




## Yards Text Amendment - **Approved!**

### Update April 30, 2008:

On April 30, 2008, the City Council adopted the CPC Yards text amendment along with additional City Council modifications,  [View the final adopted text amendment](#). Zoning text changes are now in effect.

The City Council modifications allow, in districts other than R1-R5 districts, the vesting of building permits issued prior to April 30, 2008, provided that foundations are completed within one year after this date.

The Department of City Planning is proposing amendments to the Zoning Resolution relating to yard regulations for residential developments. Although the current regulations prescribe minimum requirements relating to location and size of yards, they generally do not deal with the amount of paving and planting in the yards. In addition, the current regulations are in some cases unclear and do not deal with fences and steps. Some of these issues are now dealt with in the zoning regulations for Lower Density Growth Management Areas (LDGMA) in Staten Island and Community Board 10 in the Bronx, and are now proposed to be extended city-wide. The proposal would also help achieve some of the goals of the Mayor [PlaNYC](#).



Current regulations allow for the entire front yard to be paved


1. Front yards are not currently required to be planted. Front yards in many new developments are completely paved to provide space for parking and driveways and similar situations have become common in front yards of existing homes. The proposal would require a minimum percentage of planting in front yards in R1 – R5 Districts, based upon street frontage, ranging from 20% for narrow lots (less than 20' wide) to 50% for lots 60 feet wide or greater.
2. Currently, except in LDGMAs, interior lots within 100 feet of a corner and on the short end of a block do not have to provide rear yards. The proposal would require rear yards for all interior lots.
3. The proposal would require a 30 foot open area behind every building segment (rowhouse) to ensure a useable rear yard, whether or not a rear yard is required. *(Existing LDGMA rule)*
4. On corner lots in R1 – R5 districts, require one side yard to be at least 20 feet wide *(Existing LDGMA rule)*
5. Prohibit steeply sloped driveways. Maximum slope would be 11% *(Existing LDGMA rule)*
6. To encourage parking in rear yard garages, the proposal would increase floor area bonus for detached garage in rear yard from 100 square feet to 300 square feet in all R3, R4 and R5 districts *(Existing in LDGMA)*
7. Prohibit required parking spaces from locating in the required front yard in R1 and R2 districts
8. Reduce allowable front yard fence and wall height in R1- R5 districts from 8 feet to 4 feet, except that on corner lots, permit a height of 6 feet where a front yard overlaps a side yard
9. Steps in front yards would be restricted in height to the first story above a basement
10. Clarify how rear yard regulations are applied on irregularly shaped lots with more than one rear lot line, and on large corner lots. Existing zoning requires only one rear yard. The proposal would require additional rear yards under clearly defined parameters. A BSA special permit would be created to modify or waive the additional rear yard requirements where there are site planning constraints.
11. For curb cuts serving paired driveways, increase maximum width from 15 feet to 18 feet, and establish a minimum width of 15 feet. This will ensure better access to driveways, a greater chance the 16 foot spacing requirement between curb cuts will be maintained, and allow sufficient space for the minimum front yard planting requirements be met.



Proposed regulations require a percentage of the front yard to be planted



12. Apply modified "transition" rule between high and low density developments. The current transition rule only applies when the zoning lot line and zoning district boundary line are coincident. The proposal requires a 35 foot height limit for developments in R6 – R10 district within 25 feet of a R1 through R5 district, and an 8 foot open area along the side lot line between the two developments. This regulation was recently adopted as part of the Special Downtown Jamaica District.

 [View the proposed text.](#)

View the  [presentation](#) for a visual depiction on the issues and proposals.

### ***Public Review***

On September 17, 2007, the application was referred to all community boards, borough boards and borough presidents for a 60 day review period.


On March 24, 2008 the City Planning Commission adopted the text amendment with modifications\*. View the  [CPC adopted text amendment](#) and read the  [CPC report](#).

\* In response to concerns raised during the public review, the following modifications were made:

- Section 23-451 was modified:

1. to make it clear that for purposes of determining the minimum percentage of the area in front of the residence to be planted, such area includes the area between all the street walls of the building and the street line, not just the street wall closest to the street line; and
2. .that for corner lots, where front yard areas bounding different streets overlap, plantings in the overlap area count towards meeting the planting requirement of only one street frontage.

- Section 23-44 was clarified so that fence and wall height is measured from the adjoining grade and that on corner lots, a six foot high fence is only permitted in the area where a front yard overlaps with a side yard.
- Language in Sections 23-543, 24-393, 33-303, and 43-313 clarifies which street is used to determine the rear yard depth for portions of irregular through lots with multiple rear lot lines.
- Language has been added to Section 25-634 stating that existing driveways that exceed a slope of 11% can be used to access parking spaces required for future dwelling units.
- Section 23-141 has been modified to allow a detached garage in a rear yard to be located partly outside the side lot ribbon. This would allow a two car detached garage.
- New language in Section 23-12 allows two parking spaces in a rear yard garage in Lower Density Growth Management Areas. Current text permits only one parking space.


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For more information on the proposal, please contact the Department of City Planning's Zoning Division at (212) 720-3268.

## Related Notes

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-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).