such, this permit would no longer be needed.

**Reduction or waiver of parking requirements for accessory group parking facilities**

[REMOVING AS THE PROPOSAL WILL NO LONGER REQUIRE PARKING FOR RESIDENCES]

~~The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large-scale general development# in the #Transit Zone# seeking a #bulk# modification, reduce or waive the number of required #accessory# #residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided the Commission finds that:~~

- ~~(a) — where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of #income-restricted housing units# in such #large-scale residential development# or #large-scale general development#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;~~
- ~~(b) — the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;~~
- ~~(c) — such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area, including the availability of parking spaces for such #uses#; and~~
- ~~(d) — such reduction of parking spaces will result in a better site plan.~~

~~In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.~~

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

~~74-54~~

~~74-53~~

**Rear Yard Modifications**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*



74-60

~~DEVELOPMENT WITHIN OR OVER A RIGHT-OF-WAY OR YARDS~~

**Commented [Z7]:** The Proposal would update the framework for developments including railroad areas and this special permit would no longer be necessary. New provisions are found in Article VII Chapter 5.

74-61

~~Development Within or Over a Railroad or Transit Right of Way or Yard~~

[REMOVING AS THE PROPOSED FRAMEWORK MAKES THIS PERMIT NO LONGER NEEDED]

- (a) ~~In all districts, when a #development# or #enlargement#, including large scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right of way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:~~
- ~~(1) that portion of the railroad or transit right of way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;~~
  - ~~(2) any portion of the right of way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;~~
  - ~~(3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:~~
    - ~~(i) any #use# #accessory# to a primary #use# located on the #zoning lot#;~~
    - ~~(ii) a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-194 and hereby made applicable, are met for such garage or lot;~~
    - ~~(iii) a railroad passenger station (pursuant to Section 74-149) or a railroad including right of way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;~~
    - ~~(iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).~~
- (b) ~~As a condition for granting a special permit, the Commission shall find that:~~
- ~~(1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;~~
  - ~~(2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly~~

concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right of way or yard;

- (3) ~~all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;~~
  - (4) ~~if such railroad or transit right of way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right of way for such transportation #use#.~~
- (e) ~~For any #development# or #enlargement# located within or over railroad or transit right of way or yard:~~
- (1) ~~the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:~~
    - (i) ~~the total #lot area# of that portion of a railroad or transit right of way or yard to be covered by a platform; and/or~~
    - (ii) ~~the total #lot area# of such right of way or yard that has been permanently discontinued or terminated;~~
  - (2) ~~ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right of way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);~~
  - (3) ~~where the railroad or transit right of way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;~~
  - (4) ~~the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;~~
  - (5) ~~the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:~~

- (i) — provide adequate vertical clearance at all points measured from #curb level# to the soffit;
- (ii) — not rest upon columns or other supports that intrude upon the #street#;
- (iii) — provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;
- (iv) — not unduly obstruct any significant scenic view; and
- (v) — provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

- (d) — The Commission shall require the provision of adequate #accessory# off street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right of way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right of way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

~~74-62~~

74-61

#### Developments Over Streets

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

**74-70  
ADDITIONAL PERMITS**

**74-71  
Landmark Preservation**

\* \* \*

**74-712  
Developments in Historic Districts**

[UPDATING CROSS REFERENCES]

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential# #development# and, below the floor level of the second #story# of any #development#, #uses# permitted in Use Group VI, provided:
  - (1) the #use# modifications shall meet the following conditions, that:
    - (i) #residential# #development# complies with the requirements of Sections ~~23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)~~ 23-342 (Basic rear yard requirements in all districts) and 23-372 (Distances between legally required windows and lot lines), inclusive, pertaining to R8 Districts;
    - (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
    - (iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
    - (iv) all #signs# for #residential# or #commercial# #uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
    - (v) eating and drinking establishments of any size, as set forth in Use Group VI, are not permitted; and

- (2) the Commission shall find that such #use# modifications:
  - (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
  - (ii) are compatible with the character of the surrounding area; and
  - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.
- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:
  - (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
  - (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

\* \* \*

#### **74-78**

#### **Conversions of Non-residential Floor Area**

#### **74-781**

#### **Modifications by special permit of the City Planning Commission of uses in M1-5B Districts**

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of paragraphs (a)(3), (a)(4) and (b) of Section 42-325, provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit.

74-782

**Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts**

[REMOVING, AS CHO PROPOSAL IS REMOVING PRESERVATION REQUIREMENTS]

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of paragraph (d) of Section 15-02 or Section 15-21, and in M1-5B Districts, the Commission may permit modification of the requirements of paragraph (a)(2) of Section 42-325, provided that the Commission finds that:

- (a) the ~~conversion~~ will not harm the industrial sector of the City's economy;
- (b) the applicant for the special permit or a predecessor in title, has made a good faith effort to rent such space to a mandated ~~use~~ at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers doing business in the industrial real estate market and informing local and citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;
- (c) there is sufficient alternative space to meet the needs of ~~commercial~~ and ~~manufacturing uses~~ in the area. The vacancy rate for industrial space in the area shall be one evidentiary element to prove the availability of alternative space;
- (d) City, State and Federal economic development programs, to the extent applicable, had been explored and found not suitable;
- (e) the ~~commercial~~ and industrial tenants were given the opportunity by the applicant, or predecessor in title, to remain in the spaces at fair market rentals, and the property owner or predecessor in title did not cause the vacating of the space for the additional ~~conversion~~;
- (f) the neighborhood in which the ~~conversion~~ is taking place will not be excessively burdened by increased residential activity; and
- (g) all ~~dwelling units~~ or ~~joint living work quarters for artists~~ permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that ~~floor area~~ in the ~~building~~, or portion thereof, was occupied as ~~dwelling units~~ or ~~joint living work quarters for artists~~ on September 1, 1980, findings (b), (c), (d) and (e) of this Section shall not be required for the grant of a special permit for such ~~floor area~~, provided that a complete application to prove occupancy as a ~~dwelling unit~~ or ~~joint living work quarters for artists~~ is submitted to Commission by the owner of the ~~building~~ or the occupant of a ~~dwelling unit~~ or ~~joint living work quarters for artists~~ in such ~~buildings~~ not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced ~~commercial~~ or ~~manufacturing~~ tenants to vacate such ~~floor area~~ through

Commented [Z8]: The Proposal would permit full conversions to residential use in these zoning districts. This special permit would no longer be needed.

harassment, non renewal of leases or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special permit pursuant to the provisions of this Section unless an application for such special permit has been submitted by the owner of the #building#.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings (a), (b), (c), (d) and (e) of this Section. Said report is to be provided within 30 days of the Commission's request.

In granting the special permit under this Section, the Commission shall require the preservation of the maximum amount of #floor area# for #commercial# or #manufacturing uses# that the Commission deems feasible.

**74-79**

#### **Transfer of Development Rights From Landmark Sites**

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for #developments# or #enlargements#, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark #buildings or other structures#, may permit the maximum permitted #floor area# on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of #developments# or #enlargements# containing #residences#, the minimum required #open space# or the density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in #public plaza#, #arcade# and #yard# regulations, for the purpose of providing a harmonious architectural relationship between the #development# or #enlargement# and the landmark #building or other structure#.

Where a #zoning lot# occupied by a landmark #building or other structure# is located in a #Residence District#, the Commission may modify the applicable regulation of primary business entrances, #show windows#, #signs# and entrances and exits to #accessory# off-street loading berths on the "adjacent lot" in a #Commercial District# provided that such modifications will not adversely affect the harmonious relationship between the #building# on the "adjacent lot" and landmark #building or other structure#.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark #building or other structure# or one that is across a #street# and opposite the lot occupied by the landmark #building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by the landmark #building or other structure#. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10).

**Commented [Z9]:** The Proposal would allow landmark transfers as of right across the city. As such, this permit would no longer be necessary. New provisions would be in Article VII Chapter 5.

A "landmark ~~building or other structure~~" shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of ~~zoning lots~~ used for cemetery purposes, statues, monuments and bridges. No transfer of development rights is permitted pursuant to this Section from those portions of ~~zoning lots~~ used for cemetery purposes, any structures within historic districts, statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations) and 74-793 (Transfer instruments and notice of restrictions).

#### ~~74-791~~

##### ~~Requirements for application~~

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective ~~zoning lots~~ and shall include: a site plan of the landmark lot and the adjacent lot, including plans for all ~~developments~~ or ~~enlargements~~ on the adjacent lot; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

#### ~~74-792~~

##### ~~Conditions and limitations~~

- (a) — For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable ~~floor area~~ for a ~~zoning lot~~ occupied by a landmark shall be the maximum ~~floor area~~ allowed by the applicable district regulations on maximum ~~floor area ratio~~ or minimum required ~~open space ratio~~ and shall not include any additional ~~floor area~~ allowed for ~~public plazas~~, ~~arcades~~ or any other form of bonus whether by right or special permit.
- (b) — The maximum amount of ~~floor area~~ that may be transferred from any ~~zoning lot~~ occupied by a landmark ~~building~~ shall be computed in the following manner:
  - (1) — the maximum allowable ~~floor area~~ that could be built for ~~buildings~~ other than ~~community facility buildings~~ under existing district regulations on the same ~~zoning lot~~ if it were undeveloped;



- (2) — less the total #floor area# of all #buildings# on the landmark lot;
  - (3) — the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and
  - (4) — unutilized #floor area# may be transferred from one or any number of #zoning lots# occupied by a landmark #building# to one or any number of #zoning lots# adjacent to the landmark lot so as to increase the basic maximum allowable #floor area# that may be utilized on such adjacent #zoning lots#. For each such adjacent #zoning lot#, the increase in #floor area# allowed under the provisions of this Section shall in no event exceed the basic maximum #floor area# allowable on such adjacent #zoning lot# by more than 20 percent.
- (e) — When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# or #enlarged# with #commercial buildings#, the following conditions and limitations shall apply:
- (1) — the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark #building# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
  - (2) — for each such adjacent #zoning lot#, the increase in #floor area# allowed by the transfer pursuant to this Section shall be over and above the maximum #floor area# allowed by the applicable district regulations; and
  - (3) — the City Planning Commission may require, where appropriate, that the design of the #development# or #enlargement# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #public plazas# and #arcades#.
- (d) — In any and all districts, the transfer once completed shall irrevocably reduce the amount of #floor area# that can be utilized upon the lot occupied by a landmark by the amount of #floor area# transferred. In the event that the landmark's designation is removed or if the landmark #building# is destroyed, or if for any reason the landmark #building# is #enlarged# or the landmark lot is redeveloped, the lot occupied by a landmark can only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by the transfer.
- (e) — As a condition of permitting such transfers of development rights, the Commission shall make the following findings:
- (1) — that the permitted transfer of #floor area# or variations in the front height and setback regulations will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the

detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;

- (2) — that the program for continuing maintenance will result in the preservation of the landmark; and
- (3) — that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings# #developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

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

#### 74-793

##### **Transfer instruments and notice of restrictions**

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the landmark and the adjacent lot shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which, such transfer is made.

#### 74-80

##### **ADDITIONAL PERMITS**

#### 74-81

##### **Affordable Independent Residences for Seniors**

[REMOVING TO ALIGN WITH CHO]

The related #accessory# social and welfare facilities minimum requirement, as set forth in Section

**Commented [Z10]:** The Proposal would subject affordable independent residences for seniors to similar rules for other housing. This permit would no longer be needed.

~~12-10 (DEFINITIONS— Affordable Independent Residences for Seniors) may be reduced or waived in any #affordable independent residence for seniors# as to which the City Planning Commission makes the following findings:~~

- ~~(a) the proposed #affordable independent residence for seniors# is an addition to or #enlargement# or expansion of an existing #affordable independent residences for seniors# and is located on a #zoning lot# no portion of which is more than 1,500 feet from the existing #affordable independent residence for seniors#;~~
- ~~(b) both #affordable independent residences for seniors# will be owned, operated and maintained by the same sponsoring organization;~~
- ~~(c) the existing #affordable independent residence for seniors# contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed #affordable independent residence for seniors#~~

~~The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.~~

~~**74-82-74-81**  
**Through Block Arcades**~~

~~[UPDATING SECTION NUMBER; TEXT UNCHANGED]~~

~~\* \* \*~~

~~**74-83**  
**74-82**  
**Public Service Establishments**~~

~~**74-831**  
**74-821**  
**Court houses**~~

~~[UPDATING SECTION NUMBER; TEXT UNCHANGED]~~

~~\* \* \*~~

~~**74-832**  
**74-822**  
**Borough-based jail system**~~

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-84~~

74-83

**Developments With Existing Buildings**

~~74-841~~

74-831

**Development in certain Commercial Districts**

[UPDATING SECTION NUMBER AND ZONING DISTRICTS]

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8, ~~or C6-9, C6-11 or C6-12~~ Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

- (a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;
- (b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;
- (c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;
- (d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;
- (e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and
- (f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

- (1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;
- (2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and
- (3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

**74-842**

**~~Staged development of public or publicly assisted housing projects~~**

[REMOVING PERMIT; NO LONGER NECESSARY]

~~In all #Residence Districts# except R9 and R10 Districts, in C1 or C2 Districts mapped within all such #Residence Districts# except R9 and R10 Districts, or in C1-6, C1-7 or C2-6 Districts, for a staged #development# of public, or publicly assisted housing projects, the City Planning~~

**Commented [Z11]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

Commission may permit any existing occupied ~~#building#~~ to remain temporarily on a ~~#zoning lot#~~, and may authorize the applicable ~~#bulk#~~ regulations of the underlying districts to apply to the entire ~~#zoning lot#~~ without regard to the existence of such temporary ~~#building#~~ if the following conditions are met:

- (a) ~~that the entire #zoning lot# of such #development# is owned by the applicant;~~
- (b) ~~that the development plan for the project, showing compliance with all provisions of this Resolution, has been approved by the Board of Estimate, or will be subject to Board of Estimate approval in conjunction with the application for a special permit under this Section;~~
- (c) ~~that the number of existing #dwelling units# temporarily retained on a #zoning lot# are no more than the number of new #dwelling units# approved for construction on such #zoning lot#;~~
- (d) ~~that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing #buildings# except those #buildings# which are to be retained in accordance with the approved development plan are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;~~
- (e) ~~that the #use# of this staged #development# process, rather than a method of #development# requiring compliance with this Resolution, is necessary to expedite the construction of new housing and to alleviate the City's relocation housing problems; and~~
- (f) ~~that the final #development# complies with all the applicable regulations of the underlying districts of the Zoning Regulation.~~

~~The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the #block# and of the surrounding area resulting from the temporary non-conformity with the Resolution permitted pursuant to this Section.~~

**74-843**

**Preservation of existing buildings within certain developments containing open areas**

[REMOVING PERMIT; NO LONGER NECESSARY]

~~In R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-9 or C2-8 Districts, for any #development# on a #zoning lot# which was all within single ownership on or before May 31, 1973, which contained a portion of its #zoning lot# mapped within an R8 District on or before May 31, 1973, which is located within the boundaries of Community Board 8 in the~~

**Commented [Z12]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

Borough of Manhattan, and which preserves and maintains existing on-site ~~residential buildings~~, the City Planning Commission may grant, upon application resulting from joint efforts of a developer and on-site tenants, and after Community Board 8 has reviewed the architectural plans, a ~~floor area~~ bonus for public open area and relocation housing as set forth in this Section, and modify height and setback, ~~yards~~, ~~courts~~ and distance between ~~buildings~~ regulations. The provisions of this Section shall not apply in any special purpose district, unless permitted by such special purpose district.

As a condition for granting a special permit for such ~~development~~, the Commission shall make the following findings:

- (a) ~~that the retention of existing residential buildings is essential to preserve the character of the neighborhood;~~
- (b) ~~that the existing residential buildings are suitable for rehabilitation;~~
- (c) ~~that no residential or community facility building existing prior to May 31, 1973, be demolished or residential tenants evicted, on a narrow street, if 50 percent or more of the floor area of such building is located beyond 125 feet from a street intersection;~~
- (d) ~~that the relocation practices followed by the developer on the entire zoning lot satisfy applicable governmental standards;~~
- (e) ~~that existing buildings or portions thereof contain dwelling units which will be available on a priority basis for occupancy by on-site tenants displaced by new construction or by rehabilitation after December 31, 1970, in accordance with an approved relocation, rehabilitation and continued maintenance program;~~
- (f) ~~that any outstanding eviction notices have been withdrawn;~~
- (g) ~~that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has ceased as of the date of the application for the special permit hereunder;~~
- (h) ~~that the dwelling units that are reserved for such relocation housing shall comply with an approved rent schedule;~~
- (i) ~~that an agreement between the tenants and developers on the relocation plan has been reached which is satisfactory to two-thirds of the tenants on-site on the date of application for special permit hereunder;~~
- (j) ~~that the development provides a minimum of 30 percent of the lot area of the zoning lot as public open area at curb level. Where site conditions preclude open area at curb level, such open area shall not at any point be more than five feet above nor more than eight feet below curb level of the street providing primary access to such area. The public open area shall be preferably on the southerly side of the lot unobstructed from its lowest~~

level to the sky except as set forth in this Section, and directly accessible to the public from an adjoining #street#. Access to such public open area shall be clearly visible from the #street#. The said area shall contain lighting, landscaping, planting, pedestrian ways and sitting areas and be maintained in accordance with reasonable standards. #Building# columns or similar elements may be permitted but the aggregate area of such elements may not exceed two percent of the total public open area. Driveways, off-street parking spaces and loading berths and balconies are not permitted within the public open area:

- (1) — for a #development# within 600 feet of a #public park# or playground having a minimum area of one acre, the minimum dimension of the public open area shall be at least 30 feet; access to such public area shall be at least 25 feet wide at the #street line# and the clear width of the walkway for pedestrian traffic shall not be less than 20 feet. The public open area may include covered or arcaded areas, total area of which shall not exceed 20 percent of the required public open area. Such arcaded or covered areas shall have an average clear height of not less than 20 feet and a minimum clear height of 12 feet.
  - (2) — for all other #development# pursuant to this Section, the minimum dimension of such public open area shall be 45 feet and have a minimum area of 4,500 square feet. The #development# shall also provide an #arcade# which #abuts# the #street line# along the short dimension of the #block# and extends along the full length of the #building# on such frontage. Such #arcades# and required setback areas which abut the #street line# along the short dimension of the #block# shall be included in meeting the 30 percent public open area requirements of this Section.
- (k) — that the finish of exterior walls of the existing #building# fronting on such public open area is compatible with the #development# and the public open area;
- (l) — that a roof area of #development# shall be landscaped for use by #residential# tenants and shall:
- (1) — be restricted to occupants of the #residential# portion and their guests for whom no admission or membership fees are charged;
  - (2) — be directly accessible from a lobby or other public area served by the residential elevators;
  - (3) — be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas; and
  - (4) — contain not less than 2,500 square feet of continuous area open to the sky on a single level with a minimum dimension of not less than 40 feet.
- (m) — that the total #development# will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding developments;



- ~~(n) that the #development# will not have a negative environmental impact on the neighborhood or change the character of the neighborhood.~~
- ~~(o) that the basic #floor area ratio# for the #zoning lot# may be increased from 10.0 to 12.0 for complying with the provisions of this Section.~~

~~In determining the precise extent of the increase in the basic #floor area ratio# on a #zoning lot# from 10.0 to 12.0, the Commission shall, after consultation with Manhattan Community Board 8, balance the economic benefit received by the builder after deducting the cost of the following:~~

- ~~(1) the number of tenants relocated on and off site;~~
- ~~(2) the number of units and cost of on-site renovation; and~~
- ~~(3) the extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.~~

~~In no event shall a new #building# exceed 32 #stories# excluding the #basement# level.~~

~~No final certificate of occupancy shall be issued by the Department of Buildings for the new construction until the total #development# complies with the approved rehabilitation and relocation program.~~

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

**74-844**

**Preservation of community facility uses within certain developments containing public open areas**

[REMOVING PERMIT; NO LONGER NECESSARY]

~~For any #development# on a #zoning lot# a portion of which, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District, and the remaining portion of which is located in an R8 District, and which provides a new #community facility building# for an institution existing on the #zoning lot# prior to the #development# and which includes an open area for public use, the City Planning Commission may allow the zoning district regulations applicable to the #zoning lot# including, but not limited to, #bulk# and parking to be changed as set forth in this Section and may modify #yard#, height and setback, density and distance between #buildings# regulations in accordance with the provisions of this Section.~~

~~As a condition for granting a special permit for such #development#, the Commission shall find that:~~

- ~~(a) the provision of the new #community facility building# will result in the reinforcement or~~

**Commented [Z13]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

preservation of an existing church or house of worship, community center, #school#, library, museum, college or university which is essential to the character of the neighborhood and that such #community facility building# will be used only as a #community facility building#;

- (b) — such #community facility building# is free-standing and independent of any new #residential building# and contains floor space of at least 10,000 square feet and shall be located entirely on the R8 portion of the #zoning lot#; the height of the #community facility building# shall not exceed the greater of:
  - (1) — a height of 20 feet greater than that of the nearest existing #building# in the adjacent R8 District; or
  - (2) — 40 feet;
- (c) — the arrangement has been made for continuing maintenance of the #community facility building#;
- (d) — the #development# provides a minimum of 25 percent of the #lot area# of the #zoning lot# as public open area at #curb level#. Where site conditions preclude open area at #curb level#, such open area shall at no point be more than three feet below #curb level# or six feet above #curb level# of the #street# providing primary access to such area. The public open area shall be unobstructed from its lowest level to the sky except as set forth in this Section, directly accessible to the public from an adjoining #street# and, if feasible, be located on the southerly side of the #zoning lot#. Entrance to such public open area shall be clearly visible from the #street#. The said area shall be developed with lighting, landscaping including planting of shrubs and trees, pedestrian ways and seating areas in accordance with plans approved by the Commission and shall be maintained in accordance with a maintenance program approved by the Commission. #Building# columns or similar elements may be permitted, but the aggregate area of such elements may not exceed two percent of the total public area. Driveways, off-street parking spaces and loading berths are not permitted within the public open area.

A portion of the open area shall be developed as a park area concentrated in one location and having a minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9:00 a.m. to 9:00 p.m. each day from May 1 to September 30 and from 9:00 a.m. to 6:00 p.m. each day from October 1 to April 30, and such hours shall be posted on a #sign# that is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the #development# may provide a non-bonusable #public plaza#, #arcade# or sidewalk continuation area; and
- (e) — any #bulk# modifications granted will result in satisfactory site planning and satisfactory urban design relationships of #buildings# within the #development# to adjacent #streets# and surrounding #developments#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The #zoning lot# containing such #development# shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the #zoning lot# is located, except that the maximum permitted #floor area ratio# shall be 11.0. The #floor area# bonus provision for #public plazas# or #arcades# shall not apply. The #accessory# off-street parking requirements of Section 36-33 shall be 20 percent.

At any level at which a #building# within the #development# penetrates an established #sky exposure plane#, such #building# shall not, in the aggregate, occupy more than 45 percent of the #lot area# of the #zoning lot#.

Notwithstanding any other provision of the Zoning Resolution, the #community facility# portion of the #development# may be conveyed by deed, lease or otherwise to the institution operating the #community facility building# and, for the purposes of this #development#, such conveyance shall be deemed not to alter the single #zoning lot# status of the #zoning lot# containing the total #development# authorized under this Section. In no event shall the #floor area# of the total #development#, including the #community facility# portion, exceed a #floor area ratio# of 11.0.

#### 74-85

#### Special Height and Setback Regulations

#### **74-851**

#### **Height and setback regulations for certain buildings containing residences**

[REMOVING PERMIT; NO LONGER NECESSARY]

In R8, R9 and R10 Districts, and in C1-7, C1-8, C1-9, C2-7 and C2-8 Districts, the City Planning Commission may permit modifications of height and setback regulations for #developments# or #enlargements# containing #residences#, provided the following findings are made:

- (a) that the resulting site plan affords better placement of the #buildings# on the #zoning lot# with improved arrangement of #open space# and improved access of light and air for the #dwelling units#; and
- (b) that the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the #buildings# will not unduly obstruct access of light and air in the #street# or on adjacent #zoning lots#.

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

However, the provisions of this Section shall not apply to #Quality Housing buildings#.

**Commented [Z14]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

**74-852**

**Height and setback regulations for zoning lots divided by district boundaries**

[REMOVING PERMIT; NO LONGER NECESSARY]

For a #zoning lot# divided by a boundary between an R8 District, or a #Commercial District# permitting an equivalent #residential# #floor area ratio#, and an R10 District, or a #Commercial District# permitting an equivalent #residential# #floor area ratio#, the City Planning Commission may permit modifications of the height and setback regulations for that portion of a #development# which fronts on a #wide street# and is located in the R8 or equivalent District, provided it finds that such modification will not unduly obstruct access of light and air to surrounding #streets# and properties.

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

**74-86**

**74-84**

**Certain Large Retail Establishments**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

**74-87**

**74-85**

**Covered Pedestrian Space**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

In the districts indicated, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the provisions of Sections 74-871 through 74-873, inclusive.

**74-871**

**74-851**

**Floor area bonus for covered pedestrian space**

[UPDATING SECTION NUMBER; ADDING NEW DISTRICTS]

**Commented [Z15]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

For the #development# or #enlargement# of a #commercial#, #community facility# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) may be increased as set forth in the following table:

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

District	Basic (in square feet)	Maximum (in square feet)
C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12	11	14
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	8	11

In no event shall the resulting #floor area ratio# exceed the amount set forth in Section 33-12 by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential# #floor area# of a #mixed building#, provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

- (a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.
- (b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.
- (c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or

concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

~~74-872~~

~~74-852~~

**Design requirements for covered pedestrian spaces**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-873~~

~~74-853~~

**Findings for covered pedestrian spaces**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-88~~

**Modification of Height and Setback and Street Wall Regulations**

[REMOVING PERMIT; NO LONGER NECESSARY]

~~Upon application, the City Planning Commission may permit the modification of height and setback and #street wall# regulations of Section 23-651 (Tower on a base) and paragraph (a) of Section 35-64 (Special Tower Regulations for Mixed Buildings), except for the permitted tower coverage or the required #floor area# distribution below a height of 150 feet, and may permit modification of the requirements of paragraph (a)(1)(ii) of Section 24-54 (Tower Regulations), provided the Commission makes the following findings:~~

- ~~(a) that such modification will enhance the contextual relationship of the #development# or #enlargement# to nearby #buildings# and improve the overall scale, site design and architectural harmony among #buildings# in the neighborhood; and~~
- ~~(b) that such modification will not unduly obstruct access of light and air to the detriment of the occupants or users of the #buildings# in the #block# or nearby #blocks# or of people using the public #streets#.~~

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

**Commented [Z16]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

~~74-89~~

74-86

**Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

In C1 and C2 Districts when mapped in R6, R7, R8, R9 and R10 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-2, M1-3, M1-4, M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

- (a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;
- (b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;
- (c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;
- (d) that the design of the facility will not adversely affect the character of the neighborhood;
- (e) that the existing #street# and public transportation system will not be adversely affected; and
- (f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

**74-90**

**ADDITIONAL PERMITS**

\* \* \*

**74-91**

**Modification of Public Plazas**

[UPDATING CROSS-REFERENCE]

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections ~~23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts)~~ 23-22 (Floor area regulations for R6 through R12), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

\* \* \*

**74-94**

**Residences for People With Disabilities**

[REMOVING TO ALIGN WITH CHO]

In ~~C6-2~~ Districts, for any #development# designed as a residence for people with disabilities, the City Planning Commission may, by special permit, modify the applicable height and setback regulations, #open space# and density requirements, regulations pertaining to permitted obstructions in required #yards#, and #accessory# parking requirements, and may increase, to a maximum of 7.2, the allowable #residential# #floor area ratio# on the #zoning lot# in accordance with the provisions of this Section. For purposes of this Section, a "residence for people with disabilities" is defined as a #residence# occupied at least 75 percent by disabled individuals or by households at least one of the members of which is disabled, and the remainder by individuals 62 years of age or older or by households at least one of the members of which is 62 years of age or older, and by the staff of such #residence# that:

- (a) — contains #dwelling units# especially designed for disabled persons and reserved for use as residences for the disabled for a period of not less than 40 years;
- (b) — contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, provided that these facilities shall occupy #floor area#, #cellar# space or roof space in an amount equal to not less than 10 percent of the total #floor area# of the #building# or #buildings#. In no event shall the floor space occupied by lobbies, passageways, storage areas or other spaces normally provided in usual #residential buildings# be considered as part of the floor space attributable to the social and welfare facilities; and

**Commented [Z17]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.



(e) ~~is constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State or Federal government agency.~~

~~As a condition for such special permit, the Commission shall make the following findings:~~

- ~~(1) that the Mayor's Office for People with Disabilities, which may consult with other appropriate City agencies, has certified that the organization making the application for the special permit for the proposed residence for people with disabilities is a responsible group dealing with the needs of the disabled;~~
- ~~(2) that the Commission, in consultation with the Mayor's Office for People with Disabilities and/or other appropriate City agencies, has determined that the special features and facilities are appropriate to the needs of the intended disabled residents of the #development#;~~
- ~~(3) that the modifications of #bulk# requirements for the #development# will not impede adequate access of light and air to the surrounding #streets# and #residential# properties; and~~
- ~~(4) that the modification of #accessory# off street parking requirements on the #zoning lot# will not unduly inhibit surface traffic and pedestrian flow in the area.~~

~~For each square foot of space provided for #accessory# social or welfare facilities, the total #residential# #floor area# permitted on the #zoning lot# may be increased by two square feet. No #floor area# bonus provisions other than those set forth herein shall be applicable to the #zoning lot#. In no event shall the maximum #floor area ratio# on the #zoning lot# exceed 7.2.~~

~~The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~For the purposes of this Section, the term "disabled" shall be applicable to any person who in the determination of the New York City Commissioner of Health has an impairment which is expected to be of long continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.~~

**74-95**

#### **Modifications of Housing Quality Special Permits**

[REMOVING, AS NO LONGER NEEDED]

~~Housing Quality #developments# granted a special permit by the Board of Estimate, prior to August 14, 1987, may be started or continued pursuant to that special permit.~~

~~The City Planning Commission may, upon application, authorize modifications of special permits~~

**Commented [Z18]:** The Proposal would provide a framework for bulk modification for residences and this permit would no longer be necessary.

~~granted before August 14, 1987, under previous Sections 74-95 (Housing Quality Developments) and 74-97 (Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence Manufacturing District Boundaries with a Substantial Grade Differential).~~

~~No such modification may create a new #non-compliance# or increase the degree of an existing #non-compliance#.~~

~~#Non-compliance# shall be measured pursuant to the applicable district #bulk# regulations and the provisions of Article II, Chapter 8.~~

~~In no event may the Commission grant a modification of a previously approved special permit, which would:~~

- ~~(a) — increase the height of the #building#;~~
- ~~(b) — extend the location of the exterior walls of the #building#;~~
- ~~(c) — increase the portion of the #zoning lot# covered by the #building#;~~
- ~~(d) — increase the #floor area# on the #zoning lot#;~~
- ~~(e) — reduce the amount of indoor and outdoor recreation space other than laundry rooms in the #building#;~~
- ~~(f) — reduce the amount of #bulk# storage within a #dwelling unit# or reduce shared #bulk# storage below 40 cubic feet of storage space for each additional 300 square feet of #dwelling unit#, or portion thereof, above 450 square feet; or~~
- ~~(g) — affect the provision and maintenance of off-site neighborhood improvements.~~

~~74-96~~

~~74-94~~

~~Industrial Business Incentive Areas~~

~~[UPDATING SECTION NUMBER; TEXT UNCHANGED]~~

~~\* \* \*~~

~~74-961~~

~~74-941~~

~~Definitions~~

~~[UPDATING SECTION NUMBER; TEXT UNCHANGED]~~

~~\* \* \*~~

~~74-962~~

~~74-942~~

**Application requirements**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-963~~

~~74-943~~

**Permitted floor area increase**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-964~~

~~74-944~~

**Modifications in conjunction with a floor area increase**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-965~~

~~74-945~~

**Conditions**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-966~~

~~74-946~~

**Findings**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-967~~~~74-947~~

**Compliance, recordation and reporting requirements**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

~~74-968~~

74-948

**Maps of Industrial Business Incentive Areas**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

\* \* \*

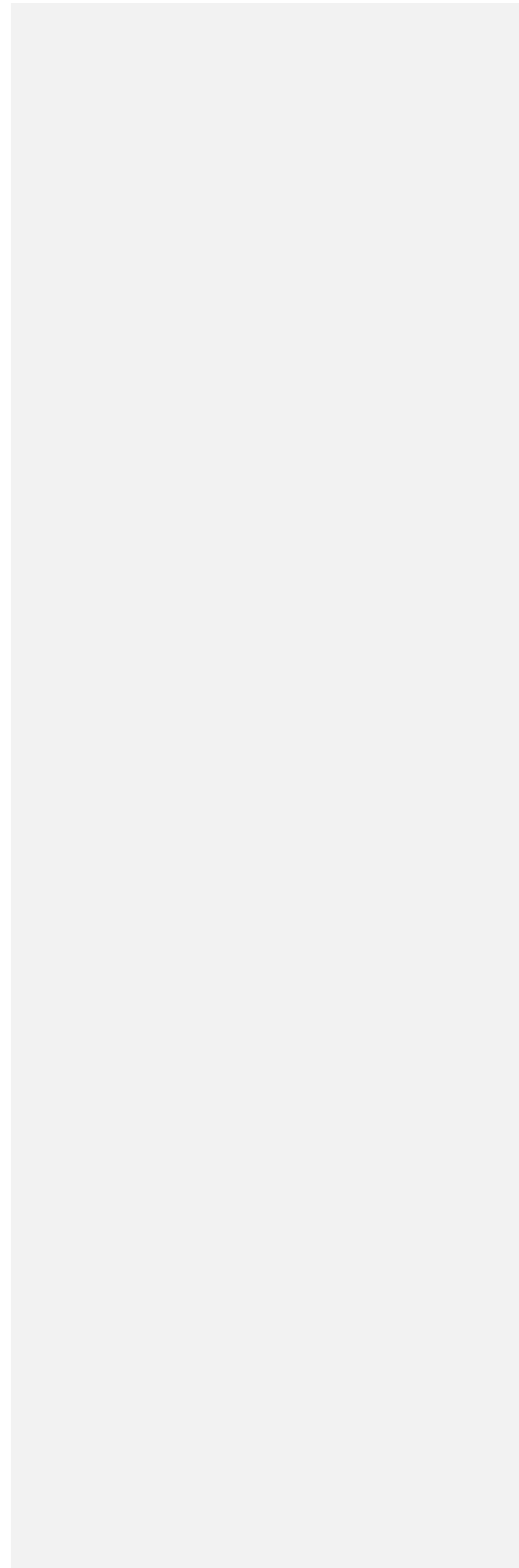
~~74-99~~

74-95

**Lapse of Authorization or Special Permit**

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

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ARTICLE VII  
ADMINISTRATION

**Chapter 5**  
**Authorizations by the City Planning Commission and Certifications**

\* \* \*

**75-20**  
**BULK AUTHORIZATIONS**

**75-21**  
**Bulk Modifications in Certain Commercial and Manufacturing Districts**

\* \* \*

**75-22**  
**Railroad Right-of-Ways**

[NEW AUTHORIZATION]

The City Planning Commission may authorize a #development# or #enlargement# on a #zoning lot# that includes either a #railroad right-of-way# or a #former railroad right-of-way# where the #lot area# is four acres or greater, and may include a #railroad right-of-way# that would otherwise be considered a #block# boundary in the #lot area# of such #zoning lot#, provided the Commission finds that:

- (a) the distribution of #floor area# on the #zoning lot# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#; and
- (b) where the #zoning lot# includes a #former railroad right-of-way# and a transportation agency has a plan to use such tract of land for transportation purposes, the site plan does not preclude future improvements to facilitate such transportation purposes. The Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York indicate within 30 days whether said agencies have any such plans.

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

**75-23**  
**Non-Profit Institutions with Sleeping Accommodations**

**Commented [Z1]:** Article VII Chapter 5 contains a series of City Planning Commission authorizations. The Proposal would add a series of new authorizations, as well as new related Chair Certifications, to this chapter.

These would address parking removal, railroad rights of way, bulk modifications, and transfers of development rights.

**Commented [Z2]:** The Proposal would require large sites (4+ acres) that contain a railroad right of way to receive a CPC authorization. This replaces a CPC special permit whose applicability and purview were often unclear.

**Commented [Z3]:** Today, non-profit institutions with sleeping accommodations can only receive the (higher) FAR that other community facility uses achieve through a CPC special permit. When the use is providing permanent residences, the Proposal would allow them to also avail themselves of this CPC authorization.

[NEW AUTHORIZATION]

The City Planning Commission may authorize the allowable #community facility# #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #zoning lots# with #buildings# containing philanthropic or non-profit institutions with sleeping accommodations with Class A occupancy, as defined in the New York State Multiple Dwelling Law, provided that the following findings are made:

- (a) the distribution of #bulk# on the zoning lot will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area; and
- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made.

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

**75-24**

**Bulk Modifications for Irregular Sites**

[NEW AUTHORIZATION]

For #developments# or #enlargements# of #buildings# containing #residences# on #zoning lots# with either irregular site conditions or a #transportation-infrastructure-adjacent frontage#, the City Planning Commission may authorize modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

Where maximum #building# height limitations apply, the proposed height modifications shall not result in an increase that exceeds 25 percent of the applicable maximum #building# height.

(b) Findings

In order to grant such authorization, the Commission shall find that:

- (1) there are physical conditions, including irregular lot size or shape, or topographical features, or proximity to transportation infrastructure, that creates practical difficulties in complying with the applicable

**Commented [Z4]:** The Proposal would look to provide a viable path for sites with challenging site conditions to receive limited bulk relief to facilitate new housing. This is similar to other provisions that exist in some special purpose districts and through BSA permits.

#residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# site plan;

- (2) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (3) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;
- (4) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (5) the requested modification is the least amount necessary to relieve such practical difficulties.

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

**75-25**

#### **Bulk Modifications for Non-complying buildings**

[NEW AUTHORIZATION]

For #buildings# existing on December 31, 1990, the City Planning Commission may authorize an #enlargement#, #extension#, #conversion#, change or use or other alteration to a #building# containing #residences# that would create a new #non-compliance# or increase the degree of an #non-compliance#, with the applicable #bulk# regulations, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

#### **(a) Conditions**

The following conditions shall be met:

- (1) Where maximum #building# height limitations apply, the proposed height modifications shall not result in an increase that exceeds 25 percent of the applicable maximum #building# height; and
- (2) Where #floor area ratio# modifications are proposed, no increase in #residential floor area# shall exceed the maximum #floor area# permitted by the applicable district regulations by more than 20 percent.

#### **(b) Findings**

In order to grant such authorization, the Commission shall find that:

**Commented [Z5]:** The Proposal would look to provide a viable path for older buildings to receive limited bulk relief to facilitate new housing. This would allow for new bulk and FAR non compliances, unlike the rules in Article V Chapter 4 which apply to non complying buildings.

- (1) the configuration of the existing #building#, proximity to other #buildings#, or other site conditions create practical difficulties in complying with the applicable #residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# site plan;
- (2) for #enlargements#, where applicable:
  - (i) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;
  - (ii) the proposed scale and placement relates harmoniously with the surrounding area; and
- (3) the requested modification is the least amount necessary to relieve such practical difficulties.

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

**75-26**

**Bulk Modifications associated with a Transfer of Development Rights from Landmark Sites**

[BRACKET-TKTK]

In all districts, for #developments# or #enlargements#, the City Planning Commission may authorize #bulk# modifications, other than #floor area ratio#, to be made in conjunction with a transfer of development rights from landmark #buildings or other structures# certified pursuant to Section 75-42, provided the Commission finds that:

- (a) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;
- (b) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (c) the requested modification is the least amount necessary to reasonable accommodate such transferred development rights.

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

**75-30**

**PARKING AUTHORIZATIONS**

**Commented [Z6]:** The Proposal would allow sites receiving landmark floor area to apply for a authorization to address bulk regulations that make it difficult to fit the additional floor area. This replaces applicable provisions in 74-79 today.



**75-31**

**Authorization to Remove Required Parking**

[NEW AUTHORIZATION]

The City Planning Commission may authorize the reduction or removal of #accessory# off-street parking spaces required pursuant to Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES) provided the Commission finds such reduction or removal:

- (a) will not impede access to existing #accessory# off-street parking spaces on adjoining #zoning lots#; and
- (b) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area;

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

**75-40**

**CERTIFICATIONS**

**75-41**

**Railroad Right-of-Ways**

[BRACKET-TKTK]

No #development# or #enlargement# may occur on or over a #railroad right-of-way#, nor may a #railroad right-of-way# that would otherwise be considered a #block# boundary be included in the #lot area# of a #zoning lot# less than four acres, unless the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) a site plan has been submitted showing:
  - (1) the total #lot area#, including any #railroad right-of-way# or platform over a #railroad right-of-way#; and
  - (2) that the #zoning lot# has direct access to one or more #streets#;
- (b) the affected railroad entity or entities have indicated in writing that the proposed

**Commented [Z7]:** The Proposal would allow previously required parking for residences to be removed through this new authorization. It is based on comparable provisions in the Manhattan Core.

**Commented [Z8]:** The Proposal would require a chair certification for sites with railroad right-of ways where development is proposed on or above the right-of-way. This would allow the affected railroad entities to be aware of the proposal and review it to determine its possible effect on railroad operations.

#development# or #enlargement# will not interfere with railroad operations.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Section.

**75-42**

**Transfer of development rights from landmarks**

**75-421**

**Definitions**

[ADAPTED FROM 74-79]

For purposes of this Section, inclusive, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

#

Granting lot

For the purposes of this Section, inclusive, a “granting lot” shall mean a #zoning lot# that contains a #landmark building or other structure#.

Landmark building or other structure

For the purposes of this Section, inclusive, a “landmark building or other structure” shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section, inclusive, from those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges.

Receiving lot

For the purposes of this Section, inclusive, a “receiving lot” shall mean a #zoning lot# to which development rights of a #granting lot# are transferred.

Surrounding area

For the purposes of this Section, inclusive, the “surrounding area” shall mean all #zoning lots# on the #block# on which the #landmark building or other structure# is located, as well as all #zoning lots# across a #street# or #street# intersection from the #block#. It shall also mean, in #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 or greater, #zoning lots# that, except for the intervention of #streets# or #street# intersections, form a series extending to the #zoning lot# occupied by the #landmark building or other structure#. All

**Commented [Z9]:** The Proposal would allow floor area from landmark buildings to be transferred through a chair certification subject the conditions and limits included here. This would provide landmarks across the city a viable path to transfer unused development rights.

such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10).

**75-422**

**Certification to transfer development rights from landmarks**

[NEW CERTIFICATION, IN LIEU OF 74-79, BASED ON 81-642]

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to #zoning lots# within the #surrounding area#, provided that the provisions of this Section are met.

- (a) The transfer of development rights shall be subject to the following conditions:
- (1) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# allowed by the applicable district regulations, less the total #floor area# of all existing #buildings# on the #granting lot#, and any previously transferred #floor area#. Such maximum floor area shall not include any additional #floor area# allowed for #publicly accessible open areas# or any other form of bonus whether as of right or by discretionary action.
  - (2) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall in no event exceed the maximum #floor area# allowable on such #zoning lot# by more than 20 percent. However, in #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 or greater, such 20 percent limit shall not apply.
  - (3) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.
  - (4) Prior to the issuance of a building permit, as set forth in paragraph (c) of this Section, the owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York. Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

- (1) site plans and zoning calculations for the #granting lot# and #receiving lot# showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson;
- (2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and
- (3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#;

(c) The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the following have been received:

- (1) the instrument of transfer and notice of restrictions required by paragraph (a) of this Section have been executed and recorded with proof of recordation provided to the Chairperson; and
- (2) documents confirming the #sale price# have been provided to the Chairperson, including, but not limited to, the real property transfer tax return form recorded with the New York City Department of Finance and the details of consideration schedule.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

**ARTICLE VII  
ADMINISTRATION**

**Chapter 7  
Special Provisions for Zoning Lots Divided by District Boundaries**

\* \* \*

**77-20  
BULK REGULATIONS**

\* \* \*

**77-22  
Floor Area Ratio**

The maximum #floor area ratio# permitted on each portion of such #zoning lot# for the applicable type of #building# or #buildings# on such #zoning lot# shall be determined under the applicable regulations of ~~Articles II, III and IV~~ this Resolution.

Each such #floor area ratio# shall be multiplied by the percentage of the #zoning lot# to which such #floor area ratio# applies. The sum of the products thus obtained shall be the adjusted maximum #floor area ratio# applicable to such #zoning lot#.

~~In applying this provision, the #floor area# bonus permitted for #publicly accessible open areas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #publicly accessible open areas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted.~~

~~When a #zoning lot# (with a #height factor# greater than 21) does not have a specified maximum #floor area ratio#, for the purpose of computing the adjusted maximum #floor area ratio#, the #floor area ratio# of such #zoning lot# shall be deemed to be that which can be achieved at the minimum required #open space ratio# for such #zoning lot#.~~

The #floor area# resulting from application of the adjusted maximum #floor area ratio# may be located anywhere on the #zoning lot#, subject to all other regulations of this Resolution, and provided that the #floor area ratio# for any portion of the #zoning lot# within one district shall not exceed the maximum #floor area ratio#, ~~by #height factor#, if applicable,~~ specified for that district, or the adjusted maximum #floor area ratio# for the #zoning lot#, whichever is greater, except as follows: that the portion of the #zoning lot# fronting on and within 100 feet of a #wide street# and permitting the greater maximum permitted #residential# #floor area ratio# may exceed the maximum permitted #residential# #floor area ratio# for the portion of the #zoning lot# by up to 20 percent.

(a) ~~In R3-2 Districts, R4 Districts, except R4A, R4-1 and R4B Districts, R5 Districts, and~~

**Commented [Z1]:** Article VII Chapter 7 includes provisions for situations where a zoning lot is split by a district boundary. The Proposal would provide a more consistent framework for floor area to be shifted across district boundaries.

**Commented [Z2]:** The Proposal would allow floor area from a split lot to move toward portions of lots located within 100 feet of wide streets, which typically already permit a higher FAR. This is already allowed for some zoning districts, but it is inconsistent. Other changes make clear the applicability of the section and look to improve the overall legibility.

equivalent #Commercial Districts#, and for #Quality Housing buildings# in R6, R7 and R8 Districts and equivalent #Commercial Districts# outside the #Manhattan Core#, the #residential# #floor area ratio# of that portion of the #zoning lot# fronting on and within 100 feet of a #wide street# and permitting the greater maximum permitted #residential# #floor area ratio# may exceed the maximum permitted #residential# #floor area ratio# for the portion of the #zoning lot# by up to 20 percent, provided that the maximum #residential# #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #residential# #floor area ratio# applicable to such #zoning lot#.

- (b) For portions of #zoning lots# within an R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District not subject to the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the #floor area ratio# for such portion of the #zoning lot# shall not exceed the maximum #floor area ratio# specified for that district.

In applying the provisions of this Section, the following conditions shall apply:

- (a) the #floor area# bonus permitted for #publicly accessible open areas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #publicly accessible open areas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted; and
- (b) when a #zoning lot# contains a #height factor building# which does not have a specified maximum #floor area ratio#, for the purpose of computing the adjusted maximum #floor area ratio#, the #floor area ratio# of such #zoning lot# shall be deemed to be that which can be achieved at the minimum required #open space ratio# for such #zoning lot#.

77-23  
**Open Space Ratio**

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