**PROPOSED**

# BAY STREET CORRIDOR

**TEXT AMENDMENT**

8/27/18

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

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

**Chapter 1 - Title, Establishment of Controls and Interpretations of Regulations**

* * *

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

* * *

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special City Island District

* * *

**Chapter 2**
**Construction of Language and Definitions**

* * *

**12-10**
**DEFINITIONS**

* * *

Special Bay Ridge District

The “Special Bay Ridge District” is a Special Purpose District designated by the letters “BR” in which special regulations set forth in Article XI, Chapter 4, apply.

Special Bay Street Corridor District

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special City Island District

* * *

**Chapter 4**
**Sidewalk Cafe Regulations**

* * *

**14-44**
**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

* * *

| Staten Island | #Enclosed Sidewalk Cafe# | #Unenclosed Sidewalk Cafe# |
|---|---|---|
| Bay Street Corridor District | Yes | Yes |
| South Richmond Development District | Yes | Yes |
| St. George District | Yes | Yes |
| Stapleton Waterfront District | Yes | Yes |

* * *

**ARTICLE II**

**RESIDENCE DISTRICT REGULATIONS**

**Chapter 3**
**Residential Bulk Regulations in Residence Districts**

* * *

**23-011**
**Quality Housing Program**

* * *

(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:

* * *

(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#;

* * *

**23-03**
**Street Tree Planting in Residence Districts**

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):

* * *

(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#;

* * *

**ARTICLE III**
**COMMERCIAL DISTRICT REGULATIONS**

**Chapter 3**
**Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

* * *

**33-03**
**Street Tree Planting in Commercial Districts**

C1 C2 C3 C4 C5 C6 C7 C8

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

* * *

(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#;

* * *

**ARTICLE XI**
**SPECIAL PURPOSE DISTRICTS**

**Chapter 6**
**Special Stapleton Waterfront District**

* * *

**116-20**
**SPECIAL BULK REGULATIONS**

* * *

**116-23**
**Special Height and Setback Regulations**

The special height and setback regulations set forth in this Section shall apply.

* * *

**116-232**
**Street wall location**

Within the #Special Stapleton Waterfront District#, the #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

In Subareas A and B1, the underlying #street wall# location regulations shall apply, except that the provisions of paragraph (a)(1) of Section 35-651 (Street wall location) shall be modified to require at least 70 percent of the #aggregate width of street wall# be located with 15 feet of the #street line# and extend to the minimum base heights specified in Section 116-233 (Height and setback), or the height of the #building#, whichever is less.

(b) Subareas B2 through B5 and C

In Subareas ~~B~~ B2 through B5 and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in the Appendix to this Chapter, specifies locations in Subareas ~~B~~ B2 through B5 and C where #mandatory front building wall# requirements apply as follows:

~~(a)~~(1) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.

~~(b)~~(2) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided

that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.

~~(c)~~(3) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas ~~B1,~~ B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

[MOVED HEIGHT AND SETBACK PROVISIONS TO 116-233]

All #mandatory front building walls# shall rise without setback to ~~a maximum height of 40 feet~~ the minimum base height specified in Section 116-233, or the height of the #building#, whichever is less. ~~A #building# may exceed a height of 40 feet, up to the maximum #building# height specified in Section 116-233, if a setback is provided at a minimum height of 35 feet. Such setback shall have a minimum depth of 10 feet and shall be measured from the front #building# wall.~~ Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

~~However, in Subarea B2, the #mandatory front building wall# may rise without setback to the permitted maximum height of the #building#.~~

**116-233**
**~~Maximum building height~~ Height and setback**

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

Table 1 below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

**Table 1**

**Maximum base heights and maximum #building# heights for Subareas A and B1**

| Minimum Base Height (in feet) | Maximum Base Height (in feet) | Maximum Transition Height (in feet) | Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet) | Maximum Number of #Stories# |
|---|---|---|---|---|
| 40 | 65 | 85 | 125 | 12 |

(2) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback with a depth of at least 10 feet shall be provided from the front #building# wall.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(c) Subareas B3 through B5 and C

In Subareas B3 through B5, and C, the minimum base height shall be 35 feet and the maximum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback with a depth of at least 10 feet shall be provided, as measured from the front #building# wall.

~~Within the #Special Stapleton Waterfront District#, the~~ The maximum height of a #building or other structure# ~~outside of Subarea B2~~ shall not exceed 50 feet. 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) of Section 35-652, the maximum height of a #building or other structure# may be increased to 55 feet.

~~Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.~~

* * *

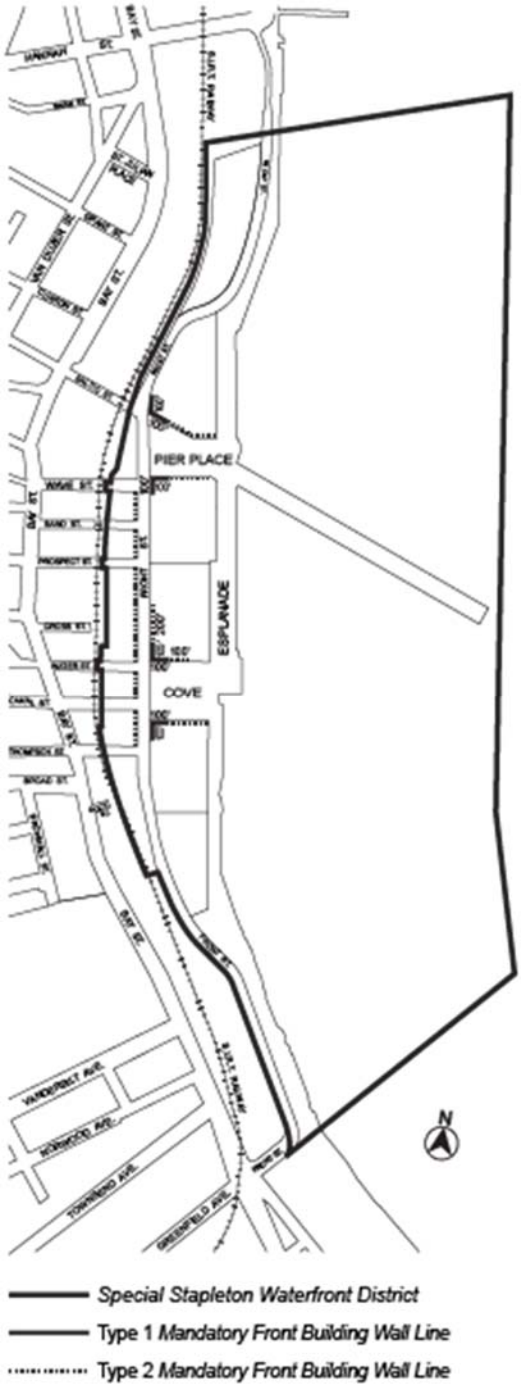
**Appendix A**

**Stapleton Waterfront District Plan**

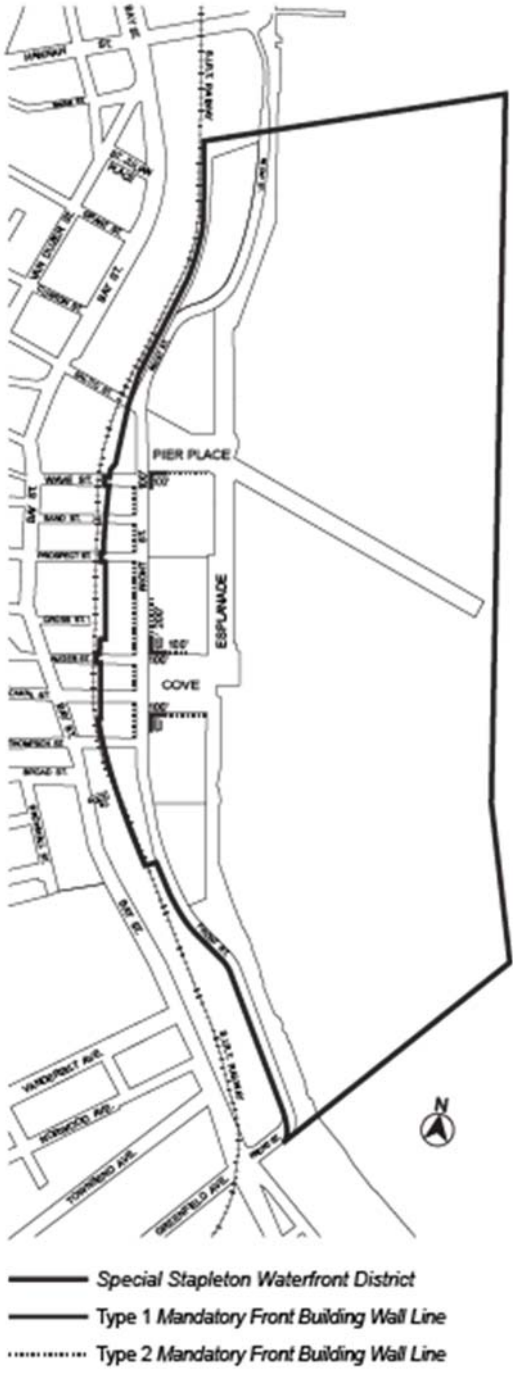
* * *

Map 3. Mandatory Front Building Wall Lines

[EXISTING MAP]



[PROPOSED MAP:
Type 1 and Type 2 Mandatory Front Building Wall Lines to be removed from Subarea B1]



**ARTICLE XIII**
**SPECIAL PURPOSE DISTRICTS**

**Chapter 5**
**Special Bay Street Corridor District**

**135-00**
**GENERAL PURPOSES**

The "Special Bay Street Corridor District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;

(b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;

(c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;

(d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;

(f) to create a livable community combining housing, retail and other uses throughout the district;

(g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St George and Stapleton;

(h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**135-01**
**General Provisions**

The provisions of this Chapter shall apply within the #Special Bay Street Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**135-02**
**District Plan and Maps**

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Bay Street Corridor District and Subdistricts

Map 2 Location of visual corridors

**135-03**
**Subdistricts**

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established, as follows:

Subdistrict A
Subdistrict B, which is comprised of Subdistricts B1 and B2
Subdistrict C
Subdistrict D
Subdistrict E

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts), in Appendix A of this Chapter.

**135-04**
**Applicability**

**135-041**
**Applicability of Article I, Chapter 2**

The definition of “lower density growth management area” in Section 12-10 shall be modified to exclude all districts within the #Special Bay Street Corridor District#.

**135-042**
**Applicability of the Quality Housing Program**

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8.

**135-043**
**Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90, the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

**135-044**
**Applicability of Article VI, Chapter 4**

Notwithstanding the provisions of Section 135-01, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

**135-045**
**Applicability of this Chapter to certain zoning lots in Subdistrict D**

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or transportation facility and existing on [date of enactment], the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

**135-10**
**SPECIAL USE REGULATIONS**

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

**135-11**
**Ground Floor Use Regulations**

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be considered a #primary street frontage#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Section 12-10 and Section 37-311.

The provisions of this Section shall apply to #developments# or ground floor level #enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, 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 and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on [date of adoption] and on the date of application for a building permit, the provisions of this paragraph shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 135-12 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

**135-12**
**Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 135-11 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements.

(a) Planting

Where utilized as a visual mitigation element, any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Where utilized as a visual mitigation element, fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Where utilized as a visual mitigation element, bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Where utilized as a visual mitigation element, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Where utilized as a visual mitigation element, wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

All visual mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

**135-13**
**Physical Culture or Health Establishments**

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

**135-14**
**Modification of Supplemental Use Provisions**

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

(a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#; and

(b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply.

**135-15**
**Enlargement of Certain Non-conforming Uses**

For #zoning lots# containing alcoholic beverage manufacturing establishments, or breweries, as listed in Use Group 18, the provisions of Section 52-40 (ENLARGEMENTS OR EXTENSIONS) shall be modified to permit an #enlargement# or #extension# of such #use# after [date of adoption], provided that:

(a) the performance standards for M1 Districts set forth in Section 42-20, inclusive, shall apply to the #enlarged# or #extended# portion;

(b) the #enlarged# or #extended# area does not exceed 15,000 square feet;

(c) such #enlargement# or #extension# is located within a #completely enclosed building#; and

(d) all construction has been completed prior to [15 years after date of adoption].

**135-20**
**SPECIAL BULK REGULATIONS**

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

**135-21**
**Special Floor Area Regulations**

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

Table 1 below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing). Column 4 sets forth the maximum #residential floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154, or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing #affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

**Table 1**
**Maximum #floor area ratio#**

| | Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---|---|---|---|---|

| Subdistrict | For #commercial uses# other than offices | For offices | For #residences# other than #MIH sites# and #affordable independent residences for seniors# | For #MIH sites# and #community facility uses# other than #long term care facilities# | For #affordable independent residences for seniors# or #long-term care facilities# |
|---|---|---|---|---|---|
| A | 2.0 | 4.60 | 4.00 | 4.60 | 5.01 |
| B | 2.0 | 3.60 | 3.00 | 3.60 | 3.90 |
| C | 2.0 | 3.00 | 2.50 | 3.00 | 3.25 |
| D | 2.0 | 2.00 | 2.50 | 3.00 | 3.25 |
| E | 2.0 | 2.00 | 2.00 | 2.20 | 2.20 |

**135-22**
**Special Lot Coverage Regulations**

The underlying #lot coverage# regulations are modified by the provisions of this Section.

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 100 percent.

**135-23**
**Special Yard Regulations**

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

**135-24**
**Special Street Wall Location Regulations**

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street

Along Bay Street and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

(1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section 135-25 (Special Height and Setback Regulations), or the height of the #building#, whichever is less. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.

(2) For #developments# or horizontal #enlargements# of #buildings# within the #flood zone#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 135-11 (Ground Floor Use Regulations) and Section 37-34 (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#, except as permitted pursuant to Section 64-333 (Street wall location in certain districts). Such #street wall# shall provide visual mitigation elements in accordance with the provisions of Section 135-12 (Special Streetscape Provisions for Blank Walls), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of paragraph (a) of Section 135-12 shall be improved to Department of Transportation standards for sidewalks.

(3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base

height established in Section 135-25, such #street wall# shall rise without setback to at least the minimum base height specified in Section 135-25.

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section 23-661 or paragraph (e) of Section 35-651, as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b), or (c) of this Section.

**135-25**
**Special Height and Setback Regulations**

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

Table 1 below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all Subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subdistrict, and shall be provided in accordance with paragraph (b) of this Section.

In Subdistrict A and B1, any portion of a #building# located above the maximum transition height, and in Subdistrict B2 and C, any portion of a #building located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

**Table 1**
**Maximum Base Heights and Maximum #Building# Heights**

| Subdistrict | Minimum Base Height (in feet) | Maximum Base Height (in feet) | Maximum Transition Height (in feet) | Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet) | Maximum Number of #Stories# |
|---|---|---|---|---|---|
| A | 40 | 65 | 85 | 145 | 14 |

| | | | | | |
|---|---|---|---|---|---|
| B1 | 40 | 65 | 85 | 125 | 12 |
| B2 | 40 | 65 | N/A | 125 | 12 |
| C | 40 | 65 | N/A | 85 | 8 |
| D | 40 | 65 | N/A | 75 | 7 |
| E | 30 | 45 | N/A | 55 | 5 |

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in Table 1 in paragraph (a) of this Section, a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in Table 1 in paragraph (a) of this Section shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

**135-30**
**SPECIAL PUBLIC ACCESS AREA REGULATIONS**

**135-31**
**Special Visual Corridor Requirements**

Within the Special Bay Street Corridor District, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, Grant Street and Baltic Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved to minimum Department of Transportation (DOT) standards for public #streets#.

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

(a) shall continue to generate #floor area#;

(b) may be included for the purposes of calculating #lot coverage#; and

(c) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

**135-40**
**SPECIAL PARKING AND LOADING REGULATIONS**

The underlying parking provisions are modified by the provisions of this Section.

**135-41**
**Commercial Parking Requirements**

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

**135-42**
**Residential Parking Waivers**

The underlying #residential# parking waivers shall only apply to #zoning lots# existing both on [date of adoption] and on the date of application for a building permit.

**135-43**
**Location of Parking Spaces**

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located either:

(1) within the #Special Bay Street Corridor District#; or

(2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-42 (Off-site Spaces for Residences) or 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable;

(b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and

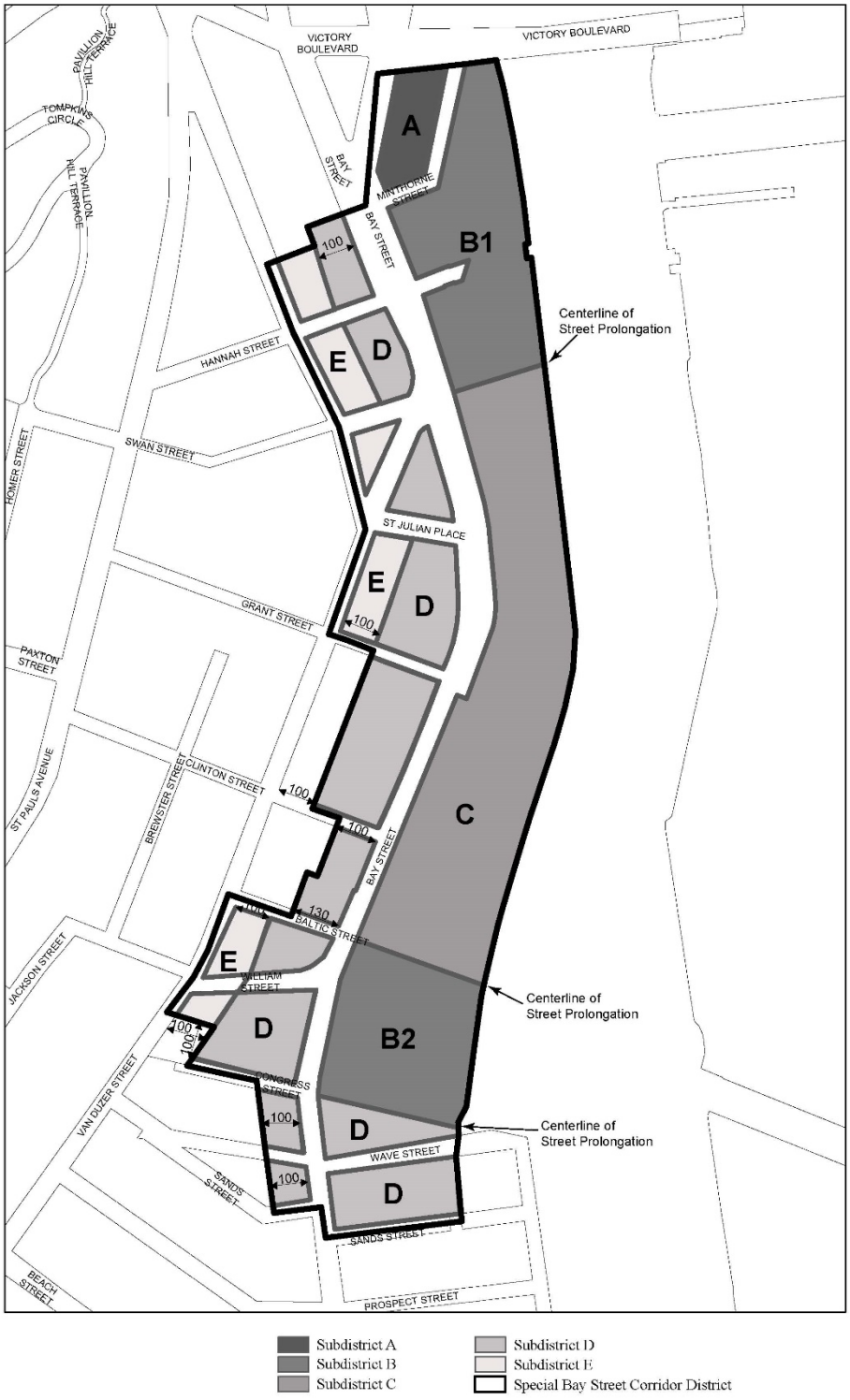
(c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

**135-44**
**Location of Curb Cuts**

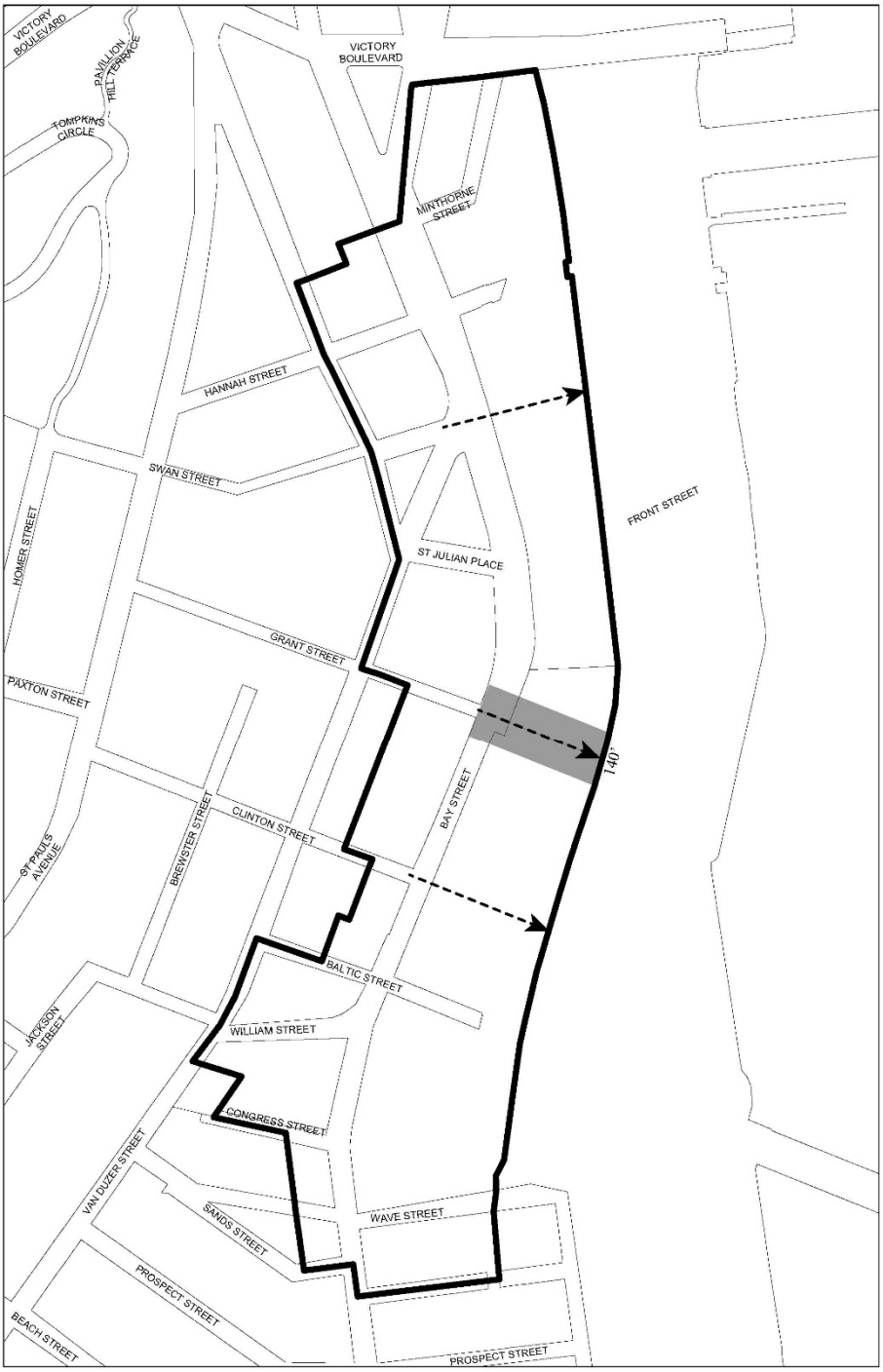
For #zoning lots# existing on [date of adoption] with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

**APPENDIX A**
**SPECIAL BAY STREET CORRIDOR DISTRICT**

## Map 1 – Special Bay Street Corridor District and Subdistricts



## Map 2 – Location of visual corridors



* * *

**APPENDIX F**
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

| **Zoning Map** | **Community District** | **Maps of Inclusionary Housing Designated Areas** | **Maps of Mandatory Inclusionary Housing Areas** |
|---|---|---|---|
| 1d | Bronx CD 7 | Map 1 | |

* * *

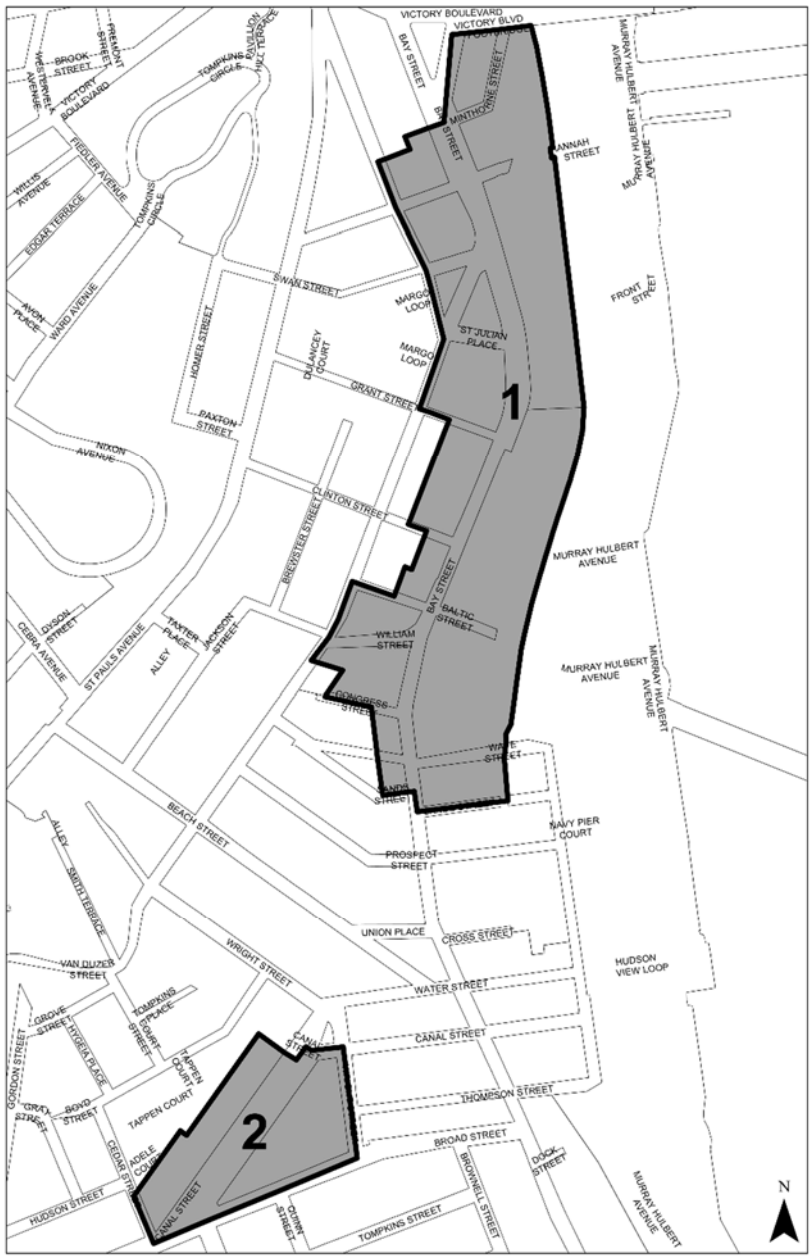
| | | | |
|---|---|---|---|
| 21c | Staten Island CD 1 | | Map 1 |
| 21c | Staten Island CD 1 | | Map 2 |
| 22a | Brooklyn CD 7 | Map 2 | |

* * *

**Staten Island Community District 1**

* * *

Map 2 - (date of adoption)




Mandatory Inclusionary Housing Area

Area 1 – [Date of adoption] MIH Program Option 1, Option 2, Deep Affordability Option and Workforce Option
*see Sections 23-154 (d)(3), 135-043, and 135-21*

Area 2 – [Date of adoption] MIH Program Option 1, Option 2, Deep Affordability Option and Workforce Option
*see Section 23-154 (d)(3)*

Portion of Community District 1, Staten Island