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

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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
R6-1	General Residence District
R6-2	General Residence District
R6A	General Residence District
R6B	General Residence District
R6D	General Residence District
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
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

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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

[REMOVING UNNECESSARY TEXT]

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.

(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

* * *

11-42
Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution

[REMOVING UNNECESSARY TEXT]

(a) Except as otherwise provided in paragraphs (b), (c) or (d) of this Section, any authorization or special permit granted by the City Planning Commission under the provisions of the 1961 Zoning Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such special permit or authorization was granted, has not been completed within four years from the effective date of such permit or authorization. Substantial construction shall mean, in the case of a new #building# or #buildings#, the substantial construction of at least one #building#. ~~For the purposes of this paragraph (a), #abutting buildings# on a single #zoning lot# shall be considered to be one #building#.~~

* * *

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

* * *

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:

(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#;~~

~~(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~~ 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), or 37-20, as applicable.

* * *

affordable independent residence for seniors

[UPDATING AFFORDABILITY MINIMUM AND CROSS-REFERENCES]

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#~~ restricted pursuant to an #affordable housing regulatory agreement# for households with incomes at or below ~~80 percent~~ 60 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" , "affordable housing regulatory agreement" and "income index" shall be as defined in Section ~~23-911 (General definitions)~~ 27-111 (General definitions).

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#, no #ancillary dwelling unit# shall be permitted below the #flood-resistant construction elevation#. Defined terms in this definition include those in Section 64-11.

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.

* * *

detached

A "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot#. Where an #ancillary dwelling unit# #abuts# another #residence# on the same #zoning lot#, and the combination of such #buildings# are surrounded by #yards# or other open areas, such #buildings# shall be considered a single #detached# building.

* * *

dwelling unit

[UPDATING TERM, PER PROPOSAL]

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;~~

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

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

* * *

family

[UPDATING TERM, PER PROPOSAL]

~~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;

(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;

(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:~~

~~(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]

~~(l)~~(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, whether applied singly, or in combination, shall not constitute an enclosure when meeting the following criteria:

(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 for the portion that exceeds four feet in height; 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,

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)~~

[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, whether applied singly or in combination, shall not constitute an enclosure when meeting the following criteria:

(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 for the portion that exceeds four feet in height; 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 #buildings# that are 420 feet or greater in height;

(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#.

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.

~~Inclusionary Housing designated area~~

[REMOVING OBSOLETE TERM]

~~An "Inclusionary Housing designated 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), 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

[UPDATING TERM, PER PARKING PROPOSAL]

For the purposes of determining the applicable parking regulations for existing #buildings#, an ~~An~~ "income-restricted housing unit" is a #dwelling unit# ~~that~~:

(a) for which the 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 March 22, 2016 and [date of adoption];

(b) for which the 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; or

(c) 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.

~~complies with the definition of "affordable housing unit" set forth in Section 23-911 (General~~

~~definitions), 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.~~

~~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, 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

* * *

Joint living-work quarters for artists

[UPDATING CROSS-REFERENCE]

A “joint living-work quarters for artists” consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

(a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist’s# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;

(b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or

(c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections ~~42-325~~ 42-315 (Use regulations in M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

* * *

large sites

[CREATING NEW TERM, PER PROPOSAL]

A "large site" is either a single #zoning lot# with a #lot area# of at least 1.5 acres, 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# with a #lot area# of at least 1.5 acres.

* * *

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 ~~23-691~~ 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.

~~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).~~

Long-term care facility

[UPDATING TO CLARIFY BULK REGULATIONS]

A "long-term care facility" is a #community facility use# that has secured appropriate certificate of authority or licensure by the New York State Department of Health and shall include:

(a) nursing homes or assisted living facilities as defined in the New York State Public Health Law; and

* * *

For the purposes of applying the #bulk# regulations of this Resolution to #buildings# containing #long-term care facilities#, the #residential bulk# regulations applicable to #qualifying senior housing# shall be applied. In applying such #residential# #bulk# provisions, #long-term care facilities# shall be considered #residential#, and the term #dwelling unit# shall include "dwelling units" and "rooming units", as set forth in the Housing Maintenance Code.

* * *

~~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#.~~

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.~~

~~Mandatory Inclusionary Housing area~~

[RELOCATING TO ADMINISTRATION CHAPTER]

~~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) inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.~~

Manhattan Core

* * *

<u>Multiple dwelling residence</u>

[ADDING NEW TERM TO DISTINGUISH BETWEEN
SINGLE- OR TWO-FAMILY RESIDENCES]

<u>A "multiple dwelling residence" is any type of #residence# that is not a #single-# or #two-family residence#.</u>

* * *

~~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#.~~

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)~~

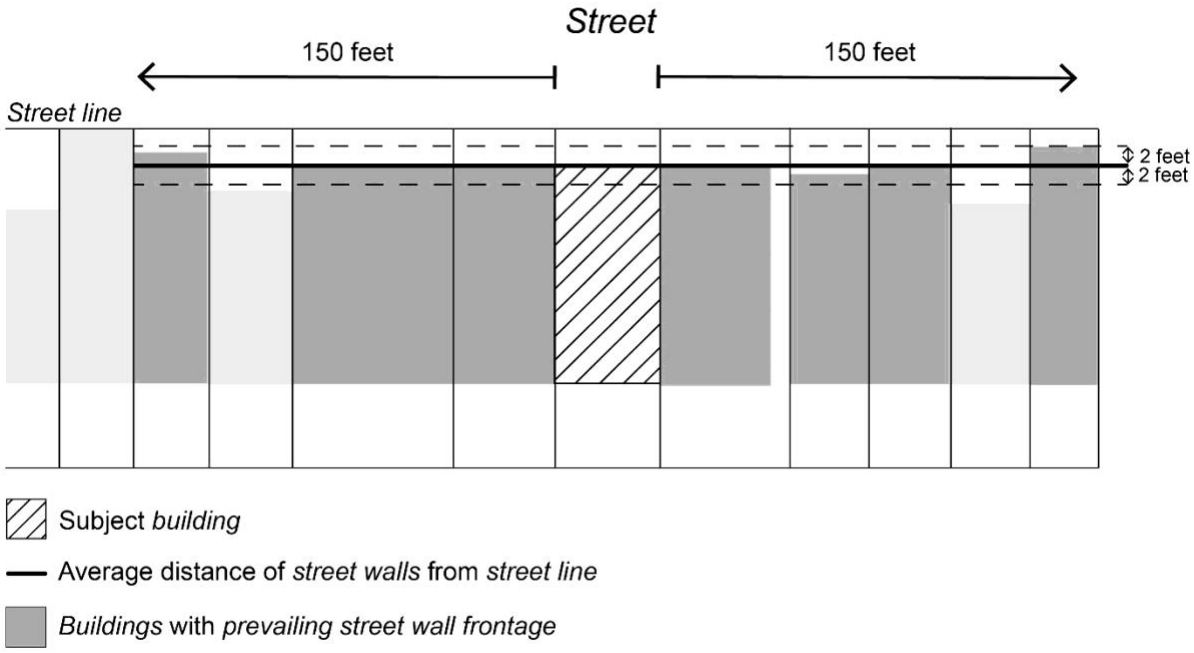
~~The regulations applicable to a #predominantly built-up area# shall not apply to any #zoning lot# occupied as of October 21, 1987, by a #single-# or #two-family detached# or #semi-detached residence# where 75 percent or more of the aggregate length of the #block# fronts in #residential use#, on both 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 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

[ADDING 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]

~~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~~

[REMOVING OBSOLETE TERM]

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

qualifying affordable housing

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

"Qualifying affordable housing" shall include any of the following:

(a) #MIH developments# in #Mandatory Inclusionary Housing areas#;

(b) #UAP developments#; or

(c) #buildings# subject to an #affordable housing regulatory agreement#.

Defined terms in this definition shall include those in Section 27-111 (General definitions).

For the purposes of applying the #bulk# regulations of this Resolution to #buildings# subject to an #affordable housing regulatory agreement# that are #community facility uses#, the #residential# #bulk# regulations applicable to #qualifying affordable housing# may be applied, or the applicable #community facility# #bulk# regulations may be applied. Where the #residential# #bulk# regulations are applied, such #community facility 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.

qualifying rooftop greenhouse

* * *

qualifying senior housing

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

"Qualifying senior housing" shall include the following types of facilities:

(a) #affordable independent residences for seniors#; or

(b) #long-term care facilities#.

qualifying residential site

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

A "qualifying residential 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#, has a minimum #lot area# of at least 5,000 square feet 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# AND #FORMER 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.~~

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.

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#

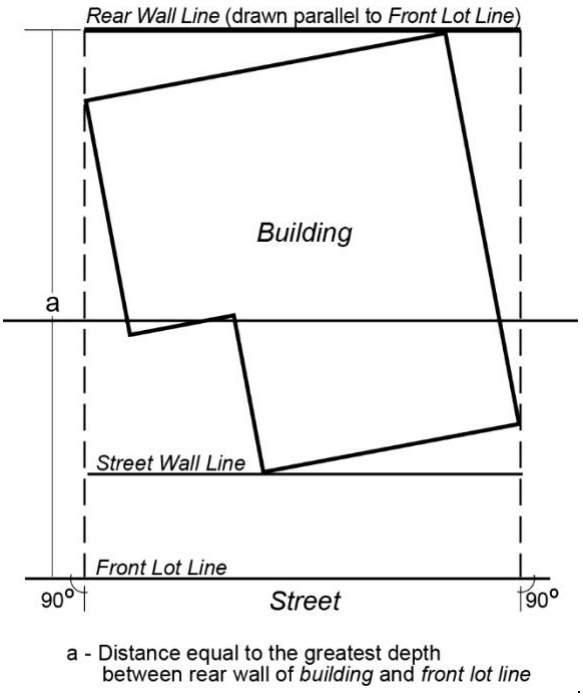
~~rear sky exposure plane~~

~~see sky exposure plane, rear~~

~~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.~~



a - Distance equal to the greatest depth between rear wall of *building* and *front lot line*

~~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#.~~

* * *

residential equivalent

[ADDING 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

[UPDATING TERM TO MAKE CONSISTENT WITH STATE MDL]

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.

* * *

semi-detached (building)

[UPDATING TERM TO ADDRESS ADU CONFIGURATIONS]

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#. Where an #ancillary dwelling unit# #abuts# another #residence# on the same #zoning lot#, and the combination of such #buildings# are surrounded by only one other #building# on an adjoining #zoning lot# along only one #side lot line# and are surrounded by all other sides by #yards# or other open areas, such #buildings# shall be considered a single #semi-detached# building.

* * *

short dimension of a block

[ADDING 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#.

* * *

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#.

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.~~

* * *

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:

(a) within the boundaries shown in APPENDIX I of this Resolution;

(b) within the #Manhattan Core#, as defined in Section 12-10, with the exception of Governors Island in Community District 1; and

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

~~where special parking provisions apply~~.

Transit Zone, Outer

[ADDING 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

transportation-infrastructure-adjacent frontage

[ADDING 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.

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#.

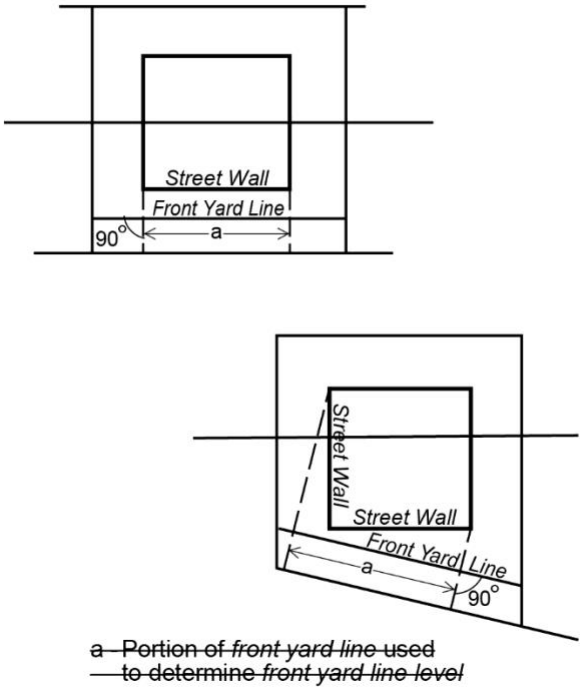
ultra low energy building

* * *

~~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

[UPDATING TERM TO ADDRESS ADU CONFIGURATIONS]

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 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~ 23-341 (Permitted obstructions in required yards or rear yard equivalents) may be permitted to #abut# a #zero lot line building# on an adjoining #zoning lot#. Where an #ancillary dwelling unit# #abuts# another #residence# on the same #zoning lot#, and the combination of such #buildings# are surrounded by an adjoining #zoning lot# along only one #side lot line# and are surrounded by all other sides by #yards# or other open areas, such #buildings# shall be considered a single #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

[ADDING PEDESTRIAN CIRCULATION AREAS, ATTENDANT BOOTHS, WAITING AREAS, TO #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

[ADDING LANGUAGE TO REFLECT CHANGES MADE IN PROPOSAL]

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

* * *

[ADDING LANGUAGE TO REFLECT CHANGES MADE IN PROPOSAL]

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 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

[UPDATING APPLICABILITY FOR EXISTING BUILDNGS]

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 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~~ and Worker Protection, 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~~

[REPLACING WITH 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
Curb Cut Restrictions

[SECTION NUMBER CHANGING; TITLE AND TEXT UNCHANGED]

* * *

~~13-241~~ 13-231
Location of curb cuts

[SECTION NUMBER CHANGING; TITLE AND TEXT UNCHANGED]

* * *

~~13-242~~ 13-232
Maximum width of curb cuts

[SECTION NUMBER CHANGING; TITLE UNCHANGED, MODIFYING TEXT]

(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~~ 36-57 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

~~13-25~~ 13-24
Reservoir Spaces

[SECTION NUMBER CHANGING; TITLE UNCHANGED, MODIFYING TEXT]

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.

* * *

(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

[SECTION NUMBER CHANGING; TITLE UNCHANGED, MODIFYING TEXT]

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#.

~~13-27~~ 13-26
Minimum and Maximum Size of Parking Facilities

[SECTION NUMBER CHANGING; TITLE UNCHANGED, UPDATING CROSS-REF]

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 of minimum facility size~~) (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

[MODIFYING TITLE AND TEXT]]

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.

~~**13-432**~~
~~**Floor area exemption for automated parking facilities**~~

[REMOVING SECTION TO ALIGN WITH 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~~

[UPDATING APPLICABILITY FOR EXISTING BUILDNGS]

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~~ 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 ~~(c)~~(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 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).~~

~~(c)~~(b) Findings

* * *

~~(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 to~~ uses 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.

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, existing on 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, existing on 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~~ #developments# 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

Article II and Article III, except as provided by authorization pursuant to Section ~~15-41~~ 15-21 (Enlargements of Converted Buildings).

Except as specifically set forth in Section 15-024 (Special bulk regulations for certain pre-existing dwelling units, and joint living-work quarters for artists), 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 #coversion# 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).~~

~~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 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.

(c) Variances

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~~ Section 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.~~

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

~~(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#.~~

* * *

15-024
Special bulk regulations for certain pre-existing dwelling units~~,~~ and joint living-work quarters for artists ~~and loft dwellings~~

[THE PROVISIONS IN THIS SECTION 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 (Number of permitted dwelling units)~~, 15-22,~~ and 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) ~~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 (Special use regulations), ~~paragraph (a) of Section 15-215,~~ paragraph (b) of Section ~~42-324~~ 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts), paragraph (c)(2) of Section ~~42-325~~ 42-315 (Use regulations in M1-5B Districts) ~~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 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)~~ (Required Recreation Space).

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 pursuant to Section 23-50 (DENSITY REGULATIONS), inclusive. ~~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~~ Any #floor area# in excess of the district regulations shall be included in the amount of #floor area# to be divided by the ~~applicable~~ #dwelling unit# factor, where applicable. ~~in Section 23-20 (DENSITY REGULATIONS)~~.

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 maximum number of #dwelling units# shall be determined by applying the density regulations set forth in Section 23-50 in accordance with the applicable geography.

~~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 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) 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).~~

All #conversions# in #buildings# containing #multiple dwelling residences# that result in a total number of #dwelling units# of nine or more shall provide recreation space in accordance with the provisions of Section 23-63 (Required Recreation Space in Multi-family Buildings). However, the provisions of paragraph (d) of such Section need not apply.

15-13
Special Home Occupation Provision

[THE PROVISIONS IN SECTION 15-13 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 #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 Ml-5M OR Ml-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~~
~~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.~~	~~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:~~

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

~~(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:~~

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

~~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 (c) of Section 15-30 (MINOR MODIFICATIONS).

~~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 (c) 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
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 AREA REGULATIONS), 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~~
~~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~~

[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

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 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:

(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#

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

[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

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

* * *

~~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 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

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 all types of residences 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.

~~**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 all types of residences 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.

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 all types of residences 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 all types of residences 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 and Mandatory Inclusionary Housing Areas. In addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District.~~ R11, R11A and R12 Districts may only be mapped in Mandatory Inclusionary Housing areas.

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

* * *

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 R11 R12

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~~

~~(c)~~(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).

~~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~~**
~~Residential Uses~~											
~~#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**
Residential Uses													
#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	●	●	●	●	●	●	●

~~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:

~~(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 through R5 Districts, on #qualifying residential sites#, any type of #residence# shall be permitted; and

(b) In R1 through R5 Districts, for #zoning lots# that are not #qualifying residential sites#, the following limitations shall apply:

(1) In R1 and R2 Districts, #residential uses# shall be limited to #single-family# #detached# #residences#;

(2) in R3A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# and #single-# or #two-family# #zero lot line buildings#;

(3) in R3-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#;

(4) in R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#;

(5) 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#; and

(6) In R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

No #rooming units# shall be permitted on #zoning lots# where #residences# are limited to #single-# or #two-family residences#.

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 R11 R12

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 "○" 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).

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**
Educational Institutions													
College or school student dormitories and fraternity or sorority student houses	○	○	●	●	●	●	●	●	●	●	●	●	~~E2~~ N/A
Faith-based Institutions and Facilities													
Monasteries, convents or novitiates	●	●	●	●	●	●	●	●	●	●	●	●	N/A
Rectories or parish houses with sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	N/A
Seminaries with sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	~~[*]~~ N/A
Health Institutions and Facilities													
#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	~~[*]~~ N/A
Other Institutions and Facilities													

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

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT 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**
Educational Institutions													
Colleges or universities, including professional schools but excluding business colleges or trade schools	○	○	●	●	●	●	●	●	●	●	●	●	*
#Schools#	●	●	●	●	●	●	●	●	●	●	●	●	G
Faith-based Institutions and Facilities													
Houses of worship	●	●	●	●	●	●	●	●	●	●	●	●	~~G~~ N/A
Parish houses without sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	N/A
Seminaries without sleeping accommodations	●	●	●	●	●	●	●	●	●	●	●	●	*

Health Institutions and Facilities													
Ambulatory diagnostic or treatment health care facilities	–	–	● S P	● S P	● P	● P	● P	● P	● P	● P	● P	● P	A3
Non-profit or voluntary hospitals and related facilities, except animal hospitals	●	●	●	●	●	●	●	●	●	●	●	●	E1
Proprietary hospitals and related facilities, except animal hospitals	–	–	●	●	●	●	●	●	●	●	●	●	E1
Other Institutions and Facilities													
Community centers	●	●	●	●	●	●	●	●	●	●	●	●	B3
Libraries	●	●	●	●	●	●	●	●	●	●	●	●	G
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

* * *

22-133
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 residential 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 "○" 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~~ 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 residential sites#.

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.

22-14
Use Group IV – Public Service Facilities and Infrastructure

*** * ***

22-141
Use Group IV – general use allowances

*** * ***

[UPDATING LANGUAGE TO MATCH PROPOSAL]

B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE											
● = 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**	**PRC**
Communication Infrastructure											
Radio or television towers, non-#accessory#	○	○	○	○	○	○	○	○	○	○	N/A
Telephone exchanges or other communications equipment structures	○	○	○	○	○	○	○	○	○	○	N/A
Electric and Gas Infrastructure											
Electric power or steam generating plants	–	–	–	–	–	–	–	–	–	–	D2
Electric utility substation	○	○	○	○	○	○	○	○	○	○	N/A
Gas utility substations	○	○	○	○	○	○	○	○	○	○	N/A
Public utility stations for oil or gas metering or regulating	○	○	○	○	○	○	○	○	○	○	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	○	○	○	○	○	○	○	○	○	○	N/A
Sewage, Storm Water and Waste Infrastructure											
Composting	–	–	–	–	–	–	–	–	–	–	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	–	–	D2
Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	–	–	D1

Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	–	–	D1
Sewage disposal plants	○	○	○	○	○	○	○	○	○	○	D1
Water or sewage pumping stations	○	○	○	○	○	○	○	○	○	○	N/A
Transportation Infrastructure											
Airports	–	–	–	–	–	–	–	–	–	–	N/A
Boat launching facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	N/A
Bus stations	–	–	–	–	–	–	–	–	–	–	N/A
Docks	–	–	○	○	○	○	○	○	○	○	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	–	–	–	–	–	–	–	–	–	–	D2
Heliports	–	–	–	–	–	–	–	–	–	–	N/A
Mooring facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	N/A
Public transit or railroad electric substations	○	○	○	○	○	○	○	○	○	○	D2
Public transit yards, including accessory motor fuel pumps	–	–	–	–	–	–	–	–	–	–	D2
Railroad or ~~transit rights-of-way~~ transit tracks	●	●	●	●	●	●	●	●	●	●	N/A
Railroad passenger stations	○	○	○	○	○	○	○	○	○	○	N/A

Seaplane bases	○	○	○	○	○	○	○	○	○	○	N/A
Truck weighing stations	–	–	–	–	–	–	–	–	–	–	D2

* * *

~~**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#.~~

~~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
Permitted Non-illuminated Accessory Signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.
UPDATING CROSS REFERENCE]

In all districts, as indicated, non-#illuminated# #accessory# #signs# are permitted as set forth in this Section, subject to the provisions of Section ~~22-34~~ 22-24 (Additional Regulations).

~~22-321~~
22-221
Nameplates or identification signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

*** * ***

~~22-322~~
22-222
"For sale" or "for rent" signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

*** * ***

~~22-323~~
22-223
Signs for parking areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

*** * ***

~~22-33~~
22-23
Signs on Lots Containing Certain Community Facilities

~~22-331~~
22-231
Permitted illuminated accessory signs for hospitals and related facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS.
UPDATING CROSS REFERENCE]

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing# #accessory# #signs# are permitted in all districts, subject to Section ~~22-34~~ 22-24 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated# #signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.

* * *

~~22-332~~
22-232
Flags, banners or pennants on lots containing certain community facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

* * *

~~22-34~~
22-24
Additional Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS. UPDATING CROSS REFERENCE]

In all districts as indicated, any #sign# permitted under the provisions of Sections ~~22-32~~ 22-22 (Permitted Non-illuminated Accessory Signs) and ~~22-331~~ 22-231 (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

~~22-341~~
22-241
Projecting signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

* * *

~~22-342~~
22-242
Height of signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

* * *

~~22-343~~
22-24
Number of ~~signs~~ Signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS. UPDATING CROSS REFERENCE]

Except as otherwise provided in Sections ~~22-32~~ 22-22 (Permitted Non-illuminated Accessory Signs) or ~~22-331~~ 22-231 (Permitted illuminated accessory signs for hospitals and related facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

~~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 SECTION 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.~~

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

~~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)

~~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)~~

~~**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:~~

~~*Anti-harassment area*~~

~~(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 SECTION 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 SECTION 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 Hillsides 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 SECTION 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 Hillsides Preservation District#;~~

~~#Special Ocean Parkway District#;~~

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

~~(c) #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.~~

BEGINNING OF SECTION 23-00 THROUGH SECTION 23-09 NEW TEXT

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

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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

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.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

23-03
General Purposes of Residential Bulk Regulations

[MOVING TEXT FROM SECTION 23-02. 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.

23-05
Applicability to Height Factor Buildings

Special rules governing #height factor buildings# are set forth in Section 23-70 (SPECIAL RULES FOR HEIGHT FACTOR BUILDINGS), inclusive.

#Buildings# that utilize the optional #sky exposure plane# regulations to govern height and setback shall be subject to all provisions applicable to #height factor buildings# set forth in Section 23-70, inclusive.

END OF SECTION 23-00 THROUGH SECTION 23-09 NEW TEXT

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

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

[FLOOR AREA PROVISIONS MOVING TO SECTION 23-20 AND OPEN SPACE PROVISIONS MOVING TO SECTION 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.

23-12
Permitted Obstructions in Open Space

[MOVING TEXT TO SECTION 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 SECTION 23-13 TEXT MOVING TO SECTION 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 REQUIRMENTS); 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 SECTION 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 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
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 (c), 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 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.

~~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~~

~~23-144~~
~~Affordable independent residences for seniors~~

[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 R1 and R2 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 SECTION 23-20, OPEN SPACE REGULATIONS MOVING TO SECTION 23-30, AND HEIGHT FACTOR PROVISIONS MOVING TO SECTION 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 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 though 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.

23-151
Basic regulations for R6 through R9 Districts

[MOVING TEXT TO SECTION 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	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#

factor# of								
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:

$$\frac{1}{F.A.R.} = \frac{O.S.R.}{100} + \frac{1}{H.F.}$$

23-152
Basic regulations for R10 Districts

[REMOVING OVERALL FAR CAP. MOVING FAR TO SECTION 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 SECTION 23-362 AND FLOOR AREA PROVISIONS MOVING TO SECTION 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[2]~~	~~60~~	~~2.43~~
~~R6[1,3] R6A R7B~~	~~65~~	~~3.00~~
~~R6B~~	~~60~~	~~2.00~~
~~R7~~	~~65~~	~~3.44~~
~~R7[1] R7A~~	~~65~~	~~4.00~~
~~R7D~~	~~65~~	~~4.20~~
~~R7X~~	~~70~~	~~5.00~~
~~R8 R8A R8X~~	~~70~~	~~6.02~~
~~R8[1]~~	~~70~~	~~7.20~~
~~R8B~~	~~70~~	~~4.00~~
~~R9 R9A~~	~~70~~	~~7.52~~
~~R9D R9X~~	~~70~~	~~9.00~~
~~R10~~	~~70~~	~~10.00~~

~~[1] 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#~~

~~[2] for #zoning lots# in an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#~~

~~[3] 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.

23-154
Inclusionary Housing

[FLOOR AREA PROVISIONS MOVING TO SECTION 23-222, AND AFFORDABLE HOUSING PROGRAM ELEMENTS MOVING TO SECTION 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 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[1]	2.20	2.42
R6[2] R6A R7-2[1]	2.70	3.60
R7A R7-2[2]	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

[1] for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

[2] for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(c) 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 (c)(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, (c)(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 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 SECTION 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~~
~~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 SECTION 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 SECTION 23-242, AND CONSOLIDATING COVERAGE PROVISIONS WITH SECTION 23-36. COMMUNITY DISTRICT SPECIFIC PROVISIONS MOVING TO SECTION 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).

(c) 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.

(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.~~

~~23-17~~
~~Existing Public Amenities for Which Floor Area Bonuses Have Been Received~~

[MOVING TEXT TO SECTION 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.~~

BEGINNING OF SECTION 23-10 THROUGH SECTION 23-19 NEW TEXT

23-10
LOT AREA AND LOT WIDTH REGULATIONS

[NEW DIRECTIONAL TEXT]

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 #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#. For the purposes of applying such calculation, #detached# #buildings# that are permitted obstructions in a required #rear yard# or #rear yard equivalent# shall not be included.

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

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Width# (in ft)**
#Single-# or #two-family# #detached#, where permitted	R1-1 R1-2 R1-2A	4,750	50
	R2 R2A R2X R3X	2,850	30
#Single-# or #two-family# #detached# or #zero lot line#, where permitted	R3-1 R3A R4-1 R4A R4B R5A	2,375	25
#Single-# or #two-family# #detached# or #zero lot line#	R3-2 R4 R5 R5B R5D	2,375	25
Other #residences#, where permitted	R1 – R5	1,700	18

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

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Width# (in ft)**
#Single-# or #two-family# #detached# or #zero lot line#	R6 - R12	2,375	25
Other #residences#	R6 - R12	1,700	18

END OF 23-10 THROUGH 23-19 NEW TEXT

~~**23-20**~~
~~**DENSITY REGULATIONS**~~

[ENTIRE DENSITY PROVISIONS MOVING TO SECTION 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.~~

~~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[1]~~	~~625~~
~~R3A~~	~~710~~
~~R3-2, R4, R4-1, R4B~~	~~870~~
~~R3X~~	~~1,000~~
~~R4A~~	~~1,280~~
~~R4[2], R5[2], R5B~~	~~900~~
~~R5, R5D~~	~~760~~
~~R5A~~	~~1,560~~
~~R5B[3]~~	~~1,350~~
~~R6, R7, R8, R9, R10~~	~~680~~

~~[1] for #single-# and #two-family# #detached# and #semi-detached# #residences#~~

[2] for #residences# in a #predominantly built-up area#

[3] 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#.

23-24
Special Provisions for Buildings Containing Multiple Uses

[MOVING TEXT TO SECTION 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.~~

~~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.~~

BEGINNING OF SECTION 23-20 THROUGH SECTION 23-29 NEW TEXT

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 AND MODIFYING]

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 residential sites# or on #zoning lots# containing #qualfying senior housing# pursuant to Sections 23-212 or 23-213, respectively.

23-211
Basic floor area regulations

[MOVEING FROM SECTIONS 23-141 AND 23-142, AND MODIFYING]

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

District	Maximum #Floor Area Ratio#
R1-1 R1-2 R1-2A R2 R2A R3-1 R3-2 R3A R3X	0.75
R2X R4 R4-1 R4A R4B	1.00
R5 R5A R5B	1.50

R5D	2.00

23-212
Floor area regulations for qualifying residential sites

[NEW TEXT]

R1 R2 R3 R4 R5

In the districts indicated, the maximum #floor area ratio# for #qualifying residential sites# at shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO FOR #QUALIFYING TRANSIT-ACCESSIBILE SITES#

District	Maximum #Floor Area Ratio#
R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X	1.00
R4 R4-1 R4A R4B	1.50
R5 R5A R5B	2.00

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

District	Maximum #Floor Area Ratio#
R3-2	1.00
R4	1.50
R5 R5B	2.00

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, 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

District	Maximum #Floor Area Ratio#
R6B	2.00
R6	2.20

R6-2 R6D	2.50
R6[1] R6-1 R6A R7B	3.00
R7-1 R7-2	3.44
R7-1[1] R7-2[1] R7A R8B	4.00
R7D	4.66
R7X R7-3	5.00
R8 R8A R8X	6.02
R8[1]	7.20
R9 R9A	7.52
R9-1 R9D R9X	9.00
R10 R10A R10X	10.00
R11	12.00
R12	15.00

[1] 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 table below.

Unless explicitly stated otherwise in a Special Purpose District or other Chapters of this Resolution, where a #floor area# bonus applies to a #zoning lot# providing #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 this table.

MAXIMUM FLOOR AREA RATIO FOR QUALIFYING AFFORDABLE OR QUALIFYING SENIOR HOUSING

District	Maximum #floor area ratio#
R6B	2.40
R6-2 R6D	3.00
R6 R6-1 R6A R7B	3.90
R8B	4.80
R7A R7-1 R7-2	5.01
R7D	5.60
R7X R7-3	6.00
R8 R8A R8X	7.20
R8[1]	8.64
R9 R9A	9.02
R9-1 R9D R9X	10.80
R10 R10A R10X	12.00
R11	15.00
R12	18.00

[1] 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 all #developments#, #enlargements#, #extensions# or #conversions# of #buildings# containing #multiple dwelling residences#.

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, pools, or pet amenities, 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.

23-232
Floor area provisions for corridors

[RELOCATING FROM SECTIONS 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.

(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 daylighting is provided by a skylight or windows in the enclosing walls;

(3) the corridor terminates with a #dwelling unit# that contains at least three bedrooms; or

(4) the corridor has daylighting through windows with a 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 the door of the furthest #dwelling unit# on the #story#, does not exceed 100 linear feet.

23-233
Floor area provisions for refuse storage and disposal

[RELOCATING FROM SECTION 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#.

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#.

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.

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#.

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.

(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.

23-244
Existing Public Amenities for Which Floor Area Bonuses Have Been Received

[MOVING FROM SECTION 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).

23-245
Quality Housing buildings

[NEW TEXT]

For #Quality Housing buildings#, any #floor area# exemptions associated with the Quality Housing Program, as such program existing prior to [date of adoption], may be retained.

END OF SECTION 23-20 THROUGH SECTION 23-29 NEW TEXT

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 SECTIONS 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 #Residence#	Minimum #Lot Area# (in sq. ft)	Minimum #Lot Width# (in ft)	District
#Single-family# #detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	2,850	30	R2X
#Single-# or #two-family# #detached# or #zero lot line#	3,800	40	R3-1 R3-2 R4 R10
	3,325	35	R3X

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 SECTION 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

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

(c) 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 SECTION 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

~~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.~~

BEGINNING OF SECTION 23-30 THROUGH SECTION 23-39 NEW TEXT

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

[MOVING TEXT FROM SECTION 23-441(a), 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) Bicycle 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(a), AND MODIFYING]

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), 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#;

(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 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 residential 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;

(g) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

(1) all equipment shall be subject to the applicable provisions of Section 26-50 (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 R12 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 SECTIONS 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.

District	Front Yard
R1	20 feet

R2 R2A R2X R3-1 R3-2	15 feet
R3A R3X R4 R4-1 R4A R5 R5A	10 feet
R4B R5B R5D	5 feet

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# 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, and need not exceed 15 feet in depth. Where the #street walls# surrounding the subject #building# do not have a #prevailing street wall frontage#, these #front yard# line-up 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.

23-322
Front yard requirements for R6 through R12 Districts

[NEW TEXT CLARIFYING EXISTING RULES]

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 SECTIONS 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

District	Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)
R1-1 R1-2 R2 R2A R3-1 R3-2 R4 R5 R2X R3X R4A R5A	2	10	5
R3A R4-1 R4B R5B R5D	1	5	0

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.

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 residential sites

[NEW TEXT]

R1 R2 R3 R4 R5

In the districts indicated, for #residences# on #qualifying residential 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# adjoining the subject #zoning lot#. 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.

23-333
Modified side yard requirements for existing narrow zoning lots

[MOVING TEXT FROM SECTION 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 (Lot Area and Lot Width Regulations in R1 Through R5 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, 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 width.

However, in no event shall the required width of a #side yard# be less than three feet.

23-334
Side yard requirements for R6 through R12 Districts

[MOVING PARAGRAPH (a) PROVISIONS FROM SECTION 23-461 AND MODIFYING. PARAGRAPH (b) IS MOVED FROM SECTION 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.

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 SECTION 23-311 AND SECTION 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 otherwise unenclosed #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#.

(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#. Parking spaces shall also be permitted in #buildings# allowed as permitted obstructions pursuant to paragraph (b)(4) of this Section, provided that the portion allocated to parking spaces does not exceed 10 feet in height;

(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 #multiple dwelling residences#, 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 #single-# or #two- family residences#, any portion of a #building# used for #residential uses#, provided that:

(i) the height shall be limited to two #stories# 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) where such #building# is free-standing, it shall not be closer than five feet to a #rear lot line# or #side lot line#.

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#.

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 SECTION 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 at every #rear lot line# on any #zoning lot#, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided, except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

(b) Shallow lots

[MOVING FROM SECTION 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 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 SECTION 23-54, WITH CROSS REFERENCE MODIFICATION;
MOVING AND MODIFYING SECTIONS 23-471 AS 23-343(a). AND, 23-541, 23-542, 23-543, 23-544.
AS SECTIONS 23-343(b), (c), (d), (e)]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

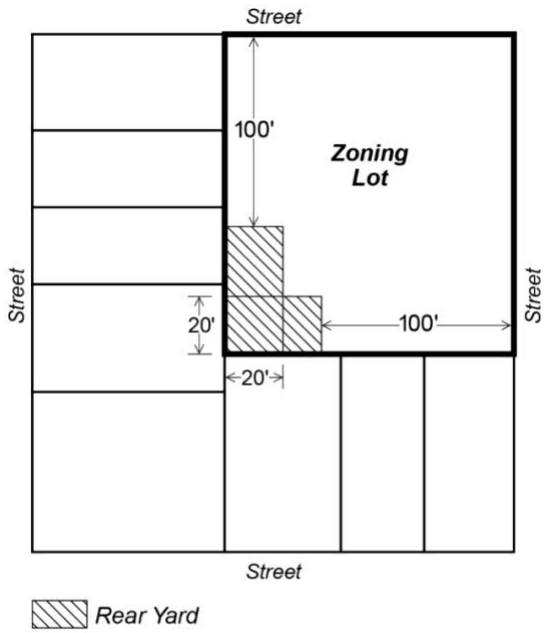
In all districts, as indicated, the #rear yard# requirements set forth in Section 23-342 (Rear yard requirements) shall be modified as set forth in this Section.

(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#.

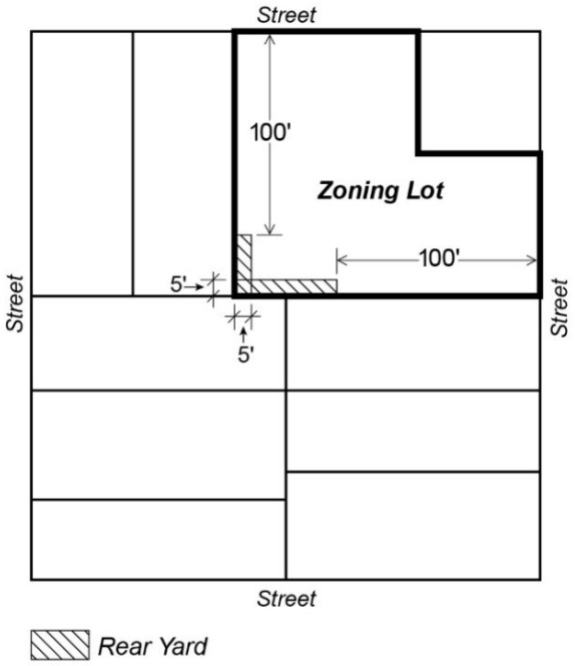
CORNER LOT



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.

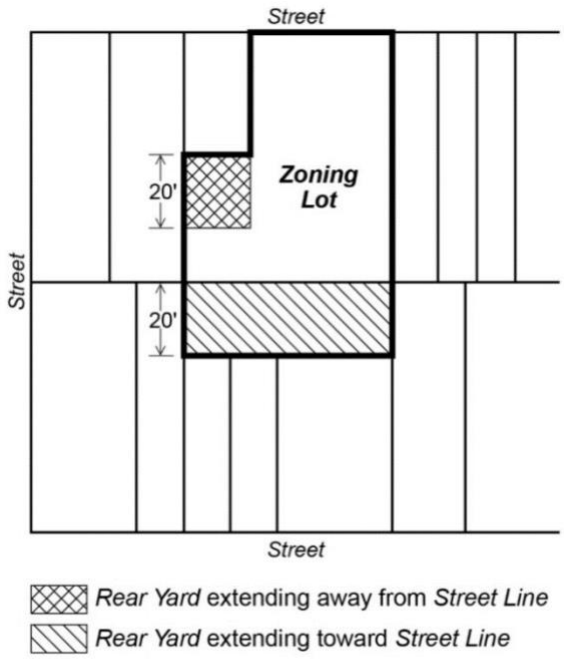
(c) Along #short dimension of a block#

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

(d) For zoning lots with multiple #rear lot lines#

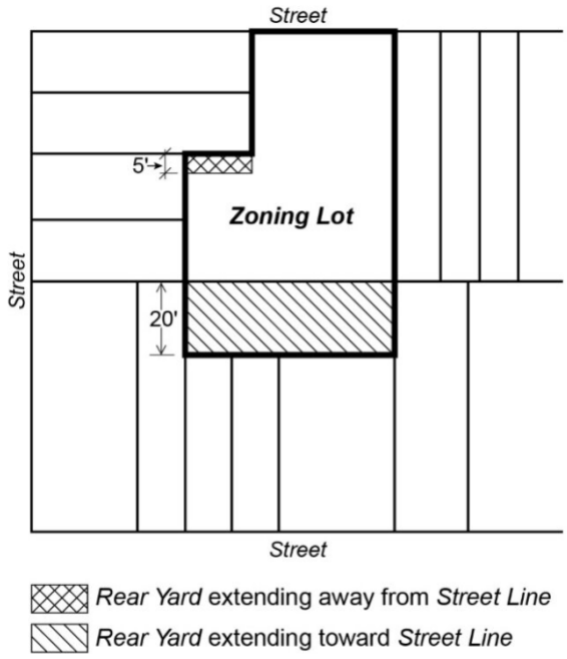
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line# :

(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

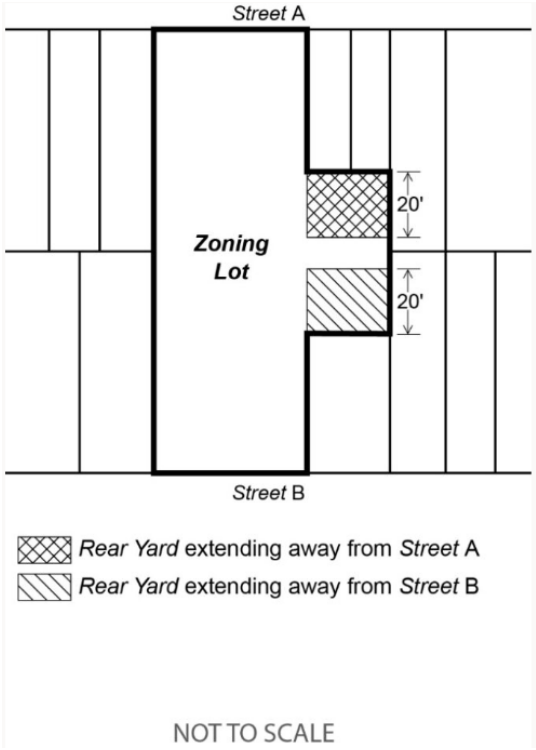
(2) In R1 through R5 Districts, a #rear yard# with a minimum depth of five feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



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 SECTION 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 #large sites#; or

(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.

(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.

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#. 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.

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 obstruction s permitted in Section 23-311 (Permitted obstructions in

all yards, courts and open areas), 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 23-312;

(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 AND 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

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 SECTION 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 #multiple dwelling residences#, where permitted, 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, for #large sites# with #buildings# utilizing the provisions of Section 23-425 (Height and setback modifications for large sites), the maximum #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not #large sites#.

23-362
Maximum lot coverage in R6 through R12 Districts

[MOVING RULES FROM SECTION 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, for #large sites# with #buildings# utilizing the provisions of Section 23-435 (Height and setback regulations for eligible sites), the maximum #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not #large sites#.

23-363
Special rules for certain interior or through lots

[MOVING FROM SECTION 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 (Maximum lot coverage in R1 through R5 Districts) or 23-362 (Maximum lot coverage in R6 through R12 Districts), 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#.

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

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# is located along the #short dimension of a block#, 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 SECTIONS 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 #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and any other #building# with two or fewer #dwelling units# on the same #zoning lot#, or a non-#residential# #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. For #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and a #building# with three or more #dwelling units# on the same #zoning lot# shall be subject to the provisions of paragraph (c) of this Section.

	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)

	35 or less	Between 35 and 50	Over 50
Minimum distance	10	20	30

(c) For #buildings# that contain three or more #dwelling units#

The minimum distance between a #building# containing three or more #dwelling units# and any other #building# on the #zoning lot# shall be applied in accordance with the provisions of this Section. Where two or more portions of a #building# are separated completely from one another 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 separated portion of the #building# 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#.

	Maximum #Building# Height above Roof of Connecting Portion (in feet)				
Wall Condition	25	35	40	50	Over 50
#Wall to Wall#	20	25	30	35	40

#Wall to Window#	30	35	40	40	40
#Window to Window#	40	40	40	40	40

(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

Area of #Zoning Lot# (in square feet)	Maximum Percent of #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

(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 SECTION 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#.

(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 from its lowest level to the sky 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 people with disabilities, 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.

23-382
Special provisions in other geographies

[NEW TEXT]

In all districts, for #buildings# containing #multiple dwelling residences# on #zoning lots# that adjoin a #public park#, the minimum distance between a #legally required window# and a #lot line# 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#.

END OF SECTION 23-30 THROUGH SECTION 23-39 NEW TEXT

~~**23-40**~~
~~**YARD REGULATIONS**~~

[ENTIRE YARD REGULATIONS MOVING TO 23-30]

~~**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 SECTION 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 SECTION 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 SECTION 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 23-312, 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	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B R5D

* 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)

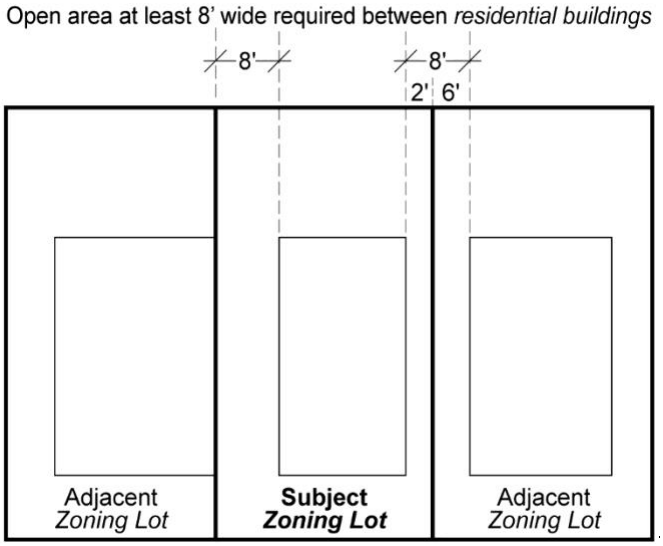


Figure A
(23-461c1)

(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)

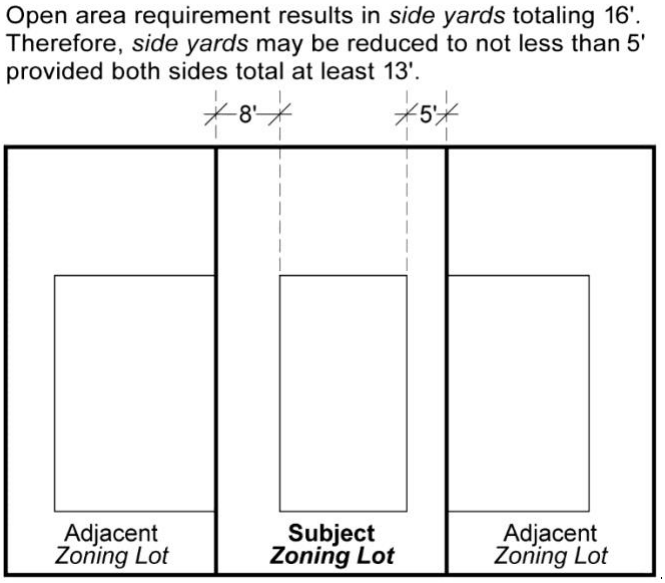


Figure B
(23-461c2)

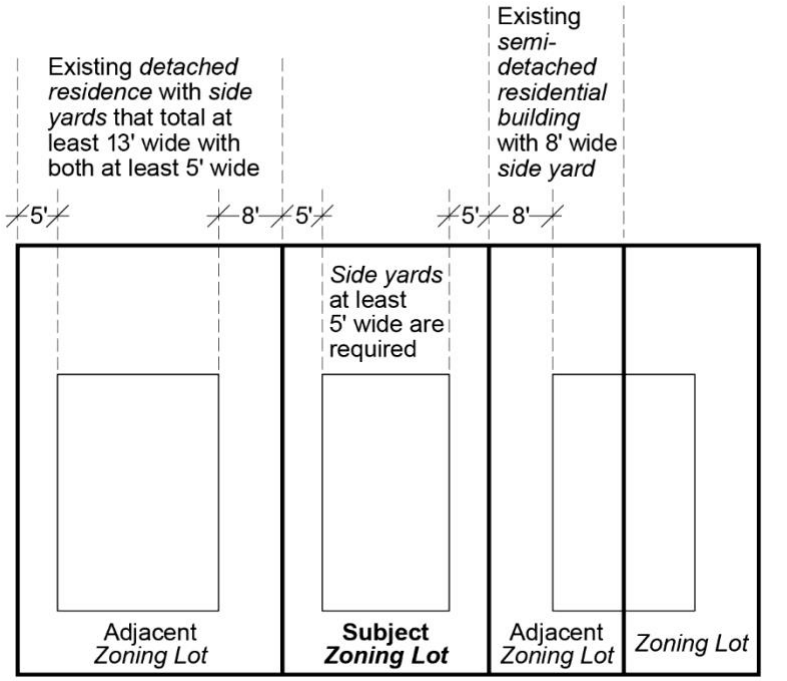
(3) Permitted obstructions in open areas between #buildings#

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~~
~~(23-461c4)~~

~~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 SECTION 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. SECTION 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 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 SECTION 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).~~

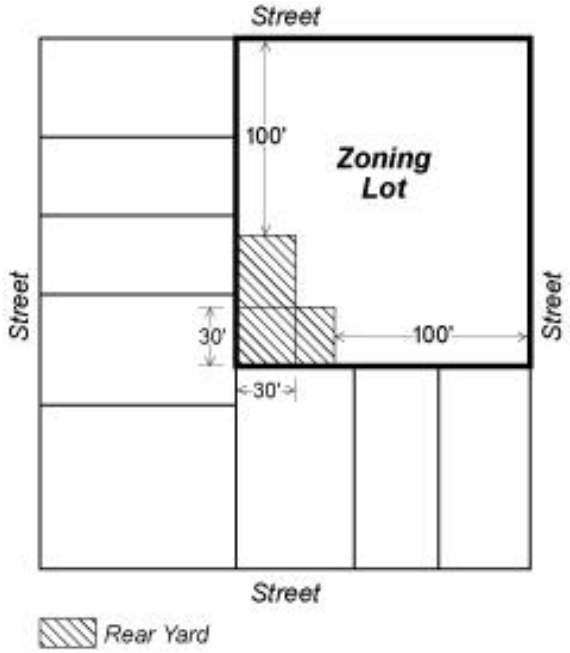
~~23-471~~
~~Beyond one hundred feet of a street line~~

[ENTIRE TEXT MOVING TO SECTION 23-343]

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

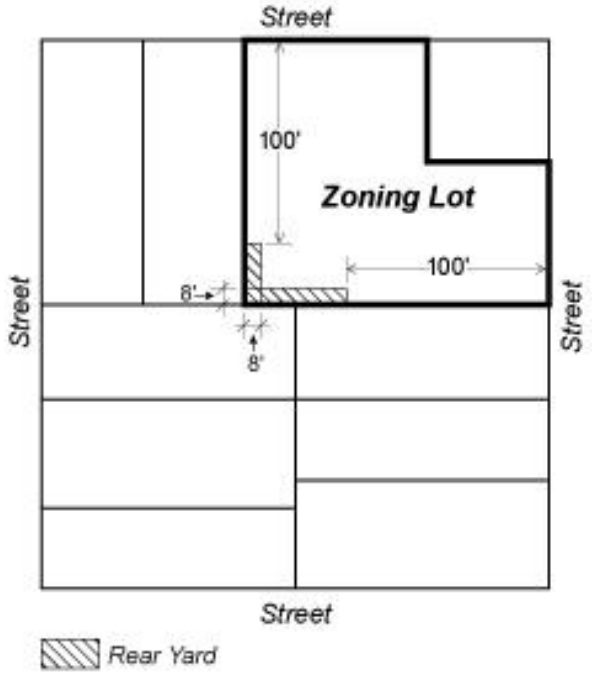
~~In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered 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.~~

BEGINNING OF SECTION 23-40 THROUGH SECTION 23-49 NEW TEXT

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 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). Such obstructions shall also be permitted to penetrate a #sky exposure plane# for #height factor buildings# set forth in Section 23-72, inclusive.

23-411
General permitted obstructions

[MOVING FROM SECTION 23-621. MODIFYING TO ADD SAFETY GUARDS]

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, whether applied singly, or in combination, 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 for the portion that exceeds four feet in height; 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#;

(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 SECTION 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), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures or other screening), 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 screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (c)(3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) in R1 through R5 Districts, for #buildings# on #qualifying residential 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 26-50 (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]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(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).

(b) In the districts indicated, for #buildings# other than those subject to the provisions set forth in Section 23-421, for those #buildings# subject to any height and setback regulations, the following rules shall apply within a required front setback distance above a maximum base height:

(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 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 tower portion. Such dormer 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 SECTION 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 residential sites# or on #zoning lots# containing #qualifying senior housing#, or for certain #large sites#, 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]

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 structures#, 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)

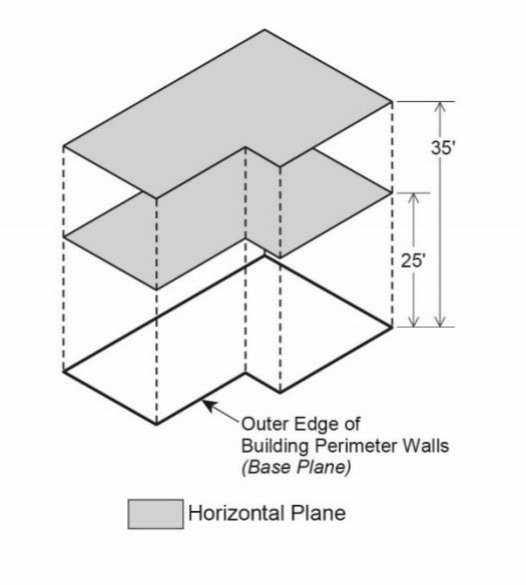


Figure A

(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.

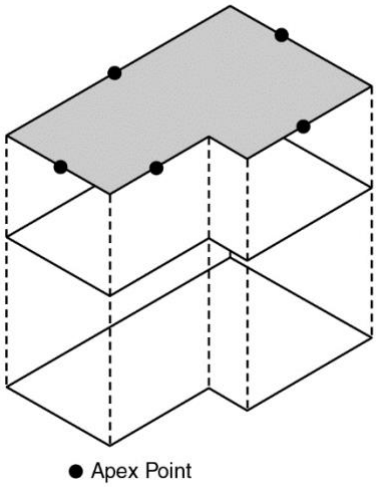


Figure B

(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)

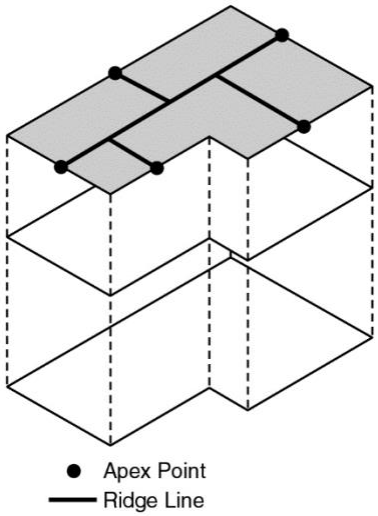


Figure C

(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.

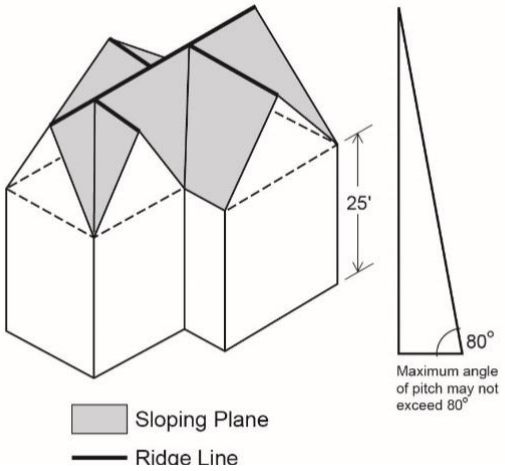
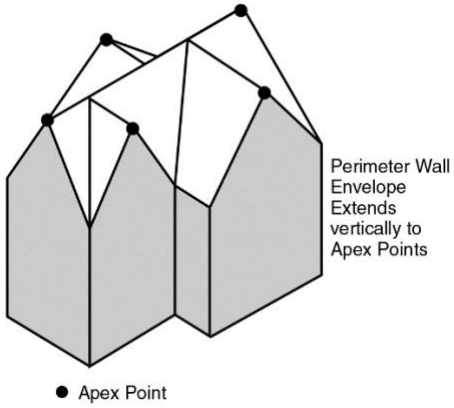


Figure D

(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).



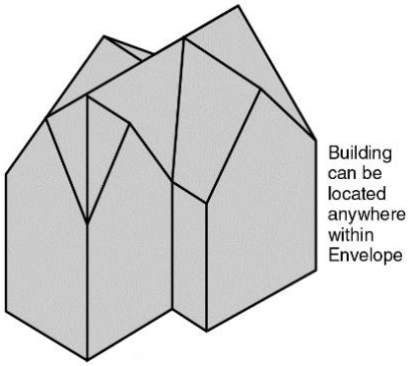


Figure E Figure F

(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).

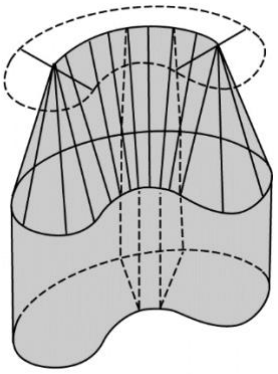


Figure G

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 #buildings or other structures# 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.

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#.

(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 residential sites and qualifying senior housing

[NEW TEXT FOR QUALIFYING RESIDENTIAL 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 residential 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 RESIDENTIAL SITES# AND #QUALIFYING SENIOR HOUSING#

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X	20	35	35
R4 R4-1 R4A R4B	20	35	45
R5 R5A R5B R5D	20	45	55

23-425
Height and setback modifications for large sites

[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 #large sites# that are:

(1) #qualifying residential sites#; or

(2) #zoning lots# located in R3-2, R4, R5, R5B or R5D Districts.

(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.

23-426
Additional height and setback provisions

[MOSTLY NEW TEXT ADAPTED FROM MEDIUM AND HIGH-DENSITY ALLOWANCES. PARAGRAPH (c) IS A REPLACEMENT OF SECTION 23-463]

R1 R2 R3 R4 R5

In the districts indicated, the following additional regulations shall apply:

(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 #multiple dwelling residences# 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 SECTION 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.

The height of all #buildings or other structures# shall be measured from the #base plane#. #Lot coverages# for towers, including maximums and minimums, where applicable, shall be applied at every level.

23-431
Street wall location requirements

[CONTENT OF SECTION 23-661 MOVING TO SECTION 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 (Basic height and setback requirements). 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. The provisions of this Section may be modified pursuant to Section 23-437 (Additional height and setback provisions).

(a) Line-up rules

In R6B, R7B, and 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 least the minimum base height specified in Section 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) 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 10 feet of the #street line# and extend to at least the minimum base height specified in Section 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 10 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 occupies an entire #block#, at least 50 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, 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 SECTION 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. The provisions of this Section may be modified pursuant to Section 23-437 (Additional height and setback provisions).

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6A R6[1] R6-1	40	65	75
R6B R6[2]	30	45	55
R6D R6-2	30	45	65
R7A R7-1[1] R7-2[1]	40	75	85
R7B R7-1[2] R7-2[2]	40	65	75
R7D	60	85	105
R7X R7-3	60	95	125
R8A	60	95	125
R8B	55	65	75
R8X	60	95	155
R8[2]	60	85	115
R8[1]	60	95	135
R9A[1] R9[1]	60	105	145
R9A[2] R9[2]	60	95	135
R9D R9-1	60	125	175
R9X[1]	105	125	175
R9X[2]	60	125	165
R10X[1] R10[1]	60	155	215
R10A[1]	125	155	215
R10A[2] R10X[2] R10[2]	60	125	185
R11A[1]	125	155	255

R11A[2] R11	60	155	255
R12	60	155	325

[1] For #zoning lots# or portions thereof within 100 feet of a #wide street#

[2] 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 SECTION 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 #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.

(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

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6A R6 R6-1	65	95
R6B	45	65
R6D R6-2	55	75
R7A R7-1 R7-2	85	115
R7B	65	95
R7D	95	125
R7X R7-3	105	145
R8A	105	145
R8B	85	105
R8X	105	175
R8	105	145
R8[1]	125	175
R9A R9	135	185

R9X R9D R9-1	155	215
R10A R10X R10	155	235
R11A R11	155	325
R12	155	395

[1] 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 occupy an entire #block#; or

(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

District	Maximum Height of #Buildings or other Structures# (in feet)
R6-2	95
R6 R6-1	125
R7-1 R7-2	155
R7-3	185
R8	215
R8[1]	255
R9	285
R9-1	315

R10	355
R11	405
R12	495

[1] 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 SECTION 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.

For certain areas, additional tower regulations are set forth in Section 23-442.

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.

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) 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#. However, any #story# located within the highest 15 percent of the tower may cover less than 33 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.

(b) In R9 or R10 districts without a letter suffix, the following tower-on-a-base provisions 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 a 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.

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

(c) In R9 or R10 District without a letter suffix, on #narrow streets#, in applying the tower regulations of Section 23-436, where the #lot coverage# does not exceed 40 percent, the #street wall# location provisions of Section 23-431 need not apply.

23-443
Special provisions for certain community districts

[CONSOLIDATING PROVISIONS OF SECTIONS 23-674, 23-675, FOR MANHATTAN , AND SECTION 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

(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:

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

(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.

23-444
Special provisions in other geographies

(a) Special provisions for #zoning lots# adjoining #public parks#

[MOVING TEXT FROM SECTION 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 #multiple dwelling residences# 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.

(c) #Limited Height Districts#

[MOVING TEXT FROM SECTION 23-691, AND MODIFYING]

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.

END OF SECTION 23-40 THROUGH SECTION 23-49 NEW TEXT

~~**23-50**~~
~~**Additional Yard Regulations**~~

~~**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.~~

~~**23-52**~~
~~**Special Provisions for Shallow Interior Lots**~~

[MOVING TEXT TO SECTION 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 SECTION 23-344]

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 SECTION 23-344]

~~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 SECTION 23-344]

~~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 SECTION 23-344]

~~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 SECTION 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 SECTION 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 SECTION 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#.~~

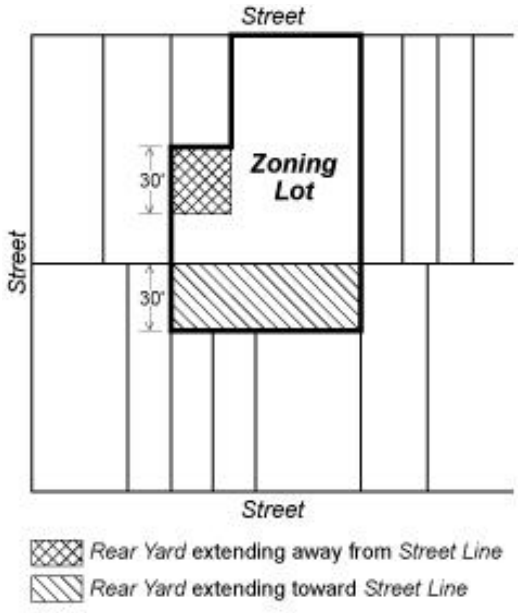
~~23-543~~
~~For zoning lots with multiple rear lot lines~~

[MOVING TEXT TO SECTION 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# :~~

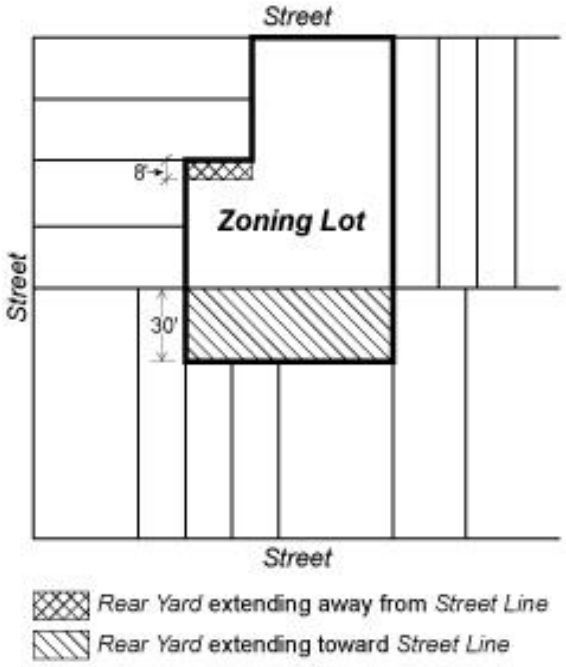
~~(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#, except as modified in Section 23-52 (Special Provisions for Shallow Interior Lots).~~



~~(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~~

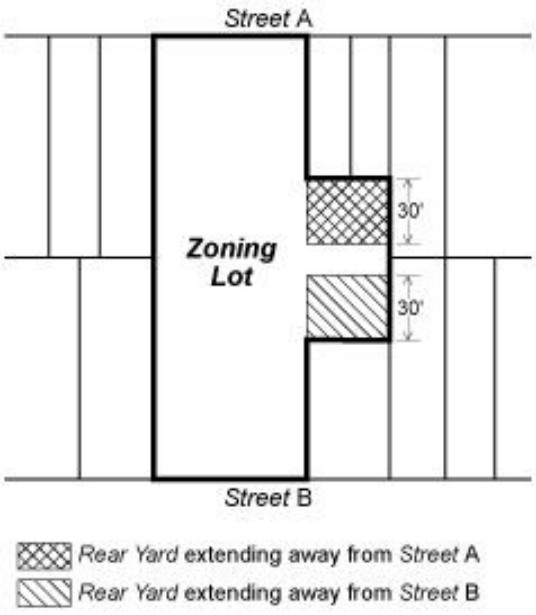
~~#zoning lot#.~~



~~(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).~~

~~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).~~

BEGINNING OF SECTION 23-50 THROUGH SECTION 23-59 NEW TEXT

23-50
DENSITY REGULATIONS

[MOVING ENTIRE TEXT FROM SECTION 23-20, INCLUSIVE, AND MODIFYING]

23-51
Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11R12

The provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, 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#.

23-52
Maximum Number of Dwelling Units

[MOVING TEXT FROM SECTIONS 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 #multiple dwelling residences#, 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#.

END OF SECTION 23-50 THROUGH SECTION 23-59 NEW TEXT

~~**23-60**~~
~~**HEIGHT AND SETBACK REGULATIONS**~~

[ENTIRE SECTION 23-60 TEXT MOVING TO SECTION 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.~~

~~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 SECTION 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 SECTION 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 SECTION 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 SECTION 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#;

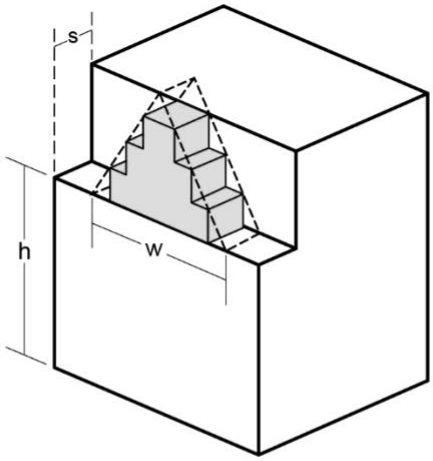
(3) the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the #street wall line# and the #rear wall line#; and

(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#.

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~~
~~(23-621c, 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]

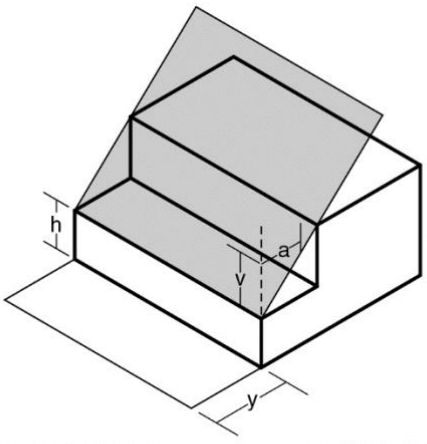
Height and setback regulations for R1 through R5 Districts are set forth in this Section. Such maximum heights may only be penetrated by permitted obstructions set forth in Section 23-62.

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



a - Horizontal distance
v - Vertical distance
h - Height of *sky exposure plane* above *front yard line level*
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

(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.

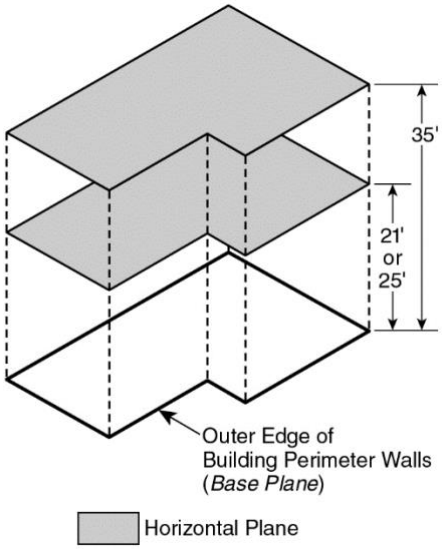
For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered 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#

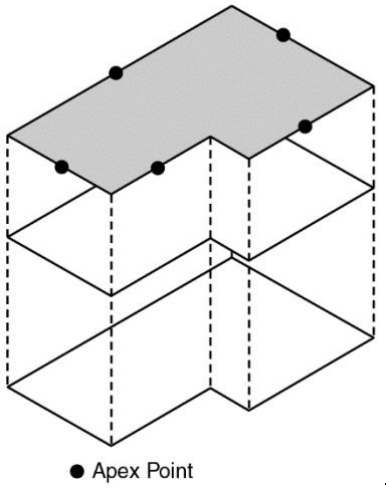
Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of 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)

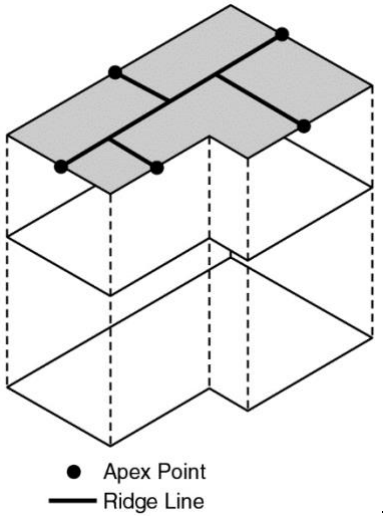
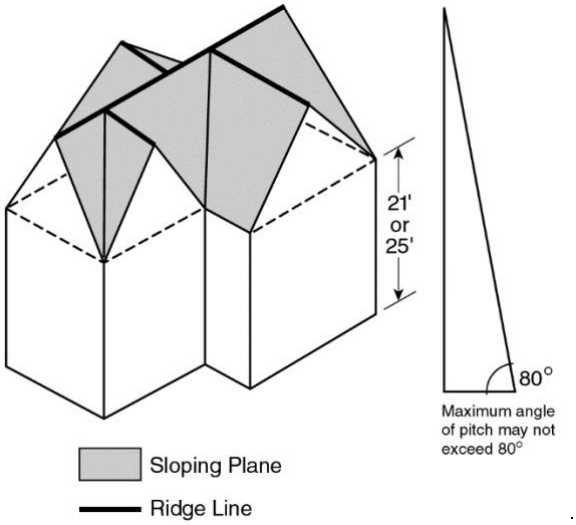


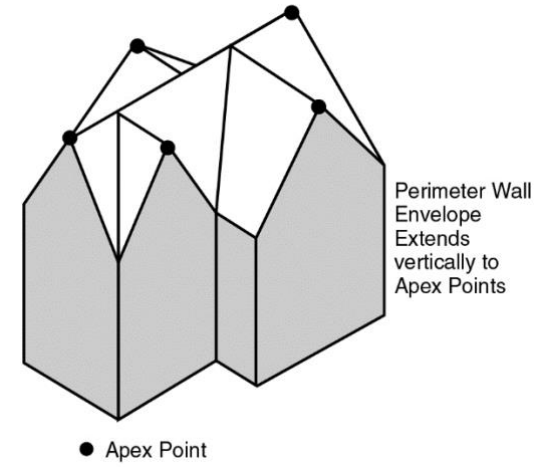
Figure C
(23-631b3)

(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.

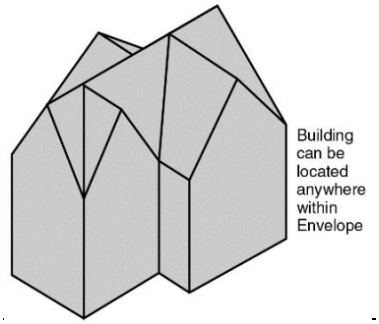


~~Figure D~~
~~(23-631b4)~~

~~(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.~~



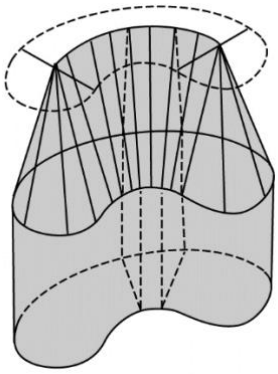
~~(23-631b5.1)~~



~~Figure E and F~~
~~(23-631b5.2)~~

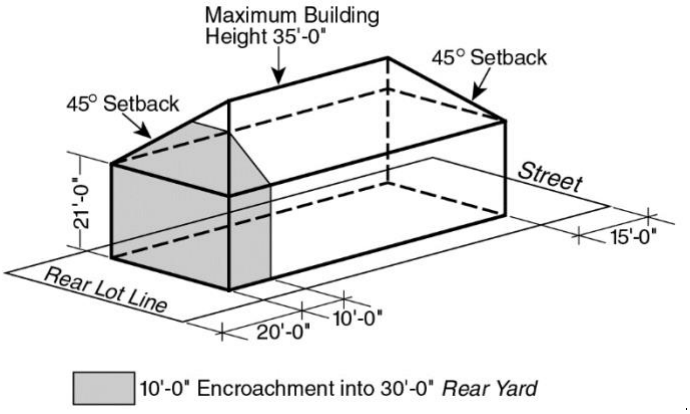
~~(6) Special Situations~~

~~(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~~

~~(c) 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 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.

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.

(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 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:

(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:

(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~~

[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~~

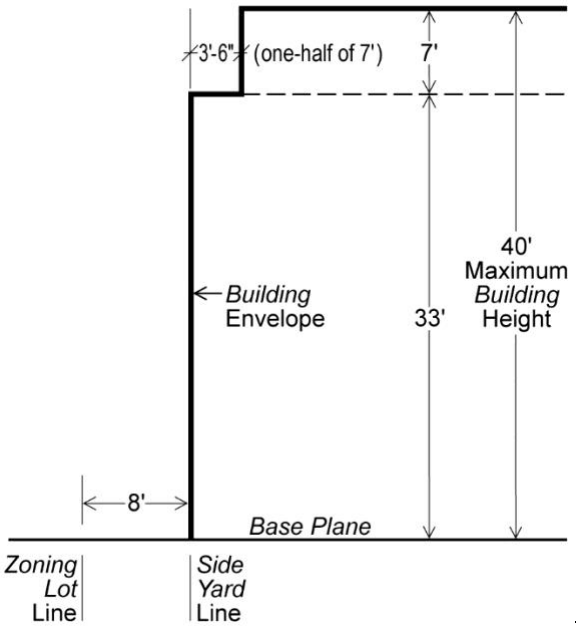
~~In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one-half the height of that 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)~~

~~(c) 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#.~~

~~23-64~~
~~Basic Height and Setback Requirements~~

[ENTIRE SECTION 23-64 TEXT MOVING TO SECTION 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

[MOVING TEXT TO SECTION 23-72]

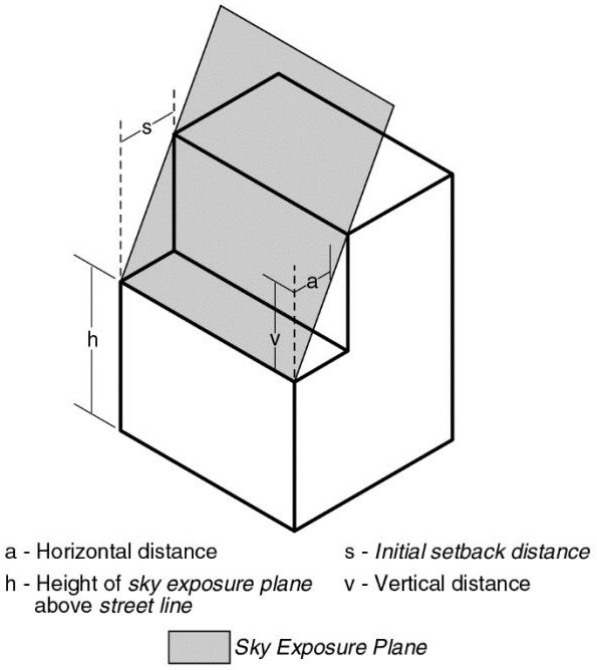
R6 R7 R8 R9 R10

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#	#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
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~~



~~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 SECTION 23-72]

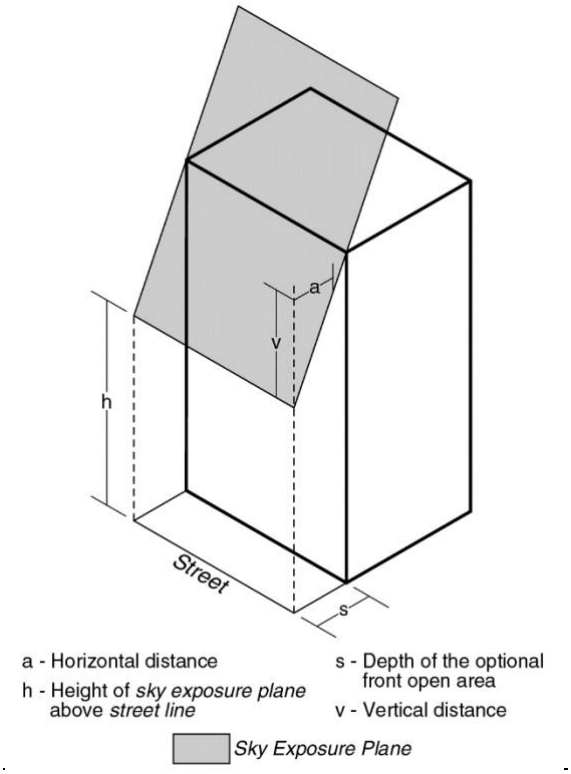
~~R6 R7 R8 R9 R10~~

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#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		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
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



~~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 SECTION 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# 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#.~~

~~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#.

(c) 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 SECTION 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 the permitted number of #stories#.~~

~~23-661~~
~~Street wall location~~

[MOVING TO SECTION 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

(c) 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[1]	60	105	145
R9A[2]	60	95	135
R9D	60	85[4]	N/A[3]
R9X[1]	105	120	170
R9X[2]	60	120	160
R10A[1]	125	150	210
R10A[2]	60	125	185
R10X	60	85	N/A[3]

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[2]	30	45	55
R6[1] inside #Manhattan Core#	40	55	65
R6[1] outside #Manhattan Core#	40	65	70
R7[1] inside #Manhattan Core# R7[2]	40	65	75

R7[1] outside #Manhattan Core#	40	75	80
R8[2]	60	85	115
R8[1] inside #Manhattan Core#	60	85	120
R8[1] outside #Manhattan Core#	60	95	130
R9[1]	60	105	145
R9[2]	60	95	135
R10[1]	125	155	210
R10[2]	60	125	185

[1] For #zoning lots# or portions thereof within 100 feet of a #wide street#

[2] 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#

[3] #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)

[4] 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, 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[1]	105	125	175	17
R9X[2]	60	125	165	16
R10A[1]	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[1] outside #Manhattan Core#	40	65	75	7
R7[1] outside #Manhattan Core#	40	75	85	8
R8[1] inside #Manhattan Core#	60	85	125	12
R8[1] outside #Manhattan Core#	60	95	135	13
R10[1]	125	155	215	21

[1] For #zoning lots# or portions thereof within 100 feet of a #wide street#

[2] 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.

(c) 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~~

~~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]

~~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~~	~~Maximum Height for #Buildings or other Structures#~~	~~Maximum Number of #Stories#~~

			other Structures# with #non-qualifying ground floors# (in feet)	with #qualifying ground floors# (in feet)	
R6A	40	65	80	85	8
R7A	40	75	90	95	9
R7D	60	95	110	115	11
R7X[1]	60	105	140	145	14
R8A	60	105	140	145	14
R8X	60	105	170	175	17
R9A[2]	60	125	170	175	17
R9A[3]	60	125	160	165	16
R9X[2]	105	145	200	205	20
R9X[3]	60	145	190	195	19
R10A[2]	125	155	230	235	23
R10A[3]	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#
R6[4]	40	65	80	85	8
R7[2]	40	75	100	105	10

R7[5]	40	75	90	95	9
R8	60	105	140	145	14
R9[2]	60	125	170	175	17
R9[3]	60	125	160	165	16
R10[2]	125	155	230	235	23
R10[3]	60	155	210	215	21

[1] 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

[2] For #zoning lots# or portions thereof within 100 feet of a #wide street#

[3] 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#

[4] 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#

[5] 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#

(c) 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 #MIH 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

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6	65	115	11
R7	75	135	13
R8	105	215	21
R9-1	125	285	28

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 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
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.~~

~~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.~~

~~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 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 SECTION 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

23-692
Height limitations for narrow buildings or enlargements

[MOVING TO SECTION 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:

(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.

	Height permitted within 25 feet of	
District	R1 through R5 District, other than R5D District (in feet)	R5D or R6B District (in feet)
R6 R6A R7[1] R7B R8B	45	55
R7[2] R7A R7D	55	65
R7X R8 R8A R8X R9 R10	65	65

[1] 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] For #zoning lots# or portions thereof within 100 feet of a #wide street#~~

BEGINNING OF SECTION 23-60 THROUGH SECTION 23-69 NEW TEXT

23-60
ADDITIONAL DESIGN ELEMENTS

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.

23-612
Planting strips in residence districts

[MOVING TEXT FROM SECTION 23-04, AND MODIFYING]

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 SECTIONS 23-13, 23-131, 23-132 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:

(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, whether applied singly, or in combination, 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 for the portion that exceeds four feet in height; 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 SECTIONS 28-21 AND 28-22 AND MODIFYING]

All #developments#, #enlargements#, #extensions# or #conversions# in #buildings# containing #multiple dwelling residences# that result in a total number of #dwelling units# of nine or more 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 #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.

END OF SECTION 23-60 THROUGH SECTION 23-69 NEW TEXT

~~**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~~

~~(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#;~~

~~(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.

BEGINNING OF SECTION 23-70 THROUGH SECTION 23-79 NEW TEXT

23-70
SPECIAL RULES FOR HEIGHT FACTOR BUILDINGS

In R6 through R9 Districts without a letter suffix, except R6-1, R6-2, R7-3 and R9-1 Districts, optional provisions for #height factor buildings# are set forth in this Section, inclusive.

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

	In R6 Districts	In R7 Districts	In R8 Districts	In R9 Districts

For #zoning lots# with a #height factor# of	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

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

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:

$$\frac{1}{FAR} = \frac{OSR}{100} + \frac{1}{HF}$$

23-72
Special Height and Setback Regulations for Height Factor Buildings

[NEW TEXT]

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 (Tower regulations). Notwithstanding the preceding, for narrow #buildings#, the provisions of Section 23-724 shall apply.

23-721
Front setbacks

[MOVING TEXT FROM SECTION 23-641]

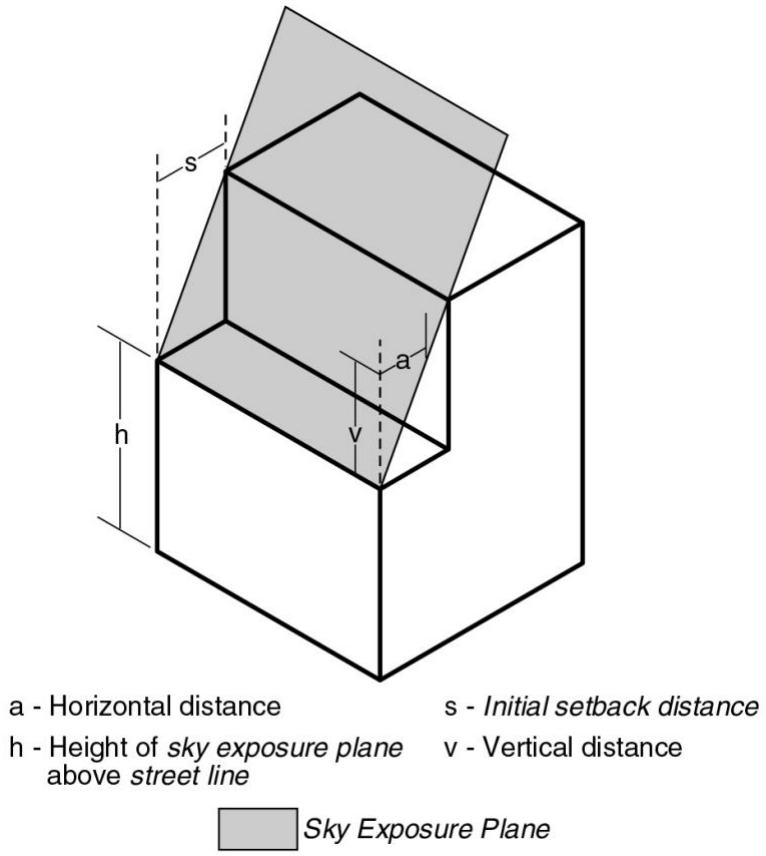
R6 R7 R8 R9

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

#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#	#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
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8 or R9 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 Districts

23-722
Alternate front setbacks

[MOVING TEXT FROM SECTION 23-642]

R6 R7 R8 R9

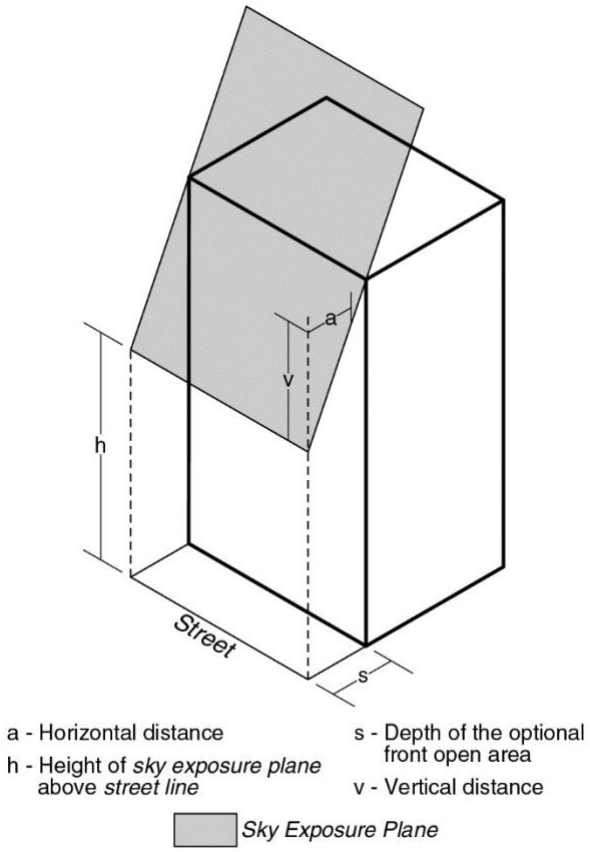
In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of Section 23-721 (Front setbacks). The #building 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

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
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 Districts

23-723
Tower regulations

[ADAPTING FROM SECTION 23-65 AND 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 (Tower regulations), 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#.

23-724
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 regulations of Section 23-722 and the tower regulations of Section 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 23-344 (Rear yard equivalent requirements) shall not apply.

END OF SECTION 23-70 THROUGH SECTION 23-79 NEW TEXT

EVERYTHING FROM SECTION 23-80 TO THE END OF ARTICLE II, CHAPTER 3 IS DELETED

~~**23-80**~~
~~**COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**~~

[MOVING TEXT TO SECTION 23-30]

~~**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 #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 SECTIONS 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 SECTIONS 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 SECTIONS 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 SECTIONS 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#.

23-85
Inner Court Regulations

[MOVING, WITH SECTIONS 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 SECTIONS 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

(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 SECTIONS 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.

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 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 SECTIONS 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 SECTION 23-90, INCLUSIVE, 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.

23-911
General definitions

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

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#.

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#.

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).

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 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.~~

~~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 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 (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 73-624 (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#.

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#.

Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

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#.~~

~~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.~~

~~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 (e)(Special requirements for rental preservation affordable housing) or Section 23-962, paragraph (f)(Special requirements for homeownership preservation affordable housing), as applicable.~~

~~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#.~~

~~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).~~

~~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#.~~

~~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.

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 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.

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.

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# :

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.~~

~~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#.~~

~~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#.~~

~~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:

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#.

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#.

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#.

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.

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#.

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#.~~

~~Family member~~

~~"Family member" shall have the meaning set forth 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#.~~

~~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#.~~

~~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#.~~

~~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#.~~

~~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#.~~

~~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#.~~

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

(c) 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 (c) 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#.~~

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 4
Bulk Regulations for Community Facilities in Residence Districts

24-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01
Applicability of This Chapter

[MOVING TEXT TO SECTION 24-02, AND MODIFYING]

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.

~~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.~~

~~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 SECTION 24-04]

~~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 #co24mmunity 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).~~

~~#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).~~

24-02
Applicability in Special Situations

The conversion of non-#residential# #floor area# to #residences# 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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

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 SECTION 24-012, AND MODIFYING]

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 (Residential Bulk Regulations 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 24-06 (Modification of Bulk Regulations in Certain Districts).

(b) Height and setback

[RELOCATING FROM SECTION 24-011, AND MODIFYING]

(1) 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.

(2) In all other #Residence 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 in accordance with the applicable #Residence District# regulations;

(ii) the height and setback regulations of Section 23-43, 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

[UPDATING REFERENCES TO USES, PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; MAINTAIN CURRENT RULES IN LDGMA AREAS.]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

~~(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) #Buildings# containing certain #community facility# #uses# in #lower density growth management areas#~~

~~(1)~~(a) 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)~~(1) ambulatory diagnostic or treatment health care facilities, as listed ~~in Section 22-14 (Use Group 4)~~ under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

~~(ii)~~ (2) 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)~~(b) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:

[RELOCATING FROM SECTION 23-35, AND MODIFYING]

(1) 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;

~~(i)~~(2) the provisions of Section ~~23-44~~ 23-341 (Permitted obstructions in required yards or rear yard equivalents), inclusive, shall be modified to prohibit parking spaces of any kind within a #front yard#;

~~(ii)~~(3) in lieu of ~~Sections 23-46~~ Section 23-331 (Basic side yard requirements in R1 through R5 Districts) ~~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

~~(iii)~~(4) 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 24-06 (Modification of Bulk Regulations in Certain Districts) 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.~~

~~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#~~

[RELOCATING THE IDEA THAT LONG-TERM CARE FACILITIES REGULATIONS FOLLOW AFFORDABLE INDEPENDENT RESIDENCE FOR SENIORS (AIRS) REGULATIONS TO THE DEFINITION OF LTCF IN 12-10]

~~(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:~~

~~(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.

(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, 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 SECTION 24-03, AND MODIFYING]

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 DISTRICT APPLICABILITY]

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

[UPDATING SECTION NUMBER; TITLE AND TEXT UNCHANGED]

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 DISTRICT APPLICABILITY]

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 DISTRICT APPLICABILITY; 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
R5D	2.00	80	60

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH ~~R10~~ R12 DISTRICTS FOR CONTEXTUAL DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#
R6A	3.00	80	60
R6B	2.00	80	60
R6D	2.50	80	65
R7A	4.00	80	65
R7B	3.00	80	65
R7D	~~4.20~~ 4.66	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
R11A	12.00	100	70

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#
R6-2	2.50	70	65
R6 R6-1	4.80	70	65
R7-1	4.80	70	65
R7-2 R7-3	6.50	70	65
R8	6.50	75	65
R9 R9-1	10.00	75	65
R10	10.00	75	65
R11	12.00	100	70
R12	15.00	100	70

24-111
Maximum floor area ratio for certain community facility uses

[ADDING APPLICABILITY FOR R6 THROUGH R12 WITH A LETTER SUFFIX, AND UPDATING CROSS-REFERENCES]

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)~~ 22-144 (Use Group IV) – uses permitted by special permit, ~~73-12 (Community Facility Uses in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts)~~ 73-13 (Community Facilities), inclusive, and 73-13 (Open Uses in R1 or R2 Districts) 73-111 (Outdoor racket courts and skating rinks), 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 (Maximum Floor Area Ratio and Percentage of Lot Coverage).

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 10.00; 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 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 DISTRICT APPLICABILITY]

* * *

24-14
Floor Area Bonus for a Public Plaza

R9 R10 R11 R12

[ADDING NEW DISTRICT APPLICABILITY]

* * *

24-15
Floor Area Bonus for Arcades

R9 R10 R11 R12

[ADDING NEW DISTRICT APPLICABILITY]

* * *

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 DISTRICT APPLICABILITY]

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 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R12

[ADDING NEW DISTRICT APPLICABILITY]

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).~~

24-162
Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

[ADDING NEW DISTRICT APPLICABILITY]

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4-1, R4A, R4B, R5D, R6A ~~and,~~ R6B and R6D 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 SECTION 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 SECTION 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~~

~~(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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCE]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section ~~23-13~~ 23-62 (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

[ADDING NEW DISTRICT APPLICABILITY]

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
Special provisions for height factor buildings

For #height factor buildings# in R6 through R9 Districts without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-70 (SPECIAL RULES FOR HEIGHT FACTOR BUILDINGS), inclusive, shall be modified by the provisions of this Section.

(a) #open space ratio# for #residential# portions of #buildings#

[RELOCATING PROVISIONS FROM SECTION 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:

(1) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;

(2) 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

(3) 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#

[RELOCATING FROM SECTION 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 a #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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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

[UPDATING CROSS-REFERENCES]

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)~~ 23-312 (Additional permitted obstructions generally permitted in all yards);

(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

[UPDATING CROSS-REFERENCE]

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 (Minimum Required Front Yards)~~ 23-321 (Basic front yard requirements in R1 through R5 Districts) shall apply.

24-35
Minimum Required Side Yards

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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 (Basic side yard requirements in R1 through R5 Districts), 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

[ADDING NEW DISTRICT APPLICABILITY]

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.

24-36
Minimum Required Rear Yards

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-38
Special Provisions for Through Lots

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING TERM]

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#~~ the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

24-393
For zoning lots with multiple rear lot lines

[ADDING NEW DISTRICT APPLICABILITY]

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#.

* * *

24-40
SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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 24-04 (Applicability of Article II, Chapter 3 Regulations). For other #buildings# in R6 through ~~R10~~ R12 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

[UPDATING CROSS-REFERENCE]

In all #Residence Districts#, the obstructions set forth in Section ~~23-621~~ 23-411 (General permitted ~~obstruction allowances~~ obstructions), 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):

(a) Balconies, unenclosed, subject to the provisions of Section 24-166;

(b) 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# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

(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;~~

~~(4)~~ the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# ~~the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building#~~ and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) 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);

(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(e) Spires or belfries;

(f) Wind energy systems, #accessory# or as part of #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.

* * *

Maximum Height of Walls and Required Setbacks

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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

[ADDING NEW DISTRICT APPLICABILITY]

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# (in feet)	Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial	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 #Narro				

w Street#	On #Wide Street#	Setback Distance#		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, 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

[ADDING NEW DISTRICT APPLICABILITY]

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, ~~or~~ 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#	
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 ~~or~~ R10 R11 or R12 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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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 (Special tower provisions) 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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCE]

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~~ 24-164 (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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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.

(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 ~~23-651~~ 23-442 (Special tower provisions) 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)~~ paragraph (a) of Section 23-443 (Special provisions for certain community districts).

~~(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)~~ 23-443.

24-57
Modifications of Height and Setback Regulations

[ADDING NEW DISTRICT APPLICABILITY, AND UPDATING CROSS-REFERENCES]

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)~~ (b) and (c) of Section 24-56 (Special Height and Setback Provisions for Certain Areas), 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

[ADDING NEW DISTRICT APPLICABILITY]

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

[TRYING TO CLARIFY THAT WHERE THE HEIGHTS OF 23-00 WITH HEIGHT LIMITS ARE ELECTED, THESE PROVISIONS DO NOT APPLY, AS THEY ARE REDUNDANT]

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section 23-40, inclusive.

24-591
Limited Height Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In ~~all districts, as~~ the districts 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-lA	60 feet
LH-2	70 feet
LH-3	100 feet

24-592
Height limitations for narrow buildings or enlargements

[UPDATING CROSS-REFERENCE]

R7-2 R8 R9 R10

In the districts indicated, the provisions of Section ~~23-692 (Height limitations for narrow buildings or enlargements)~~ 23-724 (Height limitations for narrow buildings) 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

24-61
General Provisions and Applicability

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-62
Minimum Dimensions of Courts

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-63
Outer Court Regulations

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-642
Inner court recesses

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-65
Minimum Distance Between Required Windows and Walls or Lot Lines

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

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

[ADDING NEW DISTRICT APPLICABILITY]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

24-66
Modifications of Court Regulations or Distance Requirements

[ADDING NEW DISTRICT APPLICABILITY]

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~~

[REDUNDANT TEXT. CHAPTER DOES NOT APPLY TO RESIDENTIAL PORTION]

~~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~~

[REDUNDANT TEXT. CHAPTER DOES NOT APPLY TO RESIDENTIAL PORTION]

~~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 (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~~

[REDUNDANT TEXT. CHAPTER DOES NOT APPLY TO RESIDENTIAL PORTION]

~~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 (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**~~
24-67
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 (General permitted obstruction allowances)~~ 23-311 (Permitted obstructions in all yards, courts and open areas), 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 paragraph (g) of Section ~~23-442~~ 23-312;

(b) Fences;

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 5
Accessory Off-street Parking and Loading Regulations

25-00
GENERAL PURPOSES AND DEFINITIONS

*** * ***

~~**25-021**~~
~~**Applicability of regulations to non-profit hospital staff dwellings**~~

[REMOVING REQUIREMENTS FOR HOSPITAL STAFF DWELLINGS 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.~~

~~**25-023**~~
25-021
Applicability of regulations in the Manhattan Core and Long Island City area

[RENUMBERING SECTION, CONTENT 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.

~~**25-025**~~
~~**Applicability of regulations to Quality Housing**~~

[REMOVING, AS 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).~~

~~**25-026**~~
25-022
Applicability of regulations in the waterfront area

[RENUMBERING SECTION, CONTENT UNCHANGED]

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**~~

[REMOVING; 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~~

~~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

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-12
Maximum Size of Accessory Group Parking Facilities

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-13
Modification of Maximum Size of Accessory Group Parking Facilities

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-14
Exceptions to Maximum Size of Accessory Group Parking Facilities

25-141
For hospitals

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-142
For accessory# #uses in large-scale residential developments

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-15
Maximum Spaces for Single-Family Detached Residences

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

25-16
Maximum Spaces for Other Than Single-Family Detached Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

[MODIFYING CONTENT TO ALIGN WITH PARKING MAXIMUMS
SET FORTH IN THE NYS MULTIPLE DWELLING LAW]

~~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).~~

In all districts, as indicated, 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#.

~~**25-161**~~
~~**In R3, R4 or R5 Districts**~~

[DELETING TO ALIGN WITH PARKING MAXIMUMS
SET FORTH IN THE NYS MULTIPLE DWELLING LAW
]

~~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 TO ALIGN WITH PARKING MAXIMUMS
SET FORTH IN THE NYS MULTIPLE DWELLING LAW]

~~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 TO ALIGN WITH PARKING MAXIMUMS
SET FORTH IN THE NYS MULTIPLE DWELLING LAW]

~~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#.~~

* * *

25-17
Modification of Maximum Spaces for Other Than Single-Family Detached Residences

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

25-18
Maximum Spaces for Permitted Community Facility or Commercial Uses

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

25-19
Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

* * *

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, 1961~~ 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)~~

~~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~~

~~(c) 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[1]
R4 R4B R5A	100
R5	85
R6	70[2]
R5B R5D	66
R7-1	60[2]
R6A R6B R7-2 R7A R7B R7D R7X R8B[3]	50[2]
R8 R9 R10	40

~~[1] 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#~~

~~[2] 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#~~

~~[3] 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~~

[REMOVING; 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

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. An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either paragraph.

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 #dwelling units# is set forth in Table 2.

TABLE 1: REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN SINGLE- AND TWO-FAMILY HOMES	
District	**Requirement**
	Parking requirement per #dwelling unit# (in spaces)
R1 R2 R3 R4-1 R4A outside #lower density growth management areas#	1
R1 R2 R3 R4-1 R4A inside #lower density growth management areas#	1.5
R4 R4B R5 R6 R7 R8 R9 R10 R11 R12	1

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#.

TABLE 2: REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN MULTIPLE DWELLINGS			
District	**Requirement**		**Waiver**
	Column A	**Column B**	**Column C**
	Parking requirement per #dwelling unit# (in percent)	Parking requirement per #income-restricted housing unit# (in percent)	Maximum waiver (in spaces)
R3	100	50	0
R4	100	50	1
R5	85	42.5	1

R6	50	25	5
R7	50	15	25
R8	40	12	30
R9	40	12	40
R10	40	12	50
R11	40	12	60
R12	40	12	75

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**~~

[REMOVING, AS WAIVERS BEING 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**~~

[REMOVING, AS WAIVER IS BEING 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~~

District	#Lot Area#	Percent of Total #Dwelling Units#
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

[REMOVING, AS WAIVER IS BEING 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

[REMOVING, AS 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, AS 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, AS 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, AS 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

[REMOVING, AS THIS PROVISION— REGARDING SPECIFIC PROJECTS IN 2016 — IS 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#~~
~~R3-2 R4~~	~~80~~
~~R5~~	~~70~~
~~R5D R6*~~	~~55~~
~~R6A R6B R7B~~	~~35~~
~~R7-1*~~	~~45~~
~~R7-2 R7A R7D R7X R8 R9 R10~~	~~25~~

~~* 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~~
~~R6~~	~~R6A~~
~~R7-1~~	~~R7A~~

~~25-26~~
~~Waiver of Requirements for Small Number of Spaces~~

[REMOVING; 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~~

[REMOVING WAIVERS AND INCORPORATING 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~~	~~1~~
~~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.~~

~~**25-262**~~
~~**For conversions**~~

~~R6 R7-1 R7A R7B R7D R7X~~

[REMOVING; 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**~~

[REMOVING; 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**~~

[REMOVING – 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 residences);

(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 residences

[REPURPOSING SECTION NUMBER, ESTABLISHING ALLOWANCE FOR SINGLE/TWO FAMILY RESIDENCES 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 (Calculation of Parking Requirements) 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 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 (Calculation of Required Parking), 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# 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);

~~(c) 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~~ 25-36 (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.

Parking Requirement Category	**Type of Requirement**
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

Parking Requirement Category	**PRC - A**				**PRC- B**			**PRC - C**
	A1 [1]	**A2** [1]	**A3**	**A4**	**B1**	**B2**	**B3**	
Unit of measurement	**per square feet of #floor area#** [2]				**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 [3]	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 [3]	
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required			None required	None required	

[1] For #accessory# #commercial# #uses# in #large-scale residential developments#.

[2] 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.

[3] 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~~** [5]	**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 [4]	~~1 per 6~~	~~1 per 10~~	n/a	n/a
R3							

R4 R5							
R6 R7-1 R7B			1 per 8 [4]	~~1 per 12~~	~~1 per 20~~		
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12			1 per 10 [4]	~~None required~~	~~None required~~		

[4] Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

~~[5] 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 person's rated capacity~~ [6]**	**per square feet of #floor area# ~~7~~[6]**
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 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required	None required		~~None required~~	None required

~~6~~ ~~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.~~

~~7~~5 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)**							
	Courthouses	**Fire or Police stations**	**Prisons**	**Docks**	**Camps, overnight and day**	**Post offices** [8]	**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								
R4 R5						1 per 1,200		
R6 R7-1 R7B		1 per 800				1 per 1,500		1 per 800

R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12		None required				None required		None required

~~8~~6 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 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	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;

Camps, overnight or day;

Outdoor tennis courts;

#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 <u>R11 R12</u>

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**~~

[REMOVING; OBSOLETE SINCE 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 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.~~

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# on any #zoning lot#:

(a) within the #Inner Transit Zone#;

(b) with a #lot area# of 10,000 square feet or less that is located within the #Outer Transit Zone#; or

(c) 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

[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:

(i) publicly available electric vehicle charging facilities and any associated equipment; or

(ii) #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 of a written request to the landlord.

~~25-411~~
~~In R1 or R2 Districts~~

[REMOVING, 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~~

[REMOVING, AND MOVING CONTENT TO SECTION 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 <u>R11 R12</u>

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

[CLARIFYING APPLICABILITY, IN LINE WITH TEXT STANDARDS AND UPDATING 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~~

(b) not further than the maximum distance from the #zoning lot# specified in Section 25-521; and

(c) enclosed, except that 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 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 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	1,000 feet

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 REMOVAL OF RESIDENTIAL PARKING REQUIREMENTS IS BEING PROPOSED]

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~~

[DELETING TO REFLECT THAT REMOVAL OF REQUIREMENTS FOR HOUSES OF WORSHIP IS BEING PROPOSED]

~~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 <u>R11 R12</u>

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 <u>R11 R12</u>

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# #residences#

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.

(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~~ 36-57 (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~~ 25-65 (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 to #large sites#.

~~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~~ 36-57.

* * *

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 Section~~s 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, as well as for #qualifying residential sites# in R1 through R5 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 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.~~

R9 R10 R11 R12

(e) In the districts indicated, no curb cuts shall be permitted on any #wide street# frontage, and only one curb cut, having a maximum width of 22 feet, including splays, shall be permitted on any #narrow street# frontage.

Curb cuts on #wide streets#, or additional curb cuts on #narrow streets#, may be allowed, provided the Department of Transportation certifies to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

(f) Modification of curb cut ~~location~~ requirements:

R2X R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(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 R9 R10 R11 R12

(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#.

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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

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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 than 66 percent of the #lot area# not covered by #buildings# containing #residences#; and~~

~~(c) 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 (c) 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

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~~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

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~~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

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~~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

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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

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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

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25-73
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

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25-74
Size of Required Berths

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-75
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

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25-76
Surfacing

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-77
Screening

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-80
BICYCLE PARKING

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-81
Required Bicycle Parking Spaces

25-811
Enclosed bicycle parking spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS AND CLARIFICATION FOR ROOMING UNITS CONSISTENT WITH METHOD OF DETERMINING VEHICULAR PARKING SPACES]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the

#accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

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25-812
Unenclosed bicycle parking spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-82
Authorization for Reduction of Spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-83
Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-84

Off-site Bicycle Parking Spaces

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-85
Floor Area Exemption

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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25-86
Waiver or Reduction of Spaces for Subsidized Housing

[ADDING APPLICABILITY FOR NEW R11 AND R12 DISTRICTS]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 6
Special Urban Design Regulations

26-00
APPLICABILITY OF THIS CHAPTER

[UPDATING CROSS REFERENCES AND REMOVING UNNECESSARY TEXT]

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).

26-10
SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

* * *

26-12
General Purposes of Sections 26-13 through ~~26-17~~ 26-15

[UPDATING SECTION TITLE & REMOVING UNNECESSARY TEXT]

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~~ 26-15, 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.~~

26-13
Definitions

[UPDATING CROSS REFERENCE]

For the purposes of Sections 26-10 through ~~26-17~~ 26-15, inclusive, the following definitions shall apply:

* * *

~~**26-15**~~
~~**Curb Cuts**~~

[PROVISION BEING MOVED TO 25-631 WITH OTHER CURB CUT RULES AND

CONSOLIDATED WITH MANHATTAN CORE RULE]

~~No curb cuts are permitted on #wide streets#. Curb cuts are permitted along #narrow streets# provided that no #zoning lot# has more than one curb cut on any #narrow street# frontage.~~

~~Additional curb cuts, in excess of one for each #narrow street# frontage, for #zoning lots# in excess of 30,000 square feet of #lot area#, or curb cuts on #wide streets# for #zoning lots# that have no #narrow street# frontage may be allowed, provided that the City Planning Commission and the Department of Transportation certify to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.~~

~~An application to the Commission for certification respecting any additional curb cut shall be made on a standard application form for such certification and shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut. The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such curb cuts.~~

~~In cases where a #zoning lot# has no #narrow street# frontage, the Commission may waive the applicable #accessory# off-street parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided).~~

~~The parking requirements set forth in Sections 25-21, 25-31 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.~~

~~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~~
26-15

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).

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 Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), 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.~~

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 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.

26-40
STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

* * *

~~**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**~~
~~**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 on a #building# rooftop or 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 between the #street wall, or prolongation thereof, and a #street line#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(e) where #energy infrastructure equipment# 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.

(f) However, no screening shall be required for:

(1) equipment with a depth limited to 18 inches from an exterior wall;

(2) solar energy systems; and

(2) wind energy systems.

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#.

However, no screening shall be required for:

(a) equipment with a depth limited to 18 inches from an exterior wall;

(b) solar energy systems;

(c) wind energy systems; and

(d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on [date of adoption] where the height of the equipment does not exceed the height of the rooftop parapet, or a height of 6 feet as measured from the roof level.

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.

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 7
Additional Regulations and Administration in Residence Districts

27-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

27-01
Applicability of This Chapter

The regulations of this Chapter shall apply:

(a) to the provision of affordable housing, as set forth in 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); and

(b) to anti-harassment areas, as set forth in 27-20 (ANTI-HARASSMENT).

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

[MOVING DEFINITIONS FROM SECTION 23-911, AND MODIFYING]

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 an #MIH site# or #UAP 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

(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 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 (APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS), inclusive.

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 annually.

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 30 years;

(ii) for a rental #building#, restricts an amount of #floor area# that would otherwise be required for the #MIH development# or #UAP development# or for the life of such #building#, or, for a #homeownership# #building#, requires such building to be owned by a housing development fund corporation established pursuant to Article XI of the Private Housing Finance Law for the life of such building; and

(iii) is entered into in connection with #public funding#.

HPD may impose additional requirements for #buildings# subject to an #affordable housing regulatory agreement# in the #guidelines#.

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 an #affordable housing regulatory agreement# or #restrictive declaration#, to occupancy by:

(1) for a #UAP site#:

(i) #households# having an income less than or equal to a weighted average of 60 percent of the #income index# at #initial occupancy#, with no more than three #income bands#, and no #income band# exceeding 100 percent of the #income index#; except that, with regard to #preservation affordable housing#, a #grandfathered tenant# shall also be permitted to occupy such #affordable housing unit#; or

(ii) #households# as specified in an #affordable housing regulatory agreement# executed after [date of adoption]; or

(2) For an #MIH site#, #qualifying households#;

(b) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 27-113, pursuant to an #affordable housing regulatory agreement# or a #restrictive declaration#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #MIH site# or #UAP 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 #MIH site# or #UAP 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 #MIH site# or #UAP 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 MIH Sites or UAP 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#.

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 [date of adoption], 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 73-622 (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 [date of adoption], 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 73-622 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Any temporary or final certificate of occupancy issued after [date of adoption] for an #MIH site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

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 [date of adoption], 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 73-622 (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 (Additional requirements for rental affordable housing) or paragraph (c) of Section 27-162 (Additional requirements for homeownership affordable housing), as applicable.

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:

(a) of 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 [date of adoption]; or

(c) as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-622 (Reduction or modification of Mandatory Inclusionary Housing requirements).

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 (Mandatory 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 73-622 (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.

Restrictive declaration

A "restrictive declaration" is a restrictive declaration approved by #HPD#, or is any 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.

Super's unit

A "super's unit" is, in any #MIH site# or #UAP 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" ("Universal Affordability Preference development") is a #development# or #enlargement# outside of 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).

A #UAP development# may exceed the #floor area ratios# set forth in Section 23-221 (Basic floor area regulations) only by the amount of #affordable housing# provided, either on the #UAP zoning lot# or, for #UAP developments# within a #UAP Offsite Option Area#, on a #UAP site# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

UAP Offsite Option Area

A "UAP offsite option area" ("Universal Affordability Preference 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 adoption]. 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" ("Universal Affordability Preference site") is a #building# that contains #affordable housing# or a #supportive housing project# for a #UAP development#

Any temporary or final certificate of occupancy issued after [date of adoption] for a #UAP site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

UAP zoning lot

A "UAP zoning lot" ("Universal Affordability Preference 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

[MOVING DEFINITIONS FROM SECTION 23-912, AND MODIFYING]

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 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 (Use Group III – Community Facilities), inclusive, 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

[MOVING DEFINITIONS FROM SECTION 23-913, AND MODIFYING]

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 a #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 subletter pursuant to the #guidelines#.

27-12
General Provisions

MIH and UAP 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 Section 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

[MOVING FROM SECTION 23-154(d), AND MODIFYING]

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 73-622 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (a)(4) of this Section, 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 paragraphs (a)(3)(i) through (a)(3)(v) and paragraph (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, or shall be subject to an #affordable housing regulatory agreement#.

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 five 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 #affordable housing 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#.

(vi) Affordable Housing Regulatory Agreement option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is restricted pursuant to an #affordable housing regulatory agreement# may satisfy the requirements of this this Section.

(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 73-622 (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 MIH Sites or UAP 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 [date of adoption]

[THIS SECTION INTENTIONALLY LEFT BLANK]

27-133
Mandatory Inclusionary Housing areas

[MOVING FROM SECTION 23-933, AND UPDATING CROSS-REFERENCES]

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.

Additionally, the Mandatory Inclusionary Housing Program shall apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-06 (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

[MOVING FROM SECTION 23-934, AND MODIFYING]

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 permitted #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, may 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

[MOVING FROM SECTION 23-94, AND MODIFYING]

(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 (ADMINISTRATION OF AFFORDABLE HOUSING), 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 as to 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 #MIH site# or #UAP site# shall be determined based upon plans for such #MIH site# or #UAP 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#.

#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, in its sole discretion, to deny any #affordable housing application# proposing #preservation affordable housing#, and shall have the right, in its sole discretion, to deny any #affordable housing application# that includes #homeownership affordable housing#, #qualifying senior housing#, or a #supportive housing project#, and instead require that such #MIH site# or #UAP site# be developed with rental #affordable housing#. Pursuant to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites), #HPD# may adopt #guidelines# for the implementation of this paragraph (g).

27-15
MIH Zoning Lots and UAP Zoning Lots

The #residential# #floor area ratio# of an #MIH zoning lot# or a #UAP 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 MIH developments and UAP developments

[MOVING FROM SECTION 23-953, AND MODIFYING]

(a) #MIH development# or #UAP 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 an #MIH development# or a #UAP development# based on the #affordable housing# or, in the case of 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 #MIH development# or #UAP development#.

(b) #MIH development# or #UAP development# certificates of occupancy

(1) The Department of Buildings shall not issue a certificate of occupancy for any #MIH development# or #UAP 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 an #MIH development# or #UAP 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 #MIH site# or #UAP 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#.

(c) #UAP developments# and #MIH developments# that are restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

27-16
Requirements for MIH Sites or UAP Sites

[MOVING FROM SECTION 23-96, AND MODIFYING]

#Affordable housing# in an #MIH site# or #UAP site#, except for #affordable housing# that is restricted pursuant to an #affordable housing regulatory agreement#, shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of #MIH site# or #UAP site# and #MIH zoning lot# or #UAP zoning lot#

Where an #MIH site# or #UAP site# is not located within the #MIH zoning lot# or the #UAP zoning lot#, as applicable:

(1) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP development#, as applicable, shall be located within the same Community District; or

(2) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP 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 an #MIH site# or #UAP 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 #MIH site# or #UAP 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 #MIH site# or #UAP 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 #MIH site# or #UAP 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 an #MIH site# or #UAP 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 an #MIH site# or #UAP 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), 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 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 an #MIH site# or #UAP 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

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 27-14 (Methods of Providing Affordable Housing).

(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 (Additional requirements for rental affordable housing), 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 #MIH site# or #UAP 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 otherwise be 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 an #MIH site# or #UAP site# shall run with the #zoning lot# containing such #MIH site# or #UAP site# for not less than the #regulatory period#.

(j) One #MIH site# or #UAP site# may satisfy requirements for multiple #MIH zoning lots# or #UAP zoning lots#, as applicable

Any #MIH site# or #UAP site# may contain #affordable housing# that satisfies the requirements of Section 27-00, inclusive, for more than one #MIH development# or #UAP 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

[MOVING FROM SECTION 23-961, AND MODIFYING]

The additional requirements of this Section shall apply to rental #affordable housing# for the entire #regulatory period#, except that rental #affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(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.

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.

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 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 application# 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

[MOVING FROM SECTION 23-962, AND MODIFYING]

The additional requirements of this Section shall apply to #homeownership affordable housing# for the entire #regulatory period#, except that #homeownership affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(a) #Affordable housing application#

(1) An #affordable housing application# shall:

(i) include the building plans;

(ii) 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

(iii) 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 an #MIH site# or #UAP 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 #restrictive declaration date#, the average of the #legal regulated rents#, as such term is defined in Section 27-112 (Definitions applying to rental affordable housing), 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 #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing application# 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#;

Either

(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 #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#;

(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

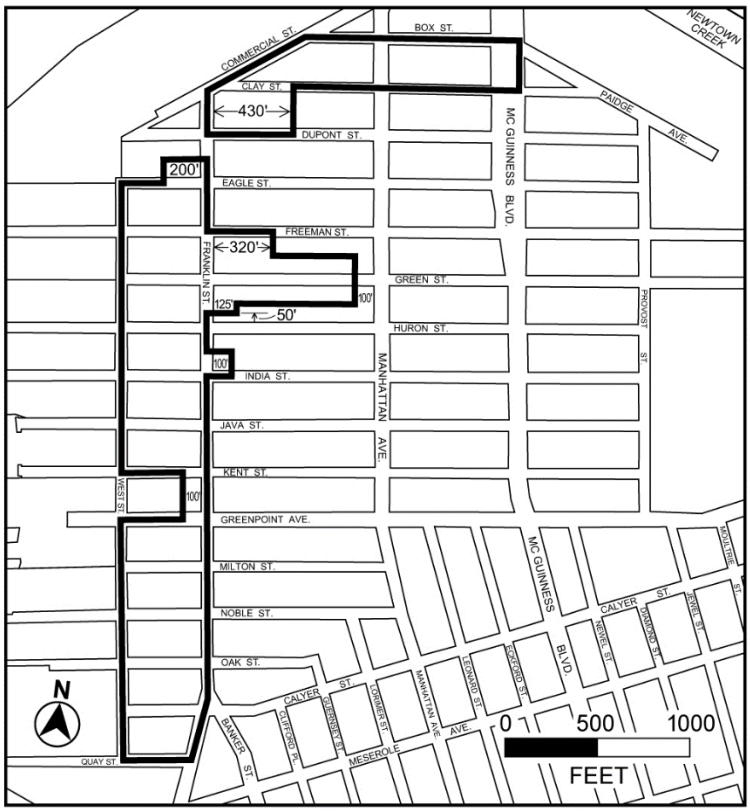
[MOVING TEXT FROM SECTION 23-013]

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 paragraph (a) of Section 93-90, 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

Greenpoint-Williamsburg Anti-Harassment Areas

Referral date

"Referral date" shall mean October 4, 2004.

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

(3) 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 (ADMINISTRATION OF AFFORDABLE HOUSING) or 62-362

(Special floor area regulations for affordable or senior 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 paragraphs (b)(2) and (d) of Section 62-364 (Special height and setback regulations); 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.~~

(d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, 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 28-12 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 #residential# #floor area# or applicable #community facility# #floor area#)
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.~~

~~(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~~

~~(b) any other #zoning lot# with a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.~~

* * *

32-131
Use Group III – general use allowances

The following tables include #uses# classified as Use Group III and set forth their allowances by #Commercial 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 32-10 (USE ALLOWANCES).

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 U = Open use allowances**									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Educational Institutions									
College or school student dormitories and fraternity or sorority student houses	●	●	●	●	●	●	●	–	~~E2~~ N/A
Faith-based Institutions and Facilities									
Monasteries, convents or novitiates	●	●	●	●	●	●	●	● P	N/A
Rectories or parish houses with sleeping accommodations	●	●	●	●	●	●	●	●	N/A
Seminaries with sleeping accommodations	●	●	●	●	●	●	●	●	*
Health Institutions and Facilities									
#Long-term care facilities#	● P	● P	● P	● P	● P	● P	● P	–	~~E3~~ N/A
#Non-profit hospital staff dwellings #	● P	● P	● P	● P	● P	● P	● P	● P	~~[*]~~ N/A
Other Institutions and Facilities									
Philanthropic or non-profit institutions with	● S	● S	● S	● S	● S	● S	● S	–	~~E3~~ N/A

sleeping accommodations									
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	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Educational Institutions									
Colleges or universities, including professional schools but excluding business colleges or trade schools	●	●	●	●	●	●	●	–	*
#Schools#	●	●	●	●	●	●	●	○	G
Faith-based Institutions and Facilities									
Houses of worship	●	●	●	●	●	●	●	●	~~G~~ N/A
Parish houses without sleeping accommodations	●	●	●	●	●	●	●	●	N/A
Seminaries without sleeping accommodations	●	●	●	●	●	●	●	●	*
Health Institutions and Facilities									
Ambulatory diagnostic or treatment health care facilities	● P	● P	● P	● P	● P	● P	● P	● P	A3
Non-profit or voluntary hospitals and related facilities, except animal hospitals	●	●	●	●	●	●	●	●	E1
Proprietary hospitals and related facilities,	●	●	●	●	●	●	●	●	E1

except animal hospitals									
Other Institutions and Facilities									
Community centers	●	●	●	●	●	●	●	●	B3
Libraries	●	●	●	●	●	●	●	–	G
Museums	●	●	●	●	●	●	●	–	G
Non-commercial art galleries	●	●	●	●	●	●	●	●	G
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 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

*** * ***

32-141
Use Group IV – general use allowances

[UPDATING LANGUAGE TO MATCH PROPOSAL]
*** ***

B. Infrastructure

USE GROUP IV(B) –INFRASTRUCTURE									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted **S = Size restriction P = Additional conditions U = Open use allowances**									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Communication Infrastructure									
Radio or television towers, non-#accessory#	○	○	○	○	○	○	○	○	N/A
Telephone exchanges or other communications equipment structures	● P	● P	–	● P	● P	● P	● P	● P	N/A
Electric and Gas Infrastructure									
Electric power or steam generating plants	–	–	–	–	–	–	–	–	D2
Electric utility substation	● S U	● S U	○	● S U	● S U	● S U	● S U	● S U	N/A
Gas utility substations	● S U	● S U	–	● S U	● S U	● S U	● S U	● S U	N/A
Public utility stations for oil or gas metering or regulating	●	●	–	●	●	●	●	●	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	●	●	–	●	●	●	●	●	N/A
Sewage, Storm Water and Waste Infrastructure									
Composting	–	–	–	–	–	–	–	–	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	D2

Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	D1
Sewage disposal plants	○	○	○	○	○	○	○	○	D1
Water or sewage pumping stations	●	●	–	●	●	●	●	●	N/A
Transportation Infrastructure									
Airports	–	–	–	–	–	–	–	–	N/A
Boat launching facilities for non-commercial pleasure boats	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Bus stations	○	○	–	○	○	○	○	○	N/A
Docks	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	–	–	–	–	–	–	–	–	D2
Heliports	–	–	○	○	○	○	○	○	N/A
Mooring facilities for non-commercial pleasure boats	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Public transit or railroad electric substations	○	○	○	○	○	○	○	○	D2
Public transit yards, including accessory mo tor fuel pumps	–	–	–	–	–	–	–	● P U	D2
Railroad or ~~transit rights-of-way~~ <u>transit tracks</u>	● U	● U	● U	● U	● U	● U	● U	● U	N/A

Railroad passenger stations	○	○	○	○	○	○	○	○	N/A
Seaplane bases	○	○	○	○	○	○	○	○	N/A
Truck weighing stations	–	–	–	–	–	–	–	–	D2

* * *

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 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, C4-12, 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, set 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.

Impeded access frontage

An "impeded access frontage" shall refer to #zoning lot# ~~frontages facing transportation infrastructure~~ frontages along a #transportation-infrastructure-adjacent frontage# where direct vehicular or pedestrian access to areas beyond such infrastructure is inaccessible from all #streets# bounding the #block# containing the subject #zoning lot#.

~~Transportation infrastructure shall include:~~

~~(a) embankments under an elevated rail line;~~

~~(b) an open railroad right of way;~~

~~(c) a limited-access expressway, freeway, parkway or highway; or~~

~~(d) an elevated #street# located on a bridge.~~

*** * ***

32-40
SUPPLEMENTARY USE REGULATIONS

* * *

32-412
In other Commercial Districts

[ADDING NEW DISTRICT APPLICABILITY]

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**~~

~~**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#.

~~(c) 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	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 sq. ft. for #interior# or #through

C6-11 C6-12 C7	lots# or 500 sq. ft. on each frontage for #corner lots#.
C8	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 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 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.
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 C6-11 C6-12 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

[ADDING NEW DISTRICT APPLICABILITY]

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

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

33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01
Applicability of This Chapter

[MOVING BOILERPLATE PROVISIONS TO SECTION 33-02;
REMOVING REDUNDANT C6-1A LANGUAGE]

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.

~~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 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).~~

~~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.~~

33-02
Applicability in Special Situations

[REORGANIZING APPLICABILITY PROVISIONS IN THIS CHAPTER]

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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

~~**33-011**~~
~~**Quality Housing Program**~~

[DELETING SECTION 33-011]

33-03
Applicability of Article II, Chapter 3 Regulations

[REMOVING OBSOLETE SECTION 33-011 TEXT AND REPLACING WITH NEW SECTION 33-03 TEXT WHERE APPLICABLE, CONTEXTUAL DISTRICT REGULATIONS ARE MAINTAINED]

~~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 (Rear Yard and Rear Yard Equivalent Requirements), inclusive; and

(2) for #community facility uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23 (Special Floor Area Provisions for Multi-family Buildings), inclusive;

(ii) the #court# regulations of Section 23-35 (Court Regulations), inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37 (Other Open Area Regulations).

Any obstructions permitted within a specific open area pursuant to Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), 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.

~~**33-012**~~
~~**Special provisions for certain community facility uses**~~

[REMOVING SECTION AND RELOCATING — LONG-TERM CARE FACILITIES FOLLOW AFFORDABLE SENIOR HOUSING REGULATIONS INTO DEFINITION OF #LONG-TERM CARE FACILITIES# LOCATED IN SECTION 12-10]

~~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).~~

~~(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 #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).~~

~~(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, 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).~~

~~**33-02**~~
~~**Definitions**~~

[REMOVING REDUNDANT PROVISION]

~~Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.~~

33-04
~~**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):

(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 Hillsides Preservation District#;

#Special Hudson Yards District#;

#Special Little Italy District#;

#Special Long Island City Mixed Use District#;

#Special Ocean Parkway 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.

In C8 Districts the #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance

#Automotive service stations#

Industrial dry cleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

~~**33-04**~~
~~**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)~~

~~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)~~

33-05
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 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 (Floor Area Bonus for a Public Plaza).

33-121
In districts with bulk governed by Residence District bulk regulations

[BASELINE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY; ADDING NEW DISTRICT APPLICABILITYAND UPDATING CROSS-REFERENCES]

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 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
R6D R6-2	2.00	2.50	2.50
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R6-1 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R7-3 R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9 R9-1	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
R11	2.00	12.00	12.00
R12	2.00	15.00	15.00

* 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 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

(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

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY; ADDING NEW DISTRICTS]

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

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 C4-8 C4-9 C4-11 C4-12	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 C6-11	12.00
C5-3 C5-5 C6-6 C6-7 C6-9 C7-9 C6-12	15.00

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY; ADDING NEW DISTRICTS]

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

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 C4-8 C6-1 C6-2 C7-5	6.50

C8-3 C8-4	
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 C4-9 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C7-7	10.00
C4-11 C6-11 C7-8	12.00
C4-12 C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	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 (Commercial buildings in all other Commercial Districts).

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)~~, as specified in Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) 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) 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.

33-13
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 (PUBLIC PLAZAS), 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 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:

	Permitted Additional Square Feet of #Floor Area# per Square Foot of

Districts	#Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	10 square feet
C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8 C6-11 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#
C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	10 square feet
C4-6 C4-7 C4-9 C4-11 C4-12 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C6-11 C7-7 C7-8	6 square feet
C4-8 C6-1 C6-2 C7-5 C7-6	4 square feet

33-14
Floor Area Bonus for Arcades

[BASE TEXT REFLECTS CITY OF YES FOR ECONOMIC OPPORTUNITY]

C4-7 C5-2 C5-3 C5-4 C5-5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

[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 C6-11 C6-12 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~~ through R12 Districts, 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 ~~or R10~~ through R12 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-7 C7-8 C7-9	3 square feet
C4-8 C6-1 C6-2 C7-5 C7-6	2 square feet

* * *

33-20
YARD REGULATIONS

* * *

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 (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 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

[ADDING NEW DISTRICT APPLICABILITY]

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

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, or with a #residential equivalent# of, ~~R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X or R10~~ R6 through R12 Districts with a letter suffix, a #rear yard equivalent# shall be provided only as set forth in this paragraph. Such limitation shall also apply to C1 or C2 Districts mapped within R5D Districts; or

* * *

33-30
OTHER SPECIAL PROVISIONS FOR REAR YARDS

* * *

33-302

Along short dimension of block

[UPDATING WITH NEW DEFINED TERM]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as 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#~~ the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

* * *

33-32
~~Modifications~~ Modification of Yard Regulations

[ADDING NEW DISTRICT APPLICABILITY]

C5-5 C6-8 C6-9 C6-11 C6-12

(a) In the districts indicated, the regulations set forth in Sections 33-26 (Minimum Required Rear Yards) through 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), 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~~ #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 (Applicability of Article II, Chapter 3 Regulations). ~~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~~.

* * *

33-42
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), 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):

(a) Balconies, unenclosed, subject to the provisions of Section ~~24-166~~ 24-164 (Balconies);

(b) 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 and screening), 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#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

~~(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)~~(3) the aggregate area of such obstructions, including any screening, ~~the height of obstructions within the remaining #lot coverage#, not to~~ does not exceed 30

percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) 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 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(c) House of worship towers, ornamental, having no #floor area# in that portion of the tower penetrating such height limit or #sky exposure plane#;

(d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(e) Spires or belfries;

(f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided that:

(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) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

* * *

33-43
Maximum Height of Walls and Required Setbacks

[REMOVING A SPECIAL DISTRICT PROVISION]

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, 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 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 this Section. 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 this Section. The regulations of this Section shall apply except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), 33-49 (Special Height Limitations), inclusive, or 74-85 (Special Height and Setback Regulations) ~~or 85-04 (Modifications of Bulk Regulations)~~.

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#	#Sky Exposure Plane#				
			Height above the #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
Within R1, R2, R3, R4, R5, R5A or R5B Districts							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within R6 or R7 Districts							
20	15	60 feet or	60	2.7	to 1	5.6	to 1

		four #stories#, whichever is less						
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	

* * *

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#	#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#		Height above the #Street Line# (in feet)	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within C3 C4-1 C8-1 Districts							
		30 feet or					

20	15	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)(1) 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~~ 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive.

33-44

Alternate Front Setbacks

[UPDATING TERMINOLOGY, AND REMOVING A SPECIAL DISTRICT PROVISION]

C1 C2 C3 C4 C5 C6 C7 C8

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)<u>, inclusive,</u> 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), <u>or</u> 33-45 (Tower Regulations)<u>, inclusive</u>~~, 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#	
On	On	Height above	Vertical	Horizontal	Vertical	Horizontal

#Narrow Street#	#Wide Street#	#Street Line# (in feet)	Distance	Distance	Distance	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)		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#	Height above #Street Line# (in feet)	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

[ADDING NEW DISTRICT APPLICABILITY]

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

* * *

33-452
Community facility buildings in C1 or C2 Districts when mapped within ~~R7-2, R8, R9 or R10~~ R7-2 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, R7-3, 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

[ADDING NEW DISTRICT APPLICABILITY]

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-8 C4-9 C4-11 C4-12 C5-1 C6-1 C6-2 C6-3 C8-3 C8-4

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

[ADDING NEW DISTRICT APPLICABILITY]

C1 C2 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-3 C8-4

In the districts indicated, a tower permitted under the provisions of Sections 33-451 (In certain specified Commercial Districts), 33-452 (Community facility buildings in C1 or C2 Districts when mapped within R7-2 through R12 Districts) or 33-453 (Community facility buildings in certain specified Commercial Districts) 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

[ADDING NEW DISTRICT APPLICABILITY]

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

* * *

33-456
Alternate setback regulations on lots bounded by two or more streets

[ADDING NEW DISTRICT APPLICABILITY]

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

* * *

33-457
Tower setbacks on narrow blocks

[ADDING NEW DISTRICT APPLICABILITY]

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

* * *

33-471
Commercial and community facility uses

[ADDING NEW DISTRICT APPLICABILITY]

C5-5 C6-8 C6-9 C6-11 C6-12 C8

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 (Definitions) to 33-45 (Tower Regulations), 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

[UPDATING TO REFLECT PROPOSAL]

C1 C2 C3 C4 C5 C6 C7 C8

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

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section 23-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS).

* * *

33-492
Height limitations for narrow buildings or enlargements

[REMOVING CONTEXTUAL DISTRICTS. UPDATING REFERENCED]

~~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~~

~~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 23-724 (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

33-51
Minimum Dimensions of Courts for Community Facility Buildings

[UPDATING CROSS-REFERENCE]

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~~ 24-67 (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.

[MOVING BOILERPLATE TO 34-02. MOVING C3A TO 34-03.
ADDING RESIDENTIAL EQUIVALENCY FOR C4-4L TO TABLE IN 34-112]

~~However, 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 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, 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).~~

~~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.~~

34-02
Applicability in Special Situations

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).

Existing #buildings or other structures# that are #non-complying# #buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alteration would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

34-03
Applicability to Specific Districts

[RELOCATING FROM SECTION 34-01]

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

~~**34-011**~~
~~**Quality Housing Program**~~

[REMOVING OBSOLETE TEXT. CONTEXTUAL DISTRICT REGULATIONS WOULD STILL APPLY, PER SECTION 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.~~

~~(c) 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~~ exceptions to applicability of #Residence District# controls.

34-111
Residential bulk regulations in Cl 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 #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 residential 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

[ADDING NEW DISTRICTS TO TABLE. RELOCATING C4-4L]

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

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 C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C4-8 C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C4-9 C6-3	R9
C1-8A C2-7A C6-3A	R9A
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
C4-11 C6-11	R11
C4-11A	R11A
C4-12 C6-12	R12

* * *

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~~ 23-20 (~~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

[UPDATING CROSS REFERENCES AND TERMINOLOGY;
ADDING DISTRICT APPLICABILITY]

C4-6 C4-7 C4-11 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

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 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

[UPDATING CROSS REFERENCES AND TERMINOLOGY;
ADDING DISTRICT APPLICABILITY]

C4-6 C4-7 C4-11 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11 C6-12

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 <u>and Open Area</u> 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

[UPDATING DISTANCES, PER PROPOSAL]

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 #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.~~ <u>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.</u>

~~**34-233**~~
~~**Special provisions applying along district boundaries**~~

[REMOVING PROVISIONS, PER PROPOSAL]

~~C1 C2 C3 C4 C5 C6~~

~~(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#.~~

34-233
Change of use

[MOVING OSR REGULATIONS FROM SECTION 34-222]

C1 C2 C3 C4 C5 C6

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

[MODIFYING SKY EXPOSURE PLANE 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

(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 BUILDINGS WITH HEIGHT CAPS FROM APPLICABILITY]

For the purposes of applying the provisions of Section 23-723 (Height limitations for narrow buildings or enlargements) to #height factor building#, such provisions shall not apply in C4 through C6 Districts.

~~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.~~

~~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).~~

C1 C2 C4 C5 C6

~~(f)~~(e) ~~For #Quality Housing buildings#~~#Street wall# location

[ADJUSTING TO CONNECT TO STREET WALL RULES IN SECTION 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.

[MOVING BOILERPLATE TO SECTION 35-02. MOVING C3A TO SECTION 35-03. C6-1A TEXT IS REDUNDANT]

~~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.~~

~~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).~~

~~Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.e~~
~~Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.~~

35-02
Applicability in Special Situations

[MOVING BOILERPLATE FROM SECTION 35-01]

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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

35-03
Applicability to Specific Districts

[RELOCATING FROM 35-01]

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

~~**35-011**~~
~~**Quality Housing Program**~~

[REMOVING. TEXT IN SECTION 35-20 WILL CONTINUE TO MANDATE HEIGHT CONTROLS OF SECTION 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 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).~~

~~(c) 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 SECTION 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).~~u

~~(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~~

[REMOVING, 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 residential 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 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~~

~~(c) 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#.~~

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter.

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 SECTION 35-643(d)]

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 SECTION 23-00 TO NON-RESIDENTIAL PORTIONS. RELOCATING PROVISIONS FROM SECTIONS 35-011 & 35-012, AND EXPANDING ALLOWANCES]

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:

(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.

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 35-36 (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 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#.

35-32
Maximum floor area for mixed buildings on qualifying-transit-accessible sites

[NEW PROVISION FOR MIXED BUILDINGS IN LOW DENSITY TOWN CENTERS]

On #qualifying residential 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#
R3	1.50
R4	2.00
R5	2.50

~~35-311~~ **35-33**
Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

[UPDATING SECTION NUMBER AND MODIFYING]

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**~~
35-34
Existing public amenities for which floor area bonuses have been received

[UPDATING SECTION NUMBER]

* * *

~~**35-32**~~
~~**Open Space Ratio for Residential Portions of Buildings**~~

[HEIGHT FACTOR PROVISIONS MOVING TO SECTION 35-361]

~~C1 C2 C3 C4 C5 C6~~

~~In the districts indicated, a #zoning lot# containing a #residential building# or the #residential# 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#.~~

~~35-3~~
35-35
Floor Area Bonus for a Public Plaza or Arcade

[UPDATING SECTION NUMBER AND MODIFYING]

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-11 C4-12 C5 C6

[UPDATING SECTION NUMBER AND MODIFYING, 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

(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#.

[IN THESE DISTRICTS PLAZAS AND ARCADES ARE ALREADY PROHIBITED; CB 7 RULE APPEARS TO BE 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 C4-8 C4-9 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 C4-8 C4-9 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.

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~~
35-351
Arcades

[UPDATING SECTION NUMBER]

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~~
35-36
Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

[UPDATING SECTION NUMBER]

~~35-351~~
35-361
Special provisions for height factor buildings

[UPDATING SECTION NUMBER]

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 SECTION 35-33]

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#

[RELOCATING FROM SECTION 35-34]

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 SECTION 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**~~
35-362
~~**Special floor area regulations for certain districts**~~
Special tower provisions

[UPDATING SECTION NUMBER AND MODIFYING]

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a ~~residential equivalent~~ #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 35-641 (Special provisions for height factor 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#.

35-363
Special provisions for certain Community Districts

[RELOCATING FROM SECTION 35-361]

(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 SECTION 35-23]

In C4-2 Districts, the provisions of Section 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
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 SECTION 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~~

[REMOVING TEXT 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 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 SECTION 23-40. THE ENTIRETY IS STRUCK AND REPLACED TO IMPROVE READIBILITY.]

~~**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.~~

~~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 35-642(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).

(c) 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

(c) 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 (c) 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.~~

~~(c) 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 though 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 35-632 (e), 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. SECTIONS 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. SECTIONS 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.~~

NEW 35-60 PROVISIONS

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
Permitted Obstructions

[RELOCATING FROM SECTION 35-61 AND UPDATING 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 Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, to #qualifying residential 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

[MOVING FROM SECTION 35-65 AND MODIFING PER PROPOSAL]

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#.

35-631
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 Section 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. The provisions of this Section may be modified pursuant to Section 23-437 (Additional height and setback provisions).

(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 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.

(3) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the street wall provisions of paragraph (b) of this Section shall apply.

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 may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) of this Section 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 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 Section 23-432 need not 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 occupies an entire #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, or the height of the #building#, whichever is less.

(c) Special #street wall# location provisions for high-density districts

For #mixed buildings# purposes of applying the provisions of Section 23-723 (Height limitations for narrow buildings or enlargements) to #height factor building#, such provisions shall not apply in C4 through C6 Districts.

(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.

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 PER PROPOSAL; SECTION 35-655 PROVISIONS MOVING TO SECTION 35-632 (e)]

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#.

(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 SECTION 35-63 (a)]

In applying such regulations, 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.

[MOVING FROM SECTION 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#.

35-642
Special tower provisions

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 SECTION 35-653. UPDATING PER PROPOSAL]

(a) In #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.

[MOVING FROM SECTION 35-64 AND MODIFYING]

(c) In C4 through C6 Districts mapped within, or with a #residential equivalent# of an R9 or R10 District without a letter suffix, the tower regulations applicable to any #mixed building# shall be the regulations of Section 23-436. However, as an alternative, the tower regulations of Section 33-45 may be applied to the #mixed building#, and the #street wall# location provisions of Section 35-631 need not apply.

35-643
Special provisions for certain community districts

(a) Borough of Manhattan

(1) Community District 6

[RELOCATING FROM SECTION 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).

(b) Borough of Brooklyn

(1) Community Districts 8 and 9

[RELOCATING FROM SECTION 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 SECTION 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 SECTION 35-661, UPDATING CROSS-REFERENCES]

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 SECTION 35-23(a), AND MODIFYING]

In C4-2 Districts, the provisions of Section 23-70 (Special provisions for height factor buildings) shall not apply.

35-644
Special provisions in other geographies

(a) 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 #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to paragraph (c) of Section 35-632, the applicable maximum #building# heights may be increased by 10 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of R1 through R6 Districts, and by 20 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of R7 through R12 Districts.

(b) Special provisions for narrow #buildings#

[RELOCATING FROM 35-23. REMOVING BUILDINGS WITH HEIGHT CAPS FROM APPLICABILITY]

For the purposes of applying the provisions of Section 23-723 (Height limitations for narrow buildings or enlargements) to #height factor building#, such provisions shall not apply in C4 through C6 Districts.

* * *

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**~~

[REMOVING, AS 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, 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**~~

[REMOVING 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]

* * *

36-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21
General Provisions

[REMOVING REQUIREMENTS FOR HOUSES OF WORSHIP, UPDATING TRANSIT ZONE NOMENCLATURE FOR C7 DISTRICTS, AND ADDING NEW 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#.

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); and

~~(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~~ 36-25 (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.

Parking Requirement Category	**Type of Requirement**
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#** [1]				**per persons-rated capacity**			**per square feet of # lot area#** [4]
C1-1 C2-1 C3 C4-1	1 per 100	1 per 150	1 per 150 [2, 3]	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 [2, 3]	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 [2]	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 C4-8 C4-9 C4-11 C4-12 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

[1] 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.

[2] 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.

[3] 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.

[4] In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

<table>
<tr><th rowspan="2">Parking Requirement Category</th><th colspan="2">PRC – D</th><th colspan="3">PRC – E</th><th colspan="2">PRC – F</th></tr>
<tr><th>D1</th><th>D2</th><th>E1</th><th>E2</th><th>E3 [7]</th><th>F1</th><th>F2</th></tr>
<tr><td>Unit of measurement</td><td colspan="2">per square feet of #floor area# or per employees [5]</td><td colspan="3">per bed</td><td colspan="2">per guest room or suites</td></tr>
<tr><td>C1-1 C2-1 C3 C4-1</td><td rowspan="4">1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces</td><td rowspan="4">1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces</td><td rowspan="2">1 per 5 [6]</td><td rowspan="2">1 per 6</td><td rowspan="2">1 per 10</td><td rowspan="5">1 per 1</td><td>1 per 4</td></tr>
<tr><td>C1-2 C2-2 C4-2 C8-1</td><td>1 per 8</td></tr>
<tr><td>C1-3 C2-3 C4-2A C4-3 C8-2</td><td rowspan="2">1 per 8 [6]</td><td>1 per 12</td><td>1 per 20</td><td rowspan="2">1 per 12</td></tr>
<tr><td>C1-4 C2-4 C4-4 C4-5D C8-3

C7 outside the ~~#expanded transit zone#~~ <u>#Greater Transit Zone#</u></td><td>None required</td><td>None required</td></tr>
<tr><td>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 <u>C4-8 C4-9 C4-11 C4-12</u> C5 C6 C8-4

C7 within the ~~#expanded transit zone#~~ <u>#Greater Transit Zone#</u></td><td>None required</td><td>None required</td><td>1 per 10 [6]</td><td>None required</td><td>None required</td><td>None required</td></tr>
</table>

[5] 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.

6 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

7 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~~ 12-10.

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~~** ~~8~~	**per square feet of #floor area#** ~~[10]~~ 8
C1-1 C2-1 C3 C4-1	1 per 1,000	1 per 2	1 per 800	1 per 800	None required	~~1 per 10~~ ~~9~~	1 per 800
C1-2 C2-2 C4-2 C8-1						~~1 per 15~~ ~~9~~	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 C7 outside the ~~#expanded transit~~	None required	None required	None required	None required		~~None required~~ ~~[9]~~	None required

~~zone#~~ #Greater Transit Zone#							
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 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the ~~#expanded transit zone#~~ #Greater Transit Zone#	None required	None required	None required	None required		~~None required~~ [9]	None required

[8] ~~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.~~

[9] ~~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.~~

[10] [8] Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

Parking	**PRC – G (continued)**

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 1,200	1 per 400	
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 1,000		1 per 20			1 per 1,500	1 per 600	
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the ~~#expanded transit zone#~~ #Greater Transit Zone#	1 per 2,000		None required			1 per 2,000		
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 C4-8 C4-9 C4-11 C4-12 C5 C6	None required		None required			None required	None required	

C8-4 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 ARTICLE VII, CHAPTER 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 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 Required Parking)

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~~

[REMOVING, AS 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~~

[REMOVING, AS 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 ARTICLE II, CHAPTER 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**~~

[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**~~

[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**~~

[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~~

[REMOVING, AS 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~~

[REMOVING AS 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~~	~~#Lot Area#~~	~~Parking Spaces Required as a~~

C2 District is Mapped		Percent of total #Dwelling Units#
R6 R7-1* R7B R7-1 R7A R7D R7X	10,000 square feet or less	50 30
R7-2 R8** R9 R10	10,001 to 15,000 square feet	30 20

* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

** 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

[REMOVING, AS 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

District	#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#
C4-2 C4-3	10,000 square feet or less	50
C1-6 C2-6 C4-4 C4-5 C6-1 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	10,001 to 15,000 square feet	30 20

36-343
Waiver of requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

[REMOVING, AS 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~~

[REMOVING, AS 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~~

[REPLACING WITH PROPOSED 36-26 WAIVER]

~~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~~

[REMOVING, AS 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

[REMOVING, AS 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

[REMOVING, AS 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	1
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~~

[REMOVING, AS 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~~

[REMOVING, AS 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, R7-1, 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).~~

~~* 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~~

[REMOVING, AS REDUCTIONS ARE INCORPORATED INTO WAIVERS LISTED IN COLUMN C IN TABLE 2 IN SECTION 25-22]

~~C4-2 C4-3~~

~~In the districts indicated*, 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).~~

~~* 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 SECTION 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 residences);

(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 residences

[NEW SECTION]

Any #accessory# off-street parking space serving a #single#- or #two-family# #residence# that is required pursuant to Section 36-32 (Calculation of Required Parking) shall be permitted to be removed as-of-right at any time.

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 (Calculation of Required Parking), 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 for Places of Assembly).

~~**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**~~

[REMOVING 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

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, individual parking spaces #accessory# to #residences# may be rented 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.

~~(b)~~(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, and any associated equipment;

(2) #car sharing vehicles#; or

(3) vehicles stored by automobile rental establishments.

~~(c)~~(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, and any associated equipment;

(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 the 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 ALLOWANCE 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 residences

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 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 to #large sites#.

* * *

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**~~

[REMOVING SECTION 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.~~

~~**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 SECTION NUMBER AND UPDATING CROSS-REFERENCE]

The City Planning Commission may authorize modifications or waivers of the requirements of Section ~~36-59~~ 36-58 (Cross Access Connections in the Borough of Staten Island), 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 AND ADDING NEW 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).

Loading Requirement Category	**#Use# or Use Group**
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

Loading Requirement Category	**Districts**	
	C1 [2] C2 [2] C3 C4-1 C4-2 C4-3 C8-1 C8-2 C7 outside the ~~#expanded transit zone#~~ #Greater Transit Zone#	**C1 [3] C1-6 C1-7 C1-8 C1-9 C2 [3] C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-3 C8-4 C7 within the ~~#expanded transit zone#~~ #Greater Transit Zone#**
LRC-A	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
LRC-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
LRC-C	First 25,000 sq. ft.: None Next 75,000 sq. ft.: 1	First 100,000 sq. ft.: None Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1

	Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	
LRC-D [1]	First 10,000 sq. ft.: None Next 290,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	
LRC E	First 10,000 sq. ft.: None Next 20,000 sq. ft.: 1 Any additional amount : 1	

[1] Requirements in this table are in addition to area utilized for ambulance parking.
[2] Mapped within R1, R2, R3, R4, R5, R6.
[3] Mapped within R7, R8, R9, R10, R11, R12.

* * *

36-70
BICYCLE PARKING

*** * ***

36-71
Required Bicycle Parking Spaces

36-711
Enclosed bicycle parking spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

* * *

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 (Yards) and the #front yard# planting requirements of Section 26-22 (Requirements for Sidewalks, Street Trees and Planting) 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.

* * *

37-20
SPECIAL SCREENING AND ENCLOSURE PROVISIONS

37-21
Special at-grade Screening and Enclosure Regulations

In all districts, other than C8 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 on a #building# rooftop or 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 side or rear 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; and

(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.

(d) However, no screening shall be required for:

(1) equipment with a depth limited to 18 inches from an exterior wall;

(2) solar energy systems; and

(2) wind energy systems.

37-22
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#.

However, no screening shall be required for:

(a) equipment with a depth limited to 18 inches from an exterior wall;

(b) solar energy systems;

(c) wind energy systems; and

(d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on [date of adoption] where the height of the equipment does not exceed the height of the rooftop parapet, or a height of 6 feet as measured from the roof level.

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.

* * *

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 2
Use Regulations

[PROVISIONS AND TABLES INCLUDED IN SECTION 42-00, INCLUSIVE, ARE BEING PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT. THE FOLLOWING EDITS ARE BEING PROPOSED BY CITY OF YES FOR HOUSING OPPORTUNITY]

42-00
GENERAL PROVISIONS

[REMOVING SECTION THAT NO LONGER IS APPLICABLE AND 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~~ certain #Manufacturing Districts#, including:

~~(i)~~(1) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section ~~42-321~~ 42-311 (Residential uses in M1-1D through M1-5D Districts);

~~(ii)~~(2) M1-6D Districts, as set forth in Section ~~42-322~~ 42-312 (Use regulations in M1-6D Districts);

~~(iii)~~(3) 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)~~(4) 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)~~(5) M1-5B Districts, as set forth in Section ~~42-325~~ 42-315 (Use regulations in M1-5B Districts); and

~~(vi)~~(6) #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

M1

[MAKING CLEAR NEW APPLICABILITY FOR M1-D DISTRICTS
AND UPDATING CROSS REFERENCES]

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~~ 42-311 (Residential uses in M1-1D through M1-5D Districts);

(b) In M1-6D Districts, in accordance with Section ~~42-322~~ 42-312 (Use regulations in M1-6D Districts);

(c) In M1-5M and M1-6M Districts, in accordance with Section ~~42-323~~ 42-313 (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~~ 42-314 (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 "○" 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

Use Group III – general use allowances

[REMOVING PARKING REQUIREMENTS FOR COMMUNITY FACILITY WITH SLEEPING ACCOMMODATIONS, 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

USE GROUP III(A) – COMMUNITY FACILITIES WITH 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**
Educational Institutions				
College or school student dormitories and fraternity or sorority student houses	–	–	–	~~E2~~ N/A
Faith-based Institutions and Facilities				
Monasteries, convents or novitiates	–	–	–	N/A
Rectories or parish houses with sleeping accommodations	–	–	–	N/A
Seminaries with sleeping accommodations	–	–	–	~~[*]~~ N/A
Health Institutions and Facilities				
#Long-term care facilities#	–	–	–	~~E3~~ N/A
#Non-profit hospital staff dwellings #	–	–	–	~~[*]~~ N/A
Other Institutions and Facilities				
Philanthropic or non-profit institutions with sleeping accommodations	–	–	–	~~E3~~ 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**
Educational Institutions				
Colleges or universities, including professional schools but excluding business colleges or trade schools	–	–	–	*
#Schools#	○	–	–	G
Faith-based Institutions and Facilities				
Houses of worship	●	–	–	G
Parish houses without sleeping accommodations	○	–	–	N/A
Seminaries without sleeping accommodations	○	–	–	*
Health Institutions and Facilities				
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
Other Institutions and Facilities				
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	○	–	–	B3

* * *

42-14
Use Group IV – Public Service Facilities and Infrastructure

M1 M2 M3

* * *

42-141
Use Group IV – general use allowances

* * *

[UPDATING LANGUAGE TO MATCH PROPOSAL]

B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE				
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted **S = Size restriction P = Additional conditions U = Open use allowances**				
Uses	**M1**	**M2**	**M3**	**PRC**
Communication Infrastructure				
Radio or television towers, non-#accessory#	○	○	○	N/A
Telephone exchanges or other communications equipment structures	● P	● P	● P	N/A
Electric and Gas Infrastructure				
Electric power or steam generating plants	● P U	● P U	● P U	D2
Electric utility substation	● P U	● P U	● P U	N/A
Gas utility substations	● S U	● S U	● S U	N/A

Public utility stations for oil or gas metering or regulating	●	●	●	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	●	●	●	N/A
Sewage, Storm Water and Waste Infrastructure				
Composting	● P U	● P U	● P U	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	● P U	● P U	● P U	D2
Incineration or reduction of garbage, offal or dead animals	● P	● P	● P	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	● P	● P	● P	D1
Sewage disposal plants	○	○	● P	D1
Water or sewage pumping stations	●	●	●	N/A
Transportation Infrastructure				
Airports	○	○	○	N/A
Boat launching facilities for non-commercial pleasure boats	● U	● U	● U	N/A
Bus stations	○	○	○	N/A
Docks	● P U	● P U	● P U	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	● P U	● P U	● P U	D2
Heliports	○	○	○	N/A
Mooring facilities for non-commercial pleasure boats	● U	● U	● U	N/A
Public transit or railroad electric substations	● P U	● P U	● P U	D2
Public transit yards, including accessory motor fuel pumps	● P U	● P U	● P U	D2
Railroad or ~~transit rights-of-way~~ transit tracks	● U	● U	● U	N/A

Railroad passenger stations	○	○	○	N/A
Seaplane bases	○	○	○	N/A
Truck weighing stations	● P U	● P U	● P U	D2

* * *

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 #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 THROUGH 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 uses# shall be permitted on #zoning lots# that include existing #residences# and are not located in either a designated area shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution or within 100 feet of Third Avenue in Brooklyn. 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:

(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, l988, 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).~~ 44-022 (Applicability of regulations 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 AND TYPOGRAPHICAL 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)~~ (b)(1) or (b)(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 ~~to0~~ to a change in #use# from non-#residential# to #uses# listed in Use Group ~~III(A~~ 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
COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS]

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 (Eating or drinking establishments).

~~42-324~~
42-314
Use regulations in certain M1-1, M1-5 and M1-6 Districts

[UPDATING SECTION NUMBER AND CROSS REFERENCES]

(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~~ 44-024 (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~~ Section 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~~ 42-312 (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

[PROVISIONS AND TABLES INCLUDED IN SECTION 43-00, INCLUSIVE, ARE BEING PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT. 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.

[RELOCATING TO SECTION 43-02]

~~Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #nonmoving, 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# 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).~~

~~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#.~~

~~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
Applicability in Special Situations

[NEW SECTION TITLE; TEXT MOVED FROM SECTION 43-01, AND MODIFIED]

The conversion of non-#residential# #floor area# to #residences# 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).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargment#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot are# of a #zoning lot# less than four acres, and that is not #acessory 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 only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

~~**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 Minor modifications).

However, the minimum size requirement may be replaced by the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) 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~~ 42-315 (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

* * *

43-23
Permitted Obstructions in Required Yards or Rear Yard Equivalents

[UPDATING CROSS REFERENCES]

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~~ Transit Tracks

[UPDATING WITH NEW TERMINOLOGY]

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~~ or transit tracks, no #rear yard# shall be required.

43-30
SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of railroad or transit tracks ~~rights-of-way~~ or cemeteries.

* * *

43-312
Along short dimension of block

M1 M2 M3

In all districts, as 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~~ the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

* * *

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:

(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#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

~~(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)~~(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# ~~the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building#~~ and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) 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 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(c) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(d) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. 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;

(e) Wind energy systems, #accessory# or as part of #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) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

* * *

~~**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):~~

~~(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 a C2 District mapped within 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 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 (c) 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

[PROVISIONS AND TABLES INCLUDED IN SECTION 44-00, INCLUSIVE, ARE BEING PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT. THE FOLLOWING EDITS ARE BEING PROPOSED BY CITY OF YES FOR HOUSING OPPORTUNITY]

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 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 SECTION NUMBER; ALSO 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#.

~~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.

* * *

44-20
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 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.

Parking Requirement Category	**Type of Requirement**
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#** [1]				**per persons-rated capacity**			**per square feet of #lot area#** [3,4]
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 200	1 per 300	1 per 300 [2]	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

[1] 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.

[2] 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.

[3] In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

[4] 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** [5]		**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 [6]	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 [6]				None required

[5] 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 Require-ment 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**	**per square feet of #floor area#**	**~~per persons-rated capacity~~**	**per square feet of #floor area#**

				centers or offices			
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	~~1 per 15~~	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	None required	

~~**44-211**~~
~~**Parking requirements applicable to non-profit hospital staff dwellings**~~

[REDUNDANT, SINCE PARKING REQUIREMENTS FOR COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS REMOVED BY THE PROPOSAL]

~~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~~

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).~~

44-23
Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements

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
Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) 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
Waiver of Requirements for Spaces Below Minimum Number

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 M2-2 M3-1	15
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	40

44-233

Waiver of requirements for certain small zoning lots or establishments

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
Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

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 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~~
44-25
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**~~
44-26
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**~~

[REMOVING PROVISIONS AND INSTEAD APPLYING APPLICABILITY PROVISIONS FOR R5 DISTRICTS]

~~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, Ml-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**~~
44-27
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**~~

[REMOVING TO REFLECT PROPOSAL'S REMOVAL OF PARKING REQUIREMENTS 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 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.~~

* * *

44-35
Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

44-351

Restrictions on use of accessory off-street parking spaces

[CLARIFYING EDITS REGARDING PUBLICLY ACCESSIBLE EV CHARGING]

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

In all districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(a) publicly available electric vehicle charging facilities, and any associated equipment;

(b) #car sharing vehicles#;

(c) vehicles stored by automobile rental establishments; or

(d) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

44-352
Restrictions on use of parking spaces in public parking garages and public parking lots

[CLARIFYING EDITS REGARDING PUBLICLY ACCESSIBLE EV CHARGING]

M1 M2 M3

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

(a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities, and any associated equipment.

(b) In all districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to:

(1) #car sharing vehicles#;

(2) vehicles stored by automobile rental establishments; or

(3) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

* * *

44-37
Electric Vehicle Charging

[CLARIFYING EDITS TO ALIGN WITH STYLE OF OTHER EXISTING SECTIONS]

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).

* * *

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2
Non-Conforming Uses

* * *

52-30
CHANGE OF NON-CONFORMING USE

52-31
General Provisions

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

Except as provided in this Section, a #non-conforming# #use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

~~In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8, shall apply to such change of #use#.~~

In #Mandatory Inclusionary Housing areas# and where made applicable pursuant to the provisions of Section 74-32 (Additional considerations for special permit use and bulk modifications), the #affordable housing# requirements of paragraph ~~(d)~~(a) of Section ~~23-154 (Inclusionary Housing)~~ 27-131 (Mandatory Inclusionary Housing), except maximum #floor area ratio#, shall apply to such change of #use#.

~~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# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# 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 Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

A #non-conforming# #use# may be changed to another #non-conforming# #use# only in accordance with the provisions of this Chapter.

* * *

52-40
ENLARGEMENTS OR EXTENSIONS

52-41
General Provisions

A #non-conforming# #use# may be #enlarged# or #extended# within the district in which such #non-conforming# #use# is located only in accordance with the provisions of this Chapter. However, a #non-conforming# #single-# or #two-family residence# in an R3, R4 or R5 District may be #enlarged# or #extended# in accordance with the #bulk# regulations specified for the district in which it is located. Furthermore, #enlargements# or #extensions# designed exclusively to permit conformity with the regulations on performance standards, designed in order to improve energy performance, or designed in order to provide required #accessory# off-street parking spaces or off-street loading berths on the same #zoning lot# as the #use# to which such spaces or berths are #accessory# are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections 52-31 (General Provisions), 52-42 (C6, C8 or Manufacturing Districts) and 52-43 (C1 or C4 Districts), the applicable district regulations on #accessory# off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required or permitted by such applicable district regulations for #development# for such #use#.

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING COMMERCIAL OR MANUFACTURING USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6 R7-1	M3-1
C1-1 C1-2 C1-3 C1-4	M3-1
C2-1 C2-2 C2-3 C2-4	M3-1
C3	M3-1
C4-1 C4-2 C4-3 C4-4	M3-1
C7	M3-1

C8-1 C8-2 C8-3	M3-1
M1-1 M1-2 M1-3	M3-1
M2-1 M2-2	M3-1
R7-2 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R12	M3-2
C1-5 C1-6 C1-7 C1-8 C1-9	M3-2
C2-5 C2-6 C2-7 C2-8	M3-2
C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12	M3-2
C5	M3-2
C6	M3-2
C8-4	M3-2
M1-4 M1-5 M1-6	M3-2
M2-3 M2-4	M3-2

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING RESIDENTIAL OR COMMUNITY FACILITY USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
C8-1 C8-2 C8-3	R5
M1-1 M1-2 M1-3	R5
M2-1 M2-2	R5
M3-1	R5
C8-4	R10
M1-4 M1-5 M1-6	R10
M2-3 M2-4	R10
M3-2	R10

APPLICABLE OFF-STREET LOADING REGULATIONS

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6	M2-1
C1 mapped within R1 R2 R3 R4 R5 R6	M2-1
C2 mapped within R1 R2 R3 R4 R5 R6	M2-1
C3	M2-1
C4-1 C4-2 C4-3	M2-1
C7	M2-1
C8-1 C8-2	M2-1
M1-1 M1-2 M1-4	M2-1
R7 R8 R9 R10	M2-2
C1 mapped within R7 R8 R9 R10	M2-2
C2 mapped within R7 R8 R9 R10	M2-2
C1-6 C1-7 C1-8 C1-9	M2-2
C2-6 C2-7 C2-8	M2-2
C4-4 C4-5 C4-6 C4-7	M2-2
C5	M2-2
C6	M2-2
C8-3 C8-4	M2-2
M1-3 M1-5 M1-6	M2-2

For #non-conforming# #use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections ~~25-66~~ 25-65 or 25-77 (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming# #uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

* * *

52-45
Non-Conforming Residential Uses in M1 Districts

In an M1 District, a #non-conforming# #residential use# occupying at least 50 percent of the #floor area# of a #building# which was #designed for residential use# and erected prior to December 15, 1961, may be #extended# on the ground floor level provided that no #dwelling unit# or #rooming unit# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#. ~~The total number of #dwelling units# or #rooming units# in the #building# may not be increased by more than one for each 400 square feet of #residential# #floor area# created by such #extension#.~~ The total number of #dwelling units# shall be that which would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

52-46
Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts

[UPDATING TO MIRROR SECTION 43-61 PROPOSAL]

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing ~~conforming or~~ #non-conforming# #residential uses# may be #enlarged# and the #residential uses# #extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

~~(a) There shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence on December 21, 1989.~~

~~(b)~~(a) The total amount of #residential# #floor area# in the #building# shall not exceed 500 square feet additional to the #residential# #floor area# in existence on December 21, 1989, or ~~a #floor area ratio# of 1.65~~ the applicable #floor area ratio# for an R5 District, whichever is less~~.~~

(b) All remaining #bulk# regulations of a C2 District mapped within an R5 District shall apply.

~~(c) No #residential# #enlargement# shall be permitted within 30 feet of the #rear lot line#.~~

~~(d) No #enlarged# portion shall exceed a height of 32 feet above #curb level#.~~

~~(e) 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#.~~

#Enlargements# in excess of those permitted in this Section, ~~and #enlargements# that create additional #dwelling units#~~ may be permitted by authorization of the City Planning Commission, pursuant to the regulations of ~~Sections 42-321~~ Section 42-311 (Residential uses in M1-1D through M1-5D Districts) ~~and 42-322 (Use regulations in M1-6D Districts)~~.

52-50
DAMAGE OR DESTRUCTION

* * *

52-56
Multiple Dwellings in M1-1D Through M1-5D Districts

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #non-conforming# #building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:

(a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and

(b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts).

#Enlargements# in excess of those permitted, pursuant to paragraph (b) of this Section, ~~and #enlargements# that create additional #dwelling units#,~~ may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section ~~42-321~~ 42-311 (Residential uses in M1-1D through M1-5D Districts).

52-60
DISCONTINUANCE

* * *

52-62
Buildings Containing Residences in M1-1D Through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

* * *

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or ~~one #dwelling unit# for every 675 square feet of total net #residential# #floor area# as defined in Section 28-02 (Definitions)~~ as would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or ~~42-321~~ 42-311 (Residential uses in M1-1D through M1-5D Districts) as applicable.

* * *

ARTICLE V
NON-CONFORMING USES AND NON COMPLYING BUILDINGS

Chapter 4
Non-complying Buildings

* * *

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. A #building# that is complying with the applicable #bulk# regulations may be #enlarged# or #converted#, provided that no #enlargment# or #conversion# may be made that would create a new #non-compliance#, except as set forth in Section 54-50 (MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER), inclusive.

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), inclusive.

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 (MODIFICATIONS OF BULK REGULATIONS), inclusive.

54-313
Single- or two-family residences with non-complying front yards or side yards

[REPLACING WITH STANDARD RULES IN RESIDENTIAL BULK]

(a) In R4 Districts, except R4-1, R4A and R4B Districts, and in R5 Districts other than R5B 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**~~

[REPLACING WITH 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

* * *

54-50
MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER

The provisions of this Section may be combined, except that individual #bulk# allowances to increase the height of a #building# or diminish the amount of an open area through an #enlargement# shall not be aggregated.

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 of #use# or other alteration to a #building# that furthers a #building's# conformance with the Americans with Disabilities Act or the most recent New York City Construction Codes, may create a new #non-compliance# or increase the degree of a #non-compliance#, provided that increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to:

(a) maximum #floor area ratio# shall not exceed ten percent of the existing #floor area#, or 1,000 square feet, whichever is less;

(b) 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) the permitted height and setback of a #building or other structure#, shall be limited to one #story# or 15 feet, whichever is less.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.

54-53
Residential Retrofits

[NEW PROVISIONS, PER PROPOSAL]

Notwithstanding the other provisions of this Chapter, in all districts, an #enlargement#, #extension#, #conversion#, change of #use# or other alteration to a #building# containing #residences# may create a new #non-compliance# or increase the degree of a #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 on #zoning lots# without existing #non-compliances#; 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#, or the height of a permitted obstruction, shall be limited to one #story# or 15 feet, whichever is less.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

*** * ***

62-10
GENERAL PROVISIONS

62-13
Applicability of District Regulations

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

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. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

#Special Sheepshead Bay District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special St. George District#.

62-131
Applicability of Article VII, Chapter 3

[UPDATING CROSS REFERENCES]

The following special permits by the Board of Standards and Appeals shall not be applicable within #waterfront blocks#:

Section 73-64 (Modifications for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-13 (Community Facilities) shall be applicable, except that:

(a) all references to #floor area ratio# and #open space ratio# shall be modified in accordance with the provisions of Section 62-32 and 62-333 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-13 and

(b) all findings involving the amount and distribution of #open space# shall be made using the open area of the lot resulting from the maximum #lot coverage# set forth in Section ~~62-32~~ 62-333; and

Section 73-45 (Modification of Off-site Parking Provisions); and

Section 73-48 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

62-132
Applicability of Article VII, Chapters 4, 8 and 9

[UPDATING CROSS REFERENCES]

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section ~~74-82~~ 74-81 (Through Block Arcades)

Section ~~74-84~~ 74-83 (Developments with Existing Buildings)

~~Section 74-85 (Special Height and Setback Regulations)~~

Section ~~74-87~~ 74-85 (Covered Pedestrian Space).

The following special permits by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

~~Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas); and~~

Section 74-195 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks); and

Section ~~74-531~~ 74-521 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

~~Section 74-79 (Transfer of Development Rights From Landmark Sites)~~ Section 75-26 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth

in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32 (Floor Area Regulations on Waterfront Blocks). Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of ~~Section 62-341 (Developments on land and platforms)~~ Section 62-34 (Height and setback regulations on waterfront blocks).

For the purposes of modifying the height and setback regulations of ~~Section 62-341~~ 62-34, the term “periphery” shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32 inclusive. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section ~~23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)~~ 23-372 (Distance Between Legally Required Windows and Lot lines).

62-133
~~Applicability of the Quality Housing Program~~
Applicability of Residential Design Elements

[REMOVING PER PROPOSAL]

~~(a) In R6, R7, R8, R9 and R10 Districts with a letter suffix, and in any C1 or C2 District mapped within such Districts, and in any other #Commercial District# with a letter suffix, any #zoning lot# within a #waterfront block# with #buildings# containing #residences# shall comply with the applicable district #bulk# regulations as set forth in this Chapter, and shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program), except as modified in this Section.~~

~~(b) In R6, R7, R8, R9 and R10 Districts, and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# with R6 through R10 residential equivalents, any #building# containing #residences# on a #zoning lot# on a #waterfront block# shall comply with the applicable district #bulk# regulations as set forth in this Chapter. The #bulk# regulations in Article II, Chapter 3, applicable to Quality Housing #developments# shall not apply. However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8, shall apply.~~

~~#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 28-20 (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section 28-23 (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.~~

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 23-63 (Required Recreation Space in Multi-family Buildings). In addition, for the purposes of Section 23-613 (Front yard planting requirements), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

62-134
Applicability of Article VII, Chapter 7

* * *

~~**62-135**~~
~~**Applicability of bulk regulations to long-term care facilities**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~For #buildings# containing #long-term care facilities#, the applicable provisions of Sections 24-013, 33-012 and 35-012 shall apply. Where a #building# containing a #long-term care facility# is required to utilize the #bulk# regulations applicable to #affordable independent residences for seniors# in Article II, Chapter 3, such provisions shall be modified by the #bulk# regulations applicable to #affordable independent residences for seniors# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive, except that:~~

~~(a) in R6A Districts or R6 Districts without a letter suffix, in C1 or C2 Districts mapped within R6A or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A or R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;~~

~~(b) in R7A Districts or R7 Districts without a letter suffix, in C1 or C2 Districts mapped within R7A or R7 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R7A or R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and~~

~~(c) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply.~~

* * *

SPECIAL USE REGULATIONS

62-21
Classification of Uses in the Waterfront Area

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, including additional restrictions and conditions for certain #uses# set forth in Article II, Chapter 2, Article III, Chapter 2, and Article IV, Chapter 2, unless expressly stated otherwise in this Chapter.

62-211
Water-Dependent (WD) uses

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group III

Non-commercial clubs, restricted to non-profit private beach clubs and private boat clubs

From Use Group IV

Airports

Boat launching facilities for non-commercial pleasure boats

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Heliports

Public transit yards, including accessory motor fuel pumps, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Seaplane bases

Sewage disposal plants

Terminal facilities at river crossings for access to electric, gas or steam lines

All other #uses# listed under Use Group IV(B) that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group VI

Boat dealers

Boat fuel sales

Recreational boat repair

Recreational goods rental

From Use Group VIII

Water-oriented outdoor #amusement and recreation facilities#

From Use Group IX

Boat storage

Trucking terminals or motor freight stations, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Warehouses, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

All other #uses# listed under Use Group IX that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group X

Transportation equipment manufacturing, limited to boat and ship building

All other #uses# listed under Use Group X that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#.

62-212
Waterfront-Enhancing (WE) uses

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group I

All #uses# listed under Use Group I, subject to the #use# regulations for C7 Districts

From Use Group III

All #uses# listed under Use Group III(B), subject to the #use# regulations for C7 Districts

From Use Group IV

All #uses# listed under Use Groups IV(A) and IV(C), subject to the #use# regulations for C7 Districts

From Use Group V

All #uses# listed under Use Group V, subject to the #use# regulations for C7 Districts

From Use Group VI

All #uses# listed under Use Group VI, subject to the #use# regulations for C7 Districts

From Use Group VII

All #uses# listed under Use Group VII, subject to the #use# regulations for C7 Districts and provided that such #uses# are limited to 5,000 square feet per establishment

From Use Group VIII

All #uses# listed under Use Group VIII, subject to the #use# regulations for C7 Districts

From Use Group IX

All #uses# listed under Use Group IX, subject to the #use# regulations for C7 Districts

From Use Group X

All #uses# listed under Use Group X, subject to the #use# regulations for C7 Districts.

62-22
Commercial Docking Facilities

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Commercial docking facilities are listed in Use Group IV(B) in Sections 32-14 and 42-14. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

*** * ***

62-241
Uses on existing piers and platforms

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

(a) such #use# is a WD #use#; or

(b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or

(c) the #building or other structure# within which such #use# is located complies with the

height and setback regulations of Section 62-342 (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

(d) #uses# listed under Use Group VI, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment; and

(e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms).

* * *

62-25
Uses on Floating Structures

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

(a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

(1) eating or drinking establishments listed under Use Group VI;

(2) theaters listed under Use Group VIII; and

(3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

(b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

* * *

62-29
Special Use Regulations for ~~R6, R7, R8, R9 and R10 Districts~~ high density Districts

[ADDING NEW DISTRICTS PER PROPOSAL; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, any #uses# listed under Use Groups VI or VIII as set forth in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

(a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;

(b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;

(c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and

(d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

62-291
Special Provisions in Waterfront Access Plan BK-1

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats listed under Use Group IV(B) in Sections 32-14 or 42-14, shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-30
SPECIAL BULK REGULATIONS

[UPDATING 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 62-341~~ 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~~ 75-26, 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.

* * *

62-32
~~Maximum Floor Area Ratio and Lot Coverage~~
Floor Area Regulations on Waterfront Blocks

[ADDING 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

[ALIGNING FLOOR AREA 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

[ALIGNING FLOOR AREA WITH PROPOSAL. MOVING 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 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#[1]~~	~~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[2]~~	~~70~~

~~[1] 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~~

~~[2] 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, the regulations for #interior lots# or #through lots# shall apply,

Additionally, for #buildings# that exceed the maximum base height listed in Section 62-343 (Height and setback regulations), the minimum #lot coverage# shall be 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 #lot coverage# requirements of this Section at the time the site is fully developed.

~~62-323~~

[REMOVING 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

[RE-NUMBERING; ALIGNING FLOOR AREA WITH PROPOSAL; REMOVING 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

[RENUMBERING; UPDATING CROSS REFERENCES]

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

[RENUMBERING; 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

[RENUMBERING; 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

[ADDING LOT COVERAGE; NO CHANGE TO YARDS; UPDATING CROSS-REFERENCES; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

#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# listed under Use Groups 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.

*** * ***

62-332
Rear yards and waterfront yards

[ADDING NEW DISTRICTS PER 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

The minimum depth set forth in the preceding table may be reduced at the following

locations provided no #waterfront yard# is reduced to less than 10 feet:

(1) Along those portions of the landward edge of stabilized shore, bulkhead, natural #shoreline# or along those portions of the water edge of a #platform#, having a lot dimension, measured perpendicular to and landward from such edge, that is less than 70 feet in the case of districts in Column A or 80 feet in the case of districts in Column B. For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.

* * *

62-333
Maximum lot coverage in Residence Districts

[REMOVING 62-00 LOT COVERAGE RULES AND ALIGNING WITH 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

[MOVING FROM 62-325. UPDATING 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

[MOVING FROM SECTION 62-341; ALIGNING HEIGHTS WITH PROPOSAL; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Height and setback regulations for #zoning lots# within #waterfront blocks# ~~shall be governed by the provisions of this Section.~~ are set forth as follows:

Section 62-341 establishes the height and setback regulations in lower density districts.

Section 62-342 establishes the height and setback regulations in medium- and high-density districts with a letter suffix.

Section 62-343 establishes the height and setback regulations in other medium- and high-density districts.

Section 62-344 establishes the height and setback regulations for #developments# on #piers#.

Section 62-345 establishes the height and setback regulations for #developments# on floating structures.

However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# listed under Use Group 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**~~

[REMOVING ENTIRE SECTION AND RE-LOCATING 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# 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.

(c) 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)(ii) 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*

	Maximum Height (in feet)	
District	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	60	135

C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5		
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

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* For #predominantly# #community facility buildings#, the applicable regulations shall be determined from Table B of this Section

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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	R9

~~M1-3 M1-4 M1-5~~

~~R9-1~~ ~~R9-1~~
~~C1 or C2 mapped within R9-1~~

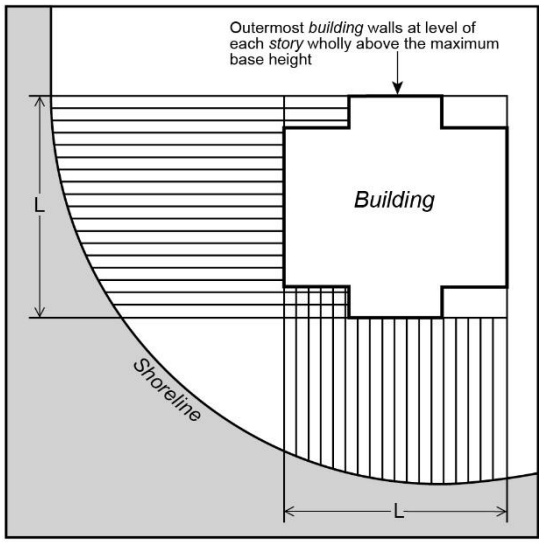
~~R9 R10~~ ~~R10~~
~~C1 or C2 mapped within R9 or R10~~
~~C1-8 C1-9 C2-7 C2-8 C4-6 C4-7~~
~~C5-1 C5-2 C5-3 C5-4 C5-5~~
~~C6-4 C6-5 C6-6 C6-7 C6-8 C6-9~~
~~M1-6~~

~~(d)~~ ~~Medium and high density contextual districts~~

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A~~

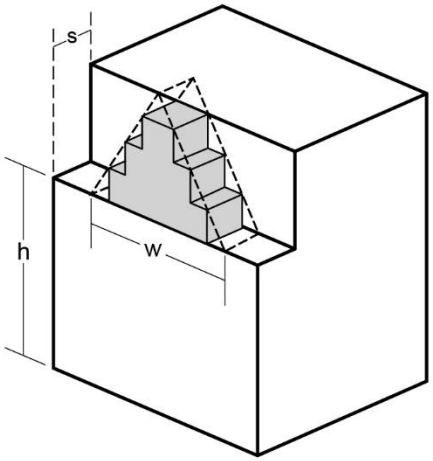
~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A~~

~~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

[ALIGNING HEIGHTS 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#

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R1 R2 C1 or C2 mapped within R1 or R2 C8-1 M1-1	35	35
R3 C1 or C2 mapped within R3 C3	35	45
R4 C1 or C2 mapped within R4	45	55
R5 C1 or C2 mapped within R5 C4-1	55	65

(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**~~

[MOVING 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 medium- and high-density districts with a letter suffix

[MOVING FROM SECTION 62-341 (d) AND ALIGNING WITH PROPOSAL]

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

[MOVING FROM SECTION 62-341 (c) AND ALIGNING HEIGHTS WITH PROPOSAL]

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 C4-8 C4-9 C4-11 C4-12 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

District	Maximum Base Height (in feet)	Maximum Transition Height Tier 1 (in feet)	Maximum Transition Height Tier 2 (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6-2 C1 or C2 mapped within R6-2	55	75	95	195
R6 R6-1 C1 or C2 mapped within R6 or R6-1 C7-1 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	65	95	125	255
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C7-2 C7-3	85	115	155	315
R7-3 C1 or C2 mapped within R7-3 C7-3 C8-4 M1-3 M1-5 M2-2 M2-4	95	145	185	375
R8	105	145	215	435

C1 or C2 mapped within R8 C4-8 C6-1 C6-2				
R9 C1 or C2 mapped within, or with a #residential equivalent# of an R9 C4-9 C6-3 C7-5 C7-6	135	185	285	N/A
R9-1 C1 or C2 mapped within an R9-1	155	215	315	N/A
R10 C1 or C2 mapped within, or with a #residential equivalent# of an R10 C4-6 C4-7 C5 C6-4 C6-5 C6-	155	235	355	N/A

6 C6-7 C6-8 C6-9 C7-7 M1-6				
R11 C1 or C2 mapped within R11 C4-11 C6-11 C7-8	155	325	405	N/A
R12 C1 or C2 mapped within R12 C4-12 C6-12 C7-9	155	395	495	N/A

(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 from #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:

(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 paragraph (b) of 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.

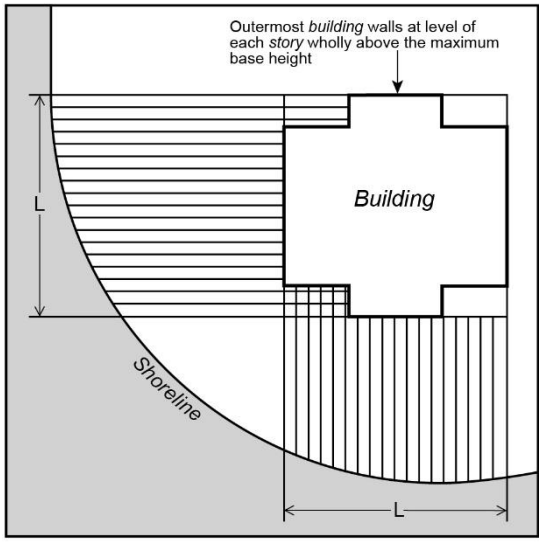
(d) Tower regulations

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

[RE-NUMBERING; MOVING FROM 62-342. UPDATING 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 or authorization 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)~~ Section 75-26 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites).

~~62-343~~
62-345
Developments on floating structures

[RE-NUMBERING; MOVING FROM 62-343 WITH MINOR REVISIONS; ADDING NEW DISTRICTS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

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 C3	-	23 ~~ft.~~	40 ~~ft.~~
R6	C1 or C2 mapped in R6 C4-1 C7-1 C7-2 C8-1 C8-2 C8-3	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2	40 ~~ft.~~	60 ~~ft.~~
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5 M2-2 M2-4	50 ~~ft.~~	70 ~~ft.~~

	C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C7-3 C7-4 C8-4			
R9 R10 R11 R12	C1 or C2 mapped in R9 ~~or R10~~ thru R12 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-7 C7-8 C7-9	M1-6	60 ~~ft.~~	150 ~~ft.~~

62-35
Special Ground Floor Regulations on Waterfront Blocks

62-351
Ground floor streetscape

[MOVING 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.

~~**62-35**~~
62-36
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

[RENUMBERING; ALIGNING APPLICABILITY WITH PROPOSAL]

On #waterfront blocks# in ~~#Inclusionary Housing designated areas# in~~ Waterfront Access Plan BK-1 in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

~~**62-351**~~
62-361
Special floor area regulations

[RENUMBERING; ALIGNING FLOOR AREA WITH PROPOSAL; UPDATING CROSS REFERENCES]

(a) ~~Maximum permitted #floor area ratio#~~

~~In R6 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 2.43.~~

~~In R7-3 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 3.75.~~

~~In R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 4.88.~~

R6 R7 R8

In the districts indicated, the basic #floor area ratio# for #zoning lots# containing #residences# shall be as set forth in the table in this Section. For #qualifying affordable housing# or #qualifying senior housing#, such permitted #residential# #floor area ratio# may be increased for #qualifying affordable housing# or #qualifying senior housing#, in accordance with such table.

MAXIMUM FLOOR AREA RATIO FOR R6-R8 DISTRICTS

District	Basic #Residential# #Floor Area Ratio#	Maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#
R6	2.54	3.05
R7-3	4.17	5.00
R8	5.42	6.50

~~In R6, R7-3 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide #affordable housing# pursuant to Section 62-352 (Inclusionary Housing).~~

(b) #Buildings# used for #accessory# off-street parking spaces

Within Waterfront Access Plan BK-1, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential# #floor area# based on the #residential# #floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to

Section ~~62-353~~ 62-363 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# and from #lot coverage# requirements for the purposes of calculating the permitted #floor area ratio# and #lot coverage# for #community facility# #uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

~~**62-352**~~
~~**Inclusionary Housing**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.~~

~~(a) Definitions~~

~~For the purposes of this Section, matter in italics is defined in Sections 12-10 or 23-911 (General definitions).~~

~~(b) #Floor area compensation#~~

~~(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:~~

~~(i) the amount of #low income floor area# is equal to at least 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or~~

~~(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#,~~

on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.

(3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, 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, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential# #floor area#, #floor area# within a #school# and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning# #lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall

~~comply with the provisions of paragraph (b)(1) of this Section.~~

~~(c) Permits and certificates of occupancy~~

~~The requirements of paragraphs (a) and (b) of Section 23-953 (Additional requirements for compensated developments and MIH developments) shall be modified as follows:~~

~~No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.~~

~~No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until #HPD# has issued a #completion notice# with respect to the #affordable housing#.~~

~~**62-353**~~
62-362
Special floor area, lot coverage and residential density distribution regulations

[RENUMBERING; UPDATING CROSS REFERENCES]

Within any parcel identified in Section 62-931 (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section ~~62-322~~ 62-333, the total #floor area# permitted pursuant to Sections ~~62-351~~ 62-361 or ~~62-352~~ 32-362 and the #residential# density permitted pursuant to Section ~~23-22~~ 23-50, may be located anywhere within such parcel or between such parcels without regard to #zoning lot# #lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections 62-31 (Bulk Computations on Waterfront Lots) and 62-34 (Height and Setback Regulations on Waterfront Blocks), as modified by Section 62-354 32-364 (Special height and setback regulations).

~~**62-354**~~
62-363
Special height and setback regulations

[RE-NUMBERING; ALIGNING HEIGHTS WITH PROPOSAL; UPDATING CROSS REFERENCES]

Within Waterfront Access Plan BK-1, the provisions of ~~Section 62-341 (Developments on land and platforms)~~ Section 62-30 (Special bulk regulations) are modified, as follows:

(a) ~~Paragraph (c)(1) (Maximum base height)~~ the maximum base heights of paragraph (a) of Section 62-343 shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. ~~However, for #buildings or other structures# located on a #zoning lot# with more than 100 feet of frontage on a #street# in an R6 District, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or five #stories#, whichever is less.~~

(b) ~~Paragraph (c)(2) (Maximum #building# height)~~ the maximum #building# heights of Section 62-343 shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:

(1) The maximum #building# height in an R6 District shall be 65 feet or six #stories# whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. However, for #buildings or other structures# with #qualifying affordable housing# or #qualifying senior housing# the maximum #building# height shall be 75 feet.

Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet. Such maximum #building# heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.

(2) For #developments# that provide ~~#affordable housing# pursuant to Section 62-352 (Inclusionary Housing)~~ #qualifying affordable housing# or #qualifying senior housing# pursuant to Section 62-362, the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b)(1) of this Section, provided that the maximum #building# height shall be 260 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building#

heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.

(3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of 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 applicable 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 paragraphs (b)(1) and (b)(2) of this Section, 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.

(c) ~~Paragraph (c)(3) (#Floor area# distribution)~~ the provisions of paragraph (a) of Section 62-322 shall not apply.

(d) ~~Paragraph (c)(4) (Maximum #residential# tower size)~~ the provisions of paragraph (d)(2)(i) of Section 62-343 shall not apply. In lieu thereof, each #residential# #story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for ~~#buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing#~~ #developments# that provide #qualifying affordable housing# or #qualifying senior housing# pursuant to Section ~~62-352~~ 62-361, each #residential# #story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential# #story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.

(e) ~~Paragraph (c)(5) (Maximum width of walls facing #shoreline#)~~ the provisions of paragraph (d)(1) of Section 62-343 shall not apply. In lieu thereof, 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 or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where ~~at least 20 percent of the total #floor area# is comprised of #affordable housing#~~ #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Section ~~62-352~~ 62-361, such maximum length of 170 feet shall apply above a height of 100 feet.

(f) ~~Paragraph (c)(6) (Ground floor streetscape provisions)~~ the provisions of Section 62-351

shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential# #floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.

(g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.

(i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section 26-41.

(j) On Parcel 5d, the maximum base height and maximum #building# height provisions of paragraph (a) ~~paragraphs (c)(1) and (c)(2)~~ of Section 62-343 shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:

(1) the maximum base height provisions ~~of paragraph (c)(1)~~ shall not apply; and

(2) the maximum #building# height provisions ~~of paragraph (c)(2)~~ shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

~~**62-355**~~
62-364
Special yard regulations

[RENUMBERING; UPDATING CROSS REFERENCES]

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section 24-36 (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

~~**62-356**~~
62-366
Special bulk regulations for zoning lots adjacent to public parks

[RENUMBERING; UPDATING CROSS REFERENCES]

On Parcel 12b within Waterfront Access Plan BK-1 in Section 62-931, any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section ~~62-354~~ 62-363 (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such lot line. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the New York City Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial# #use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #Residence District# is subject to the provisions of Building Code Section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.

62-40
SPECIAL PARKING AND LOADING REGULATIONS

*** * ***

62-43
Parking Requirements for Commercial Docking Facilities

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; ALIGNING WITH PROPOSAL]

#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# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats Rental boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** R7D** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3	0.15 x p*

	C2-3 C4-3 C8-2 M1-3	
	R8** R9** C1-4 C2-4 C4-4 C8-3 C7 outside the #greater transit zone#	0.10 x p*
	R10** C1-5 thru C1-9 C2-5 thru C2-8 C4-4A C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 C7 outside the ~~#expanded transit zone##~~greater transit zone#	None required
Passenger ocean vessels	C6**	0.15 x p*
	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required

* For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the

hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

* * *

62-453
Screening requirements for parking facilities on waterfront blocks

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

(a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.

(b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section 62-655.

(c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly tinted transparent material or latticework.

(d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups IV(B), IX and X, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

* * *

62-50
GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

[UPDATING CROSS REFERENCES]

All #zoning lots# #developed# within #waterfront blocks# shall be subject to the provisions of this Section and Section 62-81 (Certifications by the Chairperson of the City Planning Commission).

For the purpose of determining requirements for #waterfront public access areas#, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

(a) authorization of the City Planning Commission, pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements), or Section 75-26 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites);

(b) special permit of the City Planning Commission, pursuant to Sections 62-834 (Uses on floating structures), 62-835 (Developments on piers or platforms) ~~or 74-79 (Transfer of Development Rights from Landmark Sites)~~ ; or

(c) the establishment of a Waterfront Access Plan, pursuant to Section 62-90.

However, the design of portions of #waterfront public access areas# located within New York State-designated wetlands or their adjacent regulated areas, shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

62-51
Applicability of Visual Corridor Requirements

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

#Visual corridors# shall be provided for #zoning lots# #developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# in Use Groups IV(B), IX and X, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section 62-511, no #visual corridors# shall be required.

* * *

62-513
Permitted obstructions in visual corridors

[UPDATING CROSS REFERENCES]

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-512 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall include:

(a) permitted obstructions listed in Section 62-611, provided that no shade trees shall be planted within 15 feet of the centerline of a #visual corridor#, except when provided within an open parking lot;

(b) permitted obstructions listed in Section ~~23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~23-311 (Permitted obstructions in all yards, courts, and open areas) and 23-312 (Additional permitted obstructions generally permitted in all yards), as modified for #waterfront yards# in Section 62-332;

(c) boats, ships or other vessels, and #floating structures# permitted by paragraph (a) of Section 62-25;

(d) any moving or parked vehicles;

(e) street furniture, including but not limited to, carts and open display booths; and

(f) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

62-52
Applicability of Waterfront Public Access Area Requirements

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section 62-53 (Requirements for Shore Public Walkways)

Section 62-54 (Requirements for Public Access on Piers)

Section 62-55 (Requirements for Public Access on Floating Structures)

Section 62-56 (Requirements for Upland Connections)

Section 62-57 (Requirements for Supplemental Public Access Areas).

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

(a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Group IV(B), IX and X #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly# #residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section 62-57 and the requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments):

(1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;

(2) #developments# on #piers# or #platforms# that involve existing #buildings or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or

(3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and #accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the #waterfront public access area# requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries

shall no longer apply.

* * *

62-80
SPECIAL REVIEW PROVISIONS

* * *

62-81
Certifications by the Chairperson of the City Planning Commission

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The provisions of Sections 62-811 and 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-811:

airports, heliports and seaplane bases;

in any district, existing #zoning lots# of less than 10,000 square feet #developed# #predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-90;

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# #uses# listed under Use Groups IV(B), IX or X, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

* * *

62-813
Docking facilities for ferries or water taxis in certain waterfront areas

[ADDING NEW DISTRICTS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT

AMENDMENT]

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities listed under Use Group IV(B), are subject to the certification provisions of this Section:

(1) in R6 through ~~R10~~ R12 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for water taxis, with a vessel capacity of up to 99 passengers;

(2) in R6 through ~~R10~~ R12 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers; and

(3) in C4, C5, C6, C7 and C8 Districts, and #Manufacturing Districts#, docks for ferries with an unlimited capacity.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U. S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of 10 percent of required queuing space shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section 62-652 (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph (c), or, where applicable, the authorization provisions set forth in Section 62-824 (Modifications to passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queueing shelter

Where provided, passenger queueing shelters shall comply with the provisions of this paragraph (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be 10 feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns shall not exceed 12 inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed 12 inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed 12 inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed 15 degrees and curves with a radius of at least 10 feet shall be permitted. Where two slopes are provided, in no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed 12 inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may

accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that any portion occupied by solar panels shall be excluded from such calculation. Benches provided within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph (c)(2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c)(1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval, pursuant to Section 62-811 (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph (d).

(1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), 62-63 (Design Requirements for Public Access on Piers and Floating Structures) and 62-64 (Design Requirements for Upland Connections).

(2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for

docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section 62-811, provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

(3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

(e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph (e).

(1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

(2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section 62-811.

(3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the #waterfront zoning lot# which would preclude further service, the following shall apply:

(i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;

(ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and

(iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

* * *

62-822
Modification of waterfront public access area and visual corridor requirements

[MINOR REVISIONS TO LANGUAGE]

(a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph (a), with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to

review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

(1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:

(i) comply with the required minimum dimensions and equal the required total area, in aggregate; and

(ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or

(2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:

(i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and

(ii) that the reduction or waiver of requirements is the minimum necessary.

(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water~~-Dependant~~ -Dependent Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

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

(1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or

(2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable

provisions.

(c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

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

(1) the amount of #waterfront public access area# #developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or

(2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

(d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed 10 years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly# #residential# #developments# in accordance with the provisions of Section 62-651, paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly# #residential# #developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section 62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

62-823
Modification of use regulations in C3 Districts

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

(a) that such WE #use# is a #use# listed under Use Groups V, VI, VII or VIII;

(b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;

(c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

*** * ***

62-833
Docks for ferries or water taxis in Residence Districts

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1

in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group IV(B), provided that:

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;

(c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;

(d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

62-834
Uses on floating structures

[UPDATING CROSS REFERENCES]

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section ~~62-343~~ 62-345.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit applications that are required to be filed in conjunction with the proposed #use#.

As a condition for granting a special permit, the Commission shall find that:

(a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;

(b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;

(c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and

(d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

62-835
Developments on piers or platforms

[UPDATING CROSS REFERENCES]

In all districts, the City Planning Commission may permit:

(a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:

(1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately

prior to the date of application;

(2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;

(3) there is no increase in #water coverage#; and

(4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.

(b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and ~~62-342~~ 62-344(Developments on piers), provided the Commission finds that:

(1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;

(2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;

(3) the proposed #development# does not violate the #bulk# provisions of ~~Section 62-341 (Developments on land and platforms)~~ Section 62-34 (Height and Setback Regulations on Waterfront Blocks);

(4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;

(5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and

(6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, provided the Commission finds that:

(1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and

(2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their

location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-836
Public parking facilities on waterfront blocks

[UPDATING CROSS REFERENCES]

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations ~~and Sections 74-51 and 74-52~~, provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

(a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and

(b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

62-837
Bulk and parking modifications on waterfront blocks

[ALIGNING WITH PARKING PROPOSAL]

(a) #Bulk# modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications

will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

(1) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or

(2) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

~~(b) Reduction or waiver of parking requirements for accessory group parking facilities~~

~~For #developments# on #zoning lots# in the #Transit Zone#, the City Planning Commission may, in conjunction with an application for a #bulk# modification pursuant to paragraph (a) of this Section, 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 that the Commission finds that:~~

~~(1) 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 #development#, #enlargement# or preservation of #income-restricted housing units#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;~~

~~(2) the anticipated rates of automobile ownership for residents of such #development# are minimal and that such reduction or waiver is warranted;~~

~~(3) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area; and~~

~~(4) 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.~~

62-838
Docks for gambling vessels

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In all #Commercial Districts# and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#,

the maximum aggregate dock capacity per #zoning lot# set forth in paragraph (b)(3) of Section 32-142 (Use Group IV – uses subject to size limitations) shall apply.

As a condition for permitting such #use#, the Commission shall find that:

(a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;

(b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and

(c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

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

62-90
WATERFRONT ACCESS PLANS

*** * ***

62-912
Elements of a Waterfront Access Plan

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

A Waterfront Access Plan may:

(a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address

local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;

(b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# #predominantly# #developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# listed under Use Groups IV(B), IX or X, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;

(c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;

(d) identify shore terminations of mapped #streets# or #existing piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;

(e) apply the #bulk# regulations of Section 62-30, inclusive, to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and

(f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33 (Special Yard Regulations on Waterfront Blocks), establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 (Front yards and side yards) or 62-332 (Rear yards and waterfront yards), as modified by the further provisions of this paragraph, (f), for such other #developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or #uses# listed under Use

Groups IV(B), IX or X and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

(1) identification of the plan by Borough and plan number or area name;

(2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;

(3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and

(4) a description in the plan text of all features established or modified by the plan, with reference to affected #blocks# and lots.

*** * ***

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 4
Special Regulations Applying in Flood Zones

* * *

64-10
GENERAL PROVISIONS

64-11
Definitions

[REVISING CROSS REFERENCES PER PROPOSAL;
BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Cottage envelope building

A "cottage envelope building" is a #single-# or #two-family# #detached# #residence# located within R1 through R5 Districts, #developed#, #enlarged#, or altered, pursuant to any of the optional provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), provided that:

(a) such #single-# or #two-family# #detached# #residence# complies with Section ~~64-333~~ 64-332 (Height and setback regulations for cottage envelope buildings); and

(b) is located within a #zoning lot# that has a #lot area# that is less than that required by the applicable district; and

(1) has a #lot width# that is either:

(i) less than that required under the provisions of ~~Section 23-32 (Minimum Lot Area or Lot Width for Residences)~~ Section 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or

(ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or

(2) has a depth of less than 95 feet at any point.

All #cottage envelope buildings# shall also be #flood-resistant buildings#.

First story above the flood elevation

The "first story above the flood elevation" shall be the finished floor level of the first #story# located at or above the level at which a #building# complies with #flood-resistant construction standards# and, for #buildings# utilizing the #reference plane#, shall be no lower than the particular level established as the #reference plane#.

Flood map

"Flood map" shall be the most recent map or map data used as the basis for #flood-resistant construction standards#.

Flood-resistant building

A "flood-resistant building" is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#.

Flood-resistant construction elevation

The "flood-resistant construction elevation" shall be the level of flood elevation required by Appendix G of the New York City Building Code for the "Flood design classification" of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

Flood-resistant construction standards

"Flood-resistant construction standards" are the construction standards set forth in Appendix G of the New York City Building Code for "Post-FIRM Construction" that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

High-risk flood zone

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

Lowest usable floor

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section 12-10 (DEFINITIONS).

Moderate-risk flood zone

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

Primary ~~street~~ frontage

For the purposes of applying the provisions of paragraph (c) of Section 64-322~~(c)~~ (Special floor area modifications for flood-resistant buildings), a “primary ~~street~~ frontage” shall include:

(a) in #Commercial Districts#, frontages that meet the criteria for a “primary frontage” as defined in Section 37-311;

(b) in M1 Districts paired with #Residence Districts#, frontages along:

(1) #wide streets#;

(2) #narrow streets# within 50 feet of a #wide street#; and

(3) #narrrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and

(c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

Reference plane

The “reference plane” is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane#

may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

64-12
Applicability

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

(a) For all #zoning lots# in the #flood zone#

The provisions of Sections 64-31 (Special Bulk Regulations for All Buildings) and 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

(b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections 64-20 (SPECIAL USE REGULATIONS), 64-32 (Special Bulk Regulations for Flood-resistant Buildings), 64-42 (Special Parking Regulations for Flood-resistant Buildings), and 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

(c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

(1) the provisions of Section 64-311 (Special floor area modifications for all buildings) and 64-313 (Special height and setback regulations for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;

(2) the provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section 64-50 ~~(STREETSCAPE REGULATIONS)~~, inclusive, shall apply.

64-13
Applicability of District Regulations

* * *

64-20
SPECIAL USE REGULATIONS

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

64-21
Special Use Regulations for All Buildings

* * *

64-211
Limitation on floors occupied by commercial uses

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

C1 C2

In the districts indicated, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) may be modified for #buildings# containing #residences# such that the limitations set forth in paragraphs (a) or (b) of such Section need not apply.

64-22
Special Use Regulations for Flood-resistant Buildings

* * *

64-221
Measurement of height

* * *

64-222
Ground floor use

[REMOVING REFERENCE TO #QUALIFYING GROUND FLOOR#]

In all districts, any applicable 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, may be modified as follows:

(a) In locations of the #flood zone# where #flood-resistant construction standards# prohibit dry-flood-proofing, thereby limiting #uses# other than parking, storage and building access from being located below the #flood-resistant construction elevation#, such ground floor level requirements need not apply.

(b) In all other locations of the #flood zone#, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest #story# above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such #story# shall be located either at or below the level of the #flood-resistant construction elevation# or five feet above #curb level#, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.

64-30
SPECIAL BULK REGULATIONS

* * *

64-31
Special Bulk Regulations for All Buildings

* * *

64-311
Special floor area modifications for all buildings

For all #buildings#, the definition of #floor area# in Section 12-10 (DEFINITIONS) shall be modified in accordance with the provisions of this Section.

(a) Flood control devices

In all districts, for every linear foot of protection by temporary flood control devices and associated fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter, up to 15 square feet of floor space used for the storage of such devices may be excluded from the definition of #floor area#, provided that in no event shall such exempted floor space exceed 1,000 square feet.

(b) Buildings containing non-#residential uses#

In #Commercial# and #Manufacturing Districts#, where the permitted #commercial# or #manufacturing# #floor area ratio# does not exceed 1.0, up to 500 square feet of floor space may be excluded from the definition of #floor area#, provided that:

(1) the #building# is used exclusively for #non-residential uses#; and

(2) such floor space is located at or above the #flood-resistant construction elevation#.

64-312
Permitted obstructions in required yards, courts, and open spaces for all zoning lots

[UPDATING CROSS REFERENCES]

The regulations for permitted obstructions in #yards#, #courts# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In all districts, where such #energy infrastructure equipment# or #accessory# mechanical equipment is elevated above the #flood-resistant construction elevation#, the underlying permitted obstruction regulations for such equipment may be modified as follows:

(1) where any equipment is required to be located at least five feet from any #lot line#, such distance may be reduced to three feet for #zoning lots# that have less than the prescribed minimum #lot area# or #lot width# required by the applicable district regulations;

(2) the maximum height of such permitted obstructions for the applicable district:

(i) may be measured from the #reference plane# instead of the level of the adjoining grade or #curb level#, as applicable; or

(ii) for #zoning lots# containing #residences# and a #lot area# greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:

(a) such equipment is contained within a #building or other structure# that is

located at least 30 feet from any #legally required window#;

(b) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest #building# containing #residences# on the #zoning lot#; and

(c) such #building or other structure# complies with one point of the streetscape mitigations set forth in Section 64-52 ~~(Ground floor level mitigation options)~~ (Ground Floor Level Mitigation Options); and

(3) the maximum area that such equipment may occupy within a required #side yard#, #rear yard# or #rear yard equivalent#, or any #court# containing #legally required windows# need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required #open space#, #yard# or #rear yard equivalent# on the #zoning lot#, provided that the height of such berm does not exceed the highest #flood-resistant construction elevation# required on the #zoning lot#, or five feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#**,** #open space#, #public plazas#, #arcades#, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control devices installed in #publicly accessible open areas#, #arcades#, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all #Residence Districts#, the provisions of ~~paragraph (a)(8) of Section 23-442 (Additional permitted obstructions)~~ paragraph (h) of Section 23-312 (Additional permitted obstructions generally permitted in all yards) shall be modified to allow steps within a required #yard# or #rear yard equivalent#, provided that such steps access any #story# located at or below the #first story above the flood elevation#.

64-313
Special height and setback regulations for all buildings

[UPDATED CROSS-REFERENCES]

The regulations for permitted obstructions to applicable height and setback regulations shall be modified in accordance with the provisions of this Section.

Dormers

For #Quality Housing buildings#, or portions thereof, as an alternative to the provisions of ~~paragraph (c) of Section 23-623~~ paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts), 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.

64-32
Special Bulk Regulations for Flood-resistant Buildings

* * *

64-322
Special floor area modifications for flood-resistant buildings

[REMOVING ATTIC ALLOWANCE, SINCE NOW A REDUNDANT PROVISION]

For all #flood-resistant buildings#, the definition of #floor area# may be modified in accordance with the provisions of this Section.

(a) Entryways

In all districts, for #buildings# other than #residential buildings# with enclosed entryways below the #first story above the flood elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #first story above the flood elevation# and the level of the adjoining sidewalk, provided such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each entryway.

Such exempted floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the ground floor.

~~(b) Modifications to attic allowances for #residential buildings#~~

~~In R2X, R3, R4, R4A, and R4-1 Districts outside of #lower density growth management areas#, the provisions of paragraph (a) 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 be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 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 three and one-half inches in vertical distance for each foot of horizontal distance.~~

~~(c)~~(b) Flood-proofed ground floors

(1) For #buildings# along #primary ~~street~~ frontages#, or portions thereof, as defined in Section 64-11, floor space located below the #first story above the flood elevation# and within 30 feet of the #street wall# along such #primary ~~street~~ frontage# may be excluded from the calculation of #floor area#, provided that:

(i) such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher;

(ii) the level of the finished floor of such floor space is located no more than two feet above nor two feet below #curb level#;

(iii) such floor space shall be limited to non-#residential uses# other than #accessory# parking or #public parking garages# and subject to the minimum depth requirements set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses);

(iv) #ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements); and

(v) for #developments#, the level of the #first story above the flood elevation# is 13 feet or more above the level of the adjoining sidewalk.

However, such floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for non-#residential# #floor area# at the ground floor.

(2) In all districts, floor space located below the #first story above the flood elevation# may be excluded from the calculation of #floor area# provided such floor space complies with the #flood-resistant construction standards# for wet-flood-proofing up to the #flood-resistant construction elevation# or higher.

(d) #Floor area# for existing #buildings#

For #zoning lots# containing #buildings# existing prior to May 12, 2021, as an alternative to the #floor area# regulations of this Chapter, the amount of #floor area# allocated to a #basement# or #cellar# in such existing #building# may be determined in accordance with how those terms were defined prior to May 12, 2021.

64-323
Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings

[UPDATING CROSS REFERENCES]

For #zoning lots# with #flood-resistant buildings#, the regulations for #yards# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Level of required yards

In all districts, the underlying #yard# regulations shall be modified to allow the level of a #yard# or a #rear yard equivalent# to be located higher than #curb level#, provided that it does not exceed the #flood-resistant construction elevation#, and the level set forth by the following regulations:

(1) in #Residence Districts#, the final grade of #front yards# and #side yards# shall not penetrate a plane that begins three feet above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2 feet 6 inches of horizontal distance;

(2) in #Commercial# and in #Manufacturing Districts#, for portions of #zoning lots# where Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, the level of #front yards# and #side yards# may be permitted to exceed #curb level# only pursuant to paragraph (a)(1) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces below grade on all sides in a manner inconsistent with #flood-resistant construction standards#.

(b) Permitted obstructions

(1) Covered porches, balconies, and covered access areas

In all districts, a porch or access area covered by a roof or other permanent structure shall be permitted obstructions in any required #open space# or #yard# on the #zoning lot#. Where permanent structures such as balconies are located directly above a porch or access area, such balconies may exceed the width and depth standards of Section ~~23-13~~ 23-62 (Balconies).

(2) Retaining walls

In #Residence Districts#, retaining walls shall be permitted in #front yards# and #side yards# provided any retaining wall parallel to, or within 15 degrees of being parallel to, the #street# shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall, so that no more than three feet of such retaining wall is visible from the #street#; and

(3) Fences

In #Residence Districts#, portions of fences located in #front yards# with height greater than four feet above #curb level# shall be required to be no more than 50 percent opaque.

(c) Front yard planting requirement

In R1 through R5 Districts, where the distance between the #street wall# and the #street line# is 10 feet or less, or for #zoning lots# with #front yards# that are shallower than the minimum required pursuant to the applicable district regulations, stairs, ramps or lifts that access the #first story above the flood elevation# shall be exempted from the area of a #front yard# for the purpose of calculating the planting requirements of ~~Section 23-451 (Planting requirement)~~ Section 23-613 (Front Yard Planting Requirements).

64-324
Street wall location for flood-resistant buildings

[UPDATING CROSS REFERENCES]

For all #buildings#, where the #street wall# location regulations of this Resolution require the #street wall# to be located within eight feet of the #street line#, such regulations may be modified to accommodate exterior stairs and ramps for access to the #building#, to comply with the requirements of Section 64-50 (~~Streetscape Regulations~~ STREETSCAPE REGULATIONS), or to provide temporary flood control devices and associated fixtures, as follows:

(a) no #street wall# need be located closer to the #street line# than eight feet;

(b) for #buildings# on #zoning lots# with a #lot width# greater than or equal to 50 feet, 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 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court# and the height of such recess shall not be less than the height of the first #story# located completely above the level of the adjoining grade; and

(c) for #buildings# on #zoning lots# with a #lot width# of less than 50 feet:

(1) for the first #story# above the #flood-resistant construction elevation#, or #reference plane#, as applicable, and any #street wall# below such first #story#, the #aggregate width of street wall# may be located anywhere; and

(2) for the remaining #aggregate width of street walls# above such #stories#, 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 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

For all #buildings# where the aggregate width of exterior stairs, ramps, or elevated platforms in front of a #street wall# exceeds 70 percent or more along the ground floor of the #street wall#, such stairs, ramps, or elevated platforms shall be screened by living plant material or by the provisions of paragraph (b)(1) of Section 64-521 (Options available for all buildings).

64-33
Special Bulk Regulations for Cottage Envelope Buildings

[REMOVING ATTIC ALLOWANCE PER PROPOSAL]

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# with #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

~~No #building# that utilizes the provisions of this Section shall subsequently be #enlarged# pursuant to Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).~~

~~**64-331**~~
~~**Modifications to the attic allowance for cottage envelope buildings**~~

[REMOVING ATTIC ALLOWANCE PER PROPOSAL]

~~R3 R4A R4-1~~

~~In #lower density growth management areas# in the districts indicated, the provisions of paragraph (b) 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 be modified to allow the #floor area ratio# set forth in the table of such Section to be exceeded by 20 percent, provided that any such increase in #floor area# is located in any portion of a #cottage envelope building# covered by a sloping roof that rises at least three and one-half inches in vertical distance for each foot of horizontal distance.~~

~~**64-332**~~
64-331

Special regulations for required yards, courts and open spaces on zoning lots with cottage envelope buildings

[RENUMBERING SECTION; REMOVING REDUNDANT FRONT, SIDE AND REAR YARD PROVISIONS, AND ALIGNING WITH PROPOSED UNDERLYING]

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# containing #cottage envelope buildings#, the following #yards#, #courts# and #open space# regulations may be modified in accordance with the provisions of this Section.

(a) Lot Coverage ~~and Open Space~~

In R1-2A, R2A, R3-1, R3-2, R4, R4-1, and R4A Districts, the #lot coverage# ~~and #open space#~~ regulations need not apply. In lieu thereof, the #yard# requirements of this Section shall apply.

(b) Front Yards

~~For #buildings# that are utilizing the provisions of this paragraph, the provisions of paragraphs (b) and (c) of Section 23-45 (Minimum Required Front Yards) need not apply.~~

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#.

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 #cottage envelope buildings# may be as shallow as the shallowest adjacent #front yard#.

~~(c) Side Yards~~

~~The #side yard# provisions for the applicable district shall apply, except that the required total width of #side yards# for a #zoning lot# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than the minimum widths set forth in the definition of #cottage envelope building# in Section 64-11 (Definitions). However, in no event shall the required width of a #side yard# be less than three feet.~~

~~In addition, for #buildings# utilizing the provisions of this paragraph, the provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences) need not apply, provided such open area does not serve as access or contain #accessory# off-street parking spaces serving existing #buildings# that remain on the #zoning lot#, or an adjoining #zoning lot#.~~

~~(d) Rear Yards~~

~~(1)~~ ~~Where an #interior lot# is less than 95 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 95 feet. However, in no event shall the minimum depth of a required #rear yard#, or portion thereof, be reduced to less than 10 feet.~~

~~(2)~~ ~~Where a #through lot# is less than 180 feet deep at any point, 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, be reduced to less than 20 feet.~~

~~(e)~~(c) Corner Lots

Where a #corner lot# has a #lot area# equal to or less than 3,000 square feet, only one #front yard# need be provided, and the remaining #front lot line# may be treated as a #side lot line#.

~~64-333~~
64-332
Height and setback regulations for cottage envelope buildings

[RENUMBERING SECTION AND UPDATING CROSS REFERENCE.
REMOVING MAX HEIGHT TO ALIGN WITH PROPOSED UNDERLYING]

R1 R2 R3 R4 R5

In the districts indicated, all #cottage envelope buildings# shall be subject to the height and setback provisions set forth in ~~paragraph (b) of Section 23-631 (General provisions),~~ Section 23-421 (Basic pitched-roof envelopes for certain districts) except that~~:~~

~~(a)~~ ~~the maximum height of a perimeter wall of a #cottage envelope building# before setback shall be 21 feet;~~

~~(b)~~ ~~the maximum height of a ridge line shall be 25 feet; and~~

~~(c)~~ all heights may be measured from the #reference plane#.

~~In addition, the maximum number of #stories# in any #cottage envelope building# shall not exceed two #stories# above the #reference plane#.~~ For the purposes of this Section, attic space providing structural headroom of less than eight feet shall not be considered a #story#.

64-40
SPECIAL PARKING REGULATIONS

* * *

64-41
Special Parking Regulations for All Buildings

* * *

64-411
For residential buildings with below-grade parking

[UPDATING CROSS REFERENCE]

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where existing below-grade off-street parking facilities within #residential buildings# are eliminated and, in compliance with #flood-resistant construction standards#, are filled in, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#, and such relocated parking spaces need not comply with the underlying parking location, curb cut spacing or permitted obstruction regulations that limit parking, provided that:

(a) no more than two parking spaces may be located in tandem (one behind the other);

(b) each relocated parking space shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces); and

(c) where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of ~~Section 23-451 (Planting requirement)~~ Section 23-613 (Front Yard Planting Requirements) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

In the event that there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that #buildings# existing on May 12, 2021, will remain, the Commissioner of Buildings may waive the requirement for such spaces.

64-412
Surfacing

[UPDATING CROSS-REFERENCE]

R1 R2 R3 R4 R5

In the districts indicated, ~~Section 25-65 (Surfacing)~~ Section 25-64 (Surfacing) may be modified to allow dustless gravel on all open off-street parking spaces and on portions of driveways beyond the #front lot line# that access #single-# or #two-family residences# on a #zoning lot#.

64-42
Special Parking Regulations for Flood-resistant Buildings

* * *

64-421
Parking modifications

[UPDATING CROSS-REFERENCES]

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #zoning lots# containing #single-# or #two-family residences#. For such #zoning lots#, where off-street parking spaces are ~~required pursuant to Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES) inclusive~~ provided, the underlying parking regulations may be modified as follows:

(a) the regulations governing parking location, curb cut location, or permitted obstruction that limit parking need not apply, provided that all parking spaces are either located beneath the #first story above the flood elevation# within #buildings# or driveways directly in front of a garage opening. Such spaces shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces). However, within #lower density growth management areas# the provisions of paragraph (c) of Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall continue to apply; and

(b) the underlying curb cut spacing regulations for #zoning lots# existing on May 12, 2021, with a frontage of less than 35 feet along a #street# need not apply, provided that at least four feet of curb space is provided between a new curb cut and an existing curb cut on the same or an adjacent #zoning lot#.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

All #zoning lots# utilizing this Section shall comply with the provisions of ~~Section 23-451 (Planting requirement)~~ Section 23-613 (Front Yard Planting Requirements) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

64-50
STREETSCAPE REGULATIONS

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT;
UPDATING CROSS REFERENCES]

The provisions of this Section, inclusive, shall apply to #zoning lots# containing #flood-resistant buildings#, as set forth in paragraphs (b) and (c) of Section 64-12 (Applicability), that have a #street wall# within 50 feet of the #street line# in #Residence Districts#, #Commercial Districts# and M1 Districts. However, the provisions shall not apply to such #buildings# containing #uses# predominantly listed under Use Groups IV(B), IX(B) or X.

All #buildings# shall provide streetscape mitigation elements in the categories of access or ground floor level, in order to achieve the total points required in the following table. The total points required varies based upon the level of the #first story above the flood elevation#, as measured from #curb level#. The individual mitigation options are set forth in Sections 64-51 (Building Access Mitigation Options) and 64-52 (Ground Floor Level Mitigation Options), inclusive. Cells marked with an "x" designate mandatory categories to fulfill at least one point out of the total points requirement.

The points awarded for compliance with each individual mitigation are set forth in parentheses after the title to each paragraph describing a mitigation element.

For #corner lots#, the total points requirement set forth in this Section shall apply separately along each #street frontage# except where the #street wall# width along one of the #street frontages# is 25 feet or less, the requirements need only apply to one frontage.

Where #zoning lots# are required to provide streetscape elements in accordance with other provisions of this Resolution, such elements may also be utilized towards meeting the requirements of this Section, provided that such elements comply with the applicable standard herein.

In addition, all #buildings# shall meet the requirements set forth in Section 64-53 (Screening Requirements for Parking Within or Below Buildings) as applicable.

Level of the #first story above the flood elevation#	**Streetscape Mitigation Elements**		**Total Points Required**
	Building Access (Section 64-51)	**Ground Floor Level (Section 64-52)**	
Below five feet or no #first story above the flood elevation#			1
Five feet or above	x	x	3[1,2]

[1] #Single-# and #two-family residences# on a #zoning lot# less than 25 feet wide with a #first story above the flood elevation# at five feet or above need only satisfy a total of two points instead of the three points set forth in the above table.

[2] If the requirements of this Section apply to only a portion of the #building# with a #first story above the flood elevation# at five feet or above, and such portion of the #building# does not have a #primary entrance#, the total points required shall be two, and they need only be satisfied through the ground floor level category.

* * *

64-523
Additional options available for all buildings except single-, two-, or three-family residences

[UPDATING CROSS REFERENCES AND TERMS]

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-family#, #two-family#, or three-family residences. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency with #use#
(one point)

One or more of the following options may apply:

(1) Lobby
(one point)

In all districts, a lobby that complies with the standards ~~of Type 1 lobbies~~ set forth in Section 37-33 (Maximum Width of Certain Uses), shall be provided. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(2) #Community facilities# and #accessory# #residential uses#
(one point)

In all districts, for #buildings# containing #residences# with three or more #dwelling units#, at least 50 percent of the #ground floor level# #street wall# shall be allocated to #accessory# #residential uses# other than #accessory# off-street parking, or #community facilities uses#, including, but not limited to, recreation space or bicycle storage, that extends to a minimum depth of 15 feet from the #street wall#. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of such #uses#, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Where the spaces for such #uses# need not be fully enclosed, decorative screening or latticework

may be substituted for transparent glazing materials.

(3) Non-#residential uses#
(one point)

In #Commercial Districts#, #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 2~~ lobbies and entrances and exits to #accessory# parking spaces provided in accordance with Section 37-33. Ground floor level #street walls# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements) except that the transparent materials may begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk.

If #group parking facilities# are provided, they shall be wrapped by #floor area#, in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

(b) Transparency close to grade
(one point)

In all districts, transparent materials provided to satisfy #street wall# transparency requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(c) Linear treatment
(one point)

Linear treatment shall be provided for blank walls in the form of benches, bicycle racks, tables and chairs, or any combination thereof, as set forth in paragraph (b) of Section 37-362 (Mitigation elements).

64-53
Screening Requirements for Parking Within or Below Buildings

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The provisions of this Section shall apply to all #buildings# other than:

(a) #single# or #two-family residences#; and

(b) #buildings# containing predominantly #uses# listed under Use Groups IV(B), IX(B) or X.

Where the #first story above the flood elevation# is five or more feet above #curb level# and the #street

wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be either wrapped by #floor area# or screened pursuant to the provisions of Section 37-35 (Parking Wrap and Screening Requirements).

#Buildings# in existence prior to May 12, 2021, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

* * *

64-622
Special open area regulations for non-complying buildings

[UPDATING CROSS REFERENCES]

The following provisions may apply to #non-complying# #buildings or other structures#.

(a) Relocation allowances

#Non-complying# #buildings or other structures# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, minimum distances between two or more #buildings#, or minimum distances between #legally required windows# and walls or #lot lines#, in order to relocate or alter the footprint of the #building#, provided that:

(1) the resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the alteration, #enlargement#, relocation or reconstruction work or the amount permitted by the district, as applicable, whichever is greater, except that, where the provisions of paragraph (b) of this Section are utilized, the #first story above the flood elevation# and any #stories# below, may be exempted from such calculation;

(2) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the alteration, #enlargement#, relocation or reconstruction work, except that such limitation shall not apply:

(i) where the pre-existing #building or other structure# is located either partially or entirely seaward of the #shoreline#, and such #building or other structure# will be altered, #enlarged#, relocated or reconstructed to be repositioned landward of the #shoreline# on the same #zoning lot#; or

(ii) where additional distance is necessary to accommodate access, including stairs, ramps or lifts in a required #yard#, provided that any additional encroachment is limited to the depth of such access;

(3) any new or increased #non-compliance# shall not result in an open area of:

(i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;

(ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and

(iii) three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#; and

(4) the height of #buildings or other structures# within #non-complying# #yards# or #open space#, as measured from the #reference plane#, shall not exceed the height set forth in paragraph (a) of Section 64-623 (Special height regulations for non-complying buildings).

(b) Allowances for horizontal expansions

The #first story above the flood elevation# and #stories# located below such #story#, may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #rear yards#, #open space#, #open space ratio#, or #lot coverage# regulations for the district, provided that:

(1) the increased #lot coverage# does not exceed an additional 20 percent of such #lot coverage# permitted by ~~the underlying regulations in R1-2A, R2A, R3-1, R3-2, R4, R4B, R5, R5B, and R5D Districts;~~ Section 23-361 (Maximum lot coverage in R1 through R5 Districts);

~~(2) the increased #lot coverage# does not exceed an additional 20 percent of the maximum footprint permitted by applying the applicable district #rear#, #side# and #front yard# regulations in R2X, R3A, R3X, R4-1, R4A, and R5A Districts;~~

~~(3)~~(2) for #single-# or #two-family residences#, the encroachment into a #rear yard# does not result in a #rear yard# with a depth of less than ~~20~~ 10 feet; and

~~(4)~~(3) in all districts, the encroachment into a required open area does not exceed a height of 15 feet, as measured from the #first story above the flood elevation#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

64-623
Special height regulations for non-complying buildings

[MODIFYING HEIGHT TO ALIGN WITH PROPOSAL]

For #buildings or other structures# that are #non-complying# with the applicable district height and setback regulations, the maximum height of such altered, #enlarged#, relocated or reconstructed #building or other structure#, shall not exceed the height permitted pursuant to either paragraph (a) or (b) of this Section, as applicable. An alteration, #enlargement#, relocation or reconstruction pursuant to this Section may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with height and setback regulations, and may continue or increase a #non-compliance# with other #bulk# regulations associated with such #non-complying# height, subject to the limitations of this Section. All permitted obstruction allowances shall be measured with respect to the modified envelopes of this Section.

(a) For pre-existing #buildings or other structures# that do not exceed the overall permitted height

Where the height of a pre-existing #building or other structure# does not exceed the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#, the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# shall not exceed:

(1) the applicable #sky exposure plane#, for #buildings# governed by #sky exposure planes# as measured from the #reference plane#; or

(2) a horizontal plane equivalent to the maximum #building# height permitted by the applicable district for all other #buildings# as measured from the #reference plane#.

(b) For pre-existing #buildings or other structures# that exceed the overall permitted height

Where the height of a pre-existing #building or other structure# exceeds the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#:

(1) the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, provided also that such height shall not exceed the overall height permitted by the applicable district regulations by 10 percent, or 10 feet, whichever is less; and

(2) for ~~#single# or #two-family residences# in R1-2A, R2A, R2X, R3, R4, R4-1, R4A, or R5A Districts~~ <u>#buildings# or other #structures# subject to the regulations of Section 23-421 (Basic pitched-roof envelopes for certain districts)</u>, where the degree of the alteration or reconstruction exceeds 75 percent of the #floor area#, the height of a

perimeter wall of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed the higher of the maximum perimeter wall height for the district, or the pre-existing height of such perimeter wall, as measured from the top of the #lowest usable floor# to the highest point in such pre-existing #building# before setback.

However, the height allowances of this Section shall not apply to #single# or #two-family residences# that are not #non-complying# with #floor area# requirements, or where the provisions of paragraph (b) of Section 64-622 (Special open area regulations for non-complying buildings) are utilized.

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 6
Special Regulations Applying Around Mass Transit Stations

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66-10
GENERAL PROVISIONS

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66-11
Definitions

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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#.

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Qualifying transit improvement sites

[UPDATING QUALIFYING TRANSIT IMPROVEMENT SITES TO INCLUDE NEW RESIDENCE 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, "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#.

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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 residential sites#; or

(c) #large sites# located in R1 through R5 Districts or in #Commercial Districts# mapped within, or with a #residential equivalent# of, such districts.

#Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

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66-20
SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

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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.

~~(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.~~

~~(c)~~(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.~~

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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(b)]

~~(1) #Easement volumes#~~

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.~~

~~(c)~~(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,~~

~~where~~ 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 such districts, ~~with R7 through R10 Districts~~, ~~M1-6 Districts, and #Manufacturing Districts# with an A suffix,~~ or any other #Commercial# or #Manufacturing District# with a maximum #building# height limitation, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

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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)

~~R5~~ ~~R5D~~ R1 R2 R3 R4 R5 C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less
R6 R7 R8 R9 R10 R11 R12 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 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 #Manufacturing Districts# with an A suffix	15,000 or less

(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,~~ 25-34, 36-24, ~~36-38~~ 36-35 or ~~44-24~~ 44-23 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) or 25-22 (Calculation of Required Parking).

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

[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

[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).

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66-30
SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

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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)~~(1)~~ 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).

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66-50
SPECIAL APPROVALS

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66-51
Additional Floor Area for Mass Transit Station Improvements

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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 #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154~~ For #developments# or #enlargements# with #qualifying affordable housing#, the

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 (Additional floor area for mass transit station improvements by authorization), notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

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ARTICLE VII
ADMINISTRATION

Chapter 3
Special Permits by the Board of Standards and Appeals

73-00
SPECIAL PERMIT USES AND MODIFICATIONS

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73-40
MODIFICATIONS OF USE OR PARKING REGULATIONS

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73-43
Reduction of Parking Spaces <u>for Places of Assembly</u>

~~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]

<u>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:</u>

<u>(a)</u> <u>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</u>

<u>(b)</u> <u>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.</u>

~~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~~

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~~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#.~~

~~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~~

~~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

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~~**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~~

~~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~~ 36-56 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

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~~**73-472**~~
73-462
In Commercial or Manufacturing Districts

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~~**73-48**~~
73-47
Roof Parking

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73-50
SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

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73-60
MODIFICATIONS OF BULK REGULATIONS

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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 #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.
MOVING INCOME-RESTRICTED HOUSING REQUIREMENTS HERE]

For #developments# or #enlargements# ~~of #Quality Housing buildings#~~ of #buildings#, except #height factor buildings#, in which at least 50 percent of the #dwelling units# either comply with the definition of "affordable housing unit" set forth in Section 27-111 (General definitions), or have a legally binding restriction limiting rents 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 ~~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

[RENUMBERING SECTION;
UPDATING CROSS-REFERENCES]

For a #development#, #enlargement# or #conversion# subject to the provisions of paragraph ~~(d)~~ (a)(3), inclusive, of Section ~~23-154 (Inclusionary Housing)~~ 27-131 (Mandatory Inclusionary

Housing), the Board of Standards and Appeals may, upon determining that a hardship that is specifically created by the requirements of such Section exists, modify the income levels specified for #qualifying households#, reduce the amount of #affordable floor area# required or reduce the amount of a payment into the #affordable housing fund#, provided the Board finds that:

(a) the applicant has applied for any appropriate relief for which such #development#, #enlargement# or #conversion# is eligible for any financial hardship or practical difficulty not specifically created by the requirements of Section ~~23-154~~ 27-131, paragraphs ~~(d)~~(a)(3)(i) through ~~(d)~~(a)(3)(v) and ~~(d)~~(a)(5);

(b) such requirements for #affordable housing# or a contribution to an #affordable housing fund# create an unnecessary hardship, with no reasonable possibility that a #development#, #enlargement# or #conversion# on the #zoning lot# in strict compliance with the provisions of Section ~~23-154~~ 27-131, paragraphs ~~(d)~~(a)(3)(i) through ~~(d)~~(a)(3)(v) and ~~(d)~~(a)(5), and Section ~~23-90 (INCLUSIONARY HOUSING)~~ 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, will bring a reasonable return, and that a modification or reduction of these requirements is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; and

(c) the unnecessary hardship claimed as a basis for such modification or reduction has not been created by the owner or by a predecessor in title.

In determining whether a hardship exists, the Board shall consider whether alternative permitted #uses#, or alternative forms of housing tenure would bring a reasonable return from the #zoning lot#.

The Board may modify #affordable housing# requirements set forth in Section ~~23-154~~ 27-131, paragraphs ~~(d)~~(a)(3)(i) through ~~(d)~~(a)(3)(iv) and ~~(d)~~(a)(5), to permit appropriate relief as follows.

First, the Board shall determine whether compliance with the requirements of Option 1, Option 2 or ~~the Deep Affordability Option~~ Option 3, as set forth in Section ~~23-154~~ 27-131, paragraphs ~~(d)~~(a)(3)(i), ~~(d)~~(a)(3)(ii) and ~~(d)~~(a)(3)(iii), respectively, where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board shall next determine whether compliance with the requirements of the ~~Workforce Option~~ Option 4, as set forth in Section ~~23-154~~ 27-131, paragraph ~~(d)~~(a)(3)(iv), where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board, in consultation with the Department of Housing Preservation and Development, shall determine a modification or reduction of the requirements of Section ~~23-154~~ 27-131, paragraph ~~(d)~~(a)(3)(i) through ~~(d)~~(a)(3)(iv) and ~~(d)~~(a)(5), that represents the minimum necessary modification or reduction to afford relief.

In addition, the Board, in consultation with the Department of Housing Preservation and Development, may permit a modification or reduction of the requirements of Section ~~23-154~~ 27-

131, paragraph ~~(d)~~(a)(3)(v) that represents the minimum necessary modification or reduction to afford relief.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board. Before the Board issues a final determination on any application made pursuant to this Section, #HPD# shall submit comment or appear before the Board regarding such application.

A special permit pursuant to this Section shall lapse after a term of four years, pursuant to Section 73-70 (LAPSE OF PERMIT). When considering an application for renewal of a special permit pursuant to paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), the Board shall consult with #HPD# in determining whether the circumstances warranting the original grant of such permit still obtain, and may renew, modify, or deny the application for renewal, as appropriate.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

~~**73-625**~~
73-623
Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District

[RENUMBERING SECTION;
UPDATING CROSS-REFERENCES]

Within the #Special SoHo-NoHo Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph ~~(d)~~(a)(3)(v) of Section ~~23-154 (Inclusionary Housing)~~ 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund# pursuant to such paragraph to satisfy the requirements of paragraph ~~(d)~~(a)(3), inclusive, of such Section, provided that the Board finds that:

(a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant to the #guidelines# of the Inclusionary Housing Program. Before the Board issues a final determination on any application made pursuant to this Section, the Department of Housing Preservation and Development shall submit comment or appear before the Board regarding this finding;

(b) the practical difficulties existed on December 15, 2021.

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and ~~23-911~~ 27-11.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

* * *

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 #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 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.

* * *

74-14
Public Service Facilities and Infrastructure

* * *

74-148
Railroad passenger stations

[UPDATING TO REFLECT NEW TERM]

(a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations listed under Use Group IV(B) in all districts, provided that the following findings are made:

(1) that the principal access for such #use# is not located on a local #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

(3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with ~~an~~ underground railroad ~~right-of-way~~ or transit tracks that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

(1) that the principal access for such railroad passenger station is not located on a local #street#;

(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(3) that any vehicular entrances and exits for such railroad passenger station are provided

separately and are located not less than 50 feet apart;

(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and

(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with ~~an~~ underground railroad ~~right-of-way~~ or transit tracks that provides access to a railroad passenger station, that:

(i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

(ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to

this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

* * *

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**~~
~~**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~~

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#.

(c) 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 (Rear yard requirements) 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~~ 42-315 (Use regulations in M1-5B Districts), 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 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).

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.~~

~~(c) 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 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 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 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 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~~

~~(c) 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#.~~

~~**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~~ 74-851 through ~~74-873~~ 74-853, inclusive.

~~74-871~~
74-851
Floor area bonus for covered pedestrian space

[UPDATING SECTION NUMBER; ADDING NEW DISTRICTS]

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~~ 74-852 (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.~~

~~**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~~

~~(c) 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 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]

* * *

74-95
Bulk Modifications for Irregular Sites

[NEW SPECIAL PERMIT TO EXCEED THRESHOLDS OF 75-24]

For #developments# or #enlargements# of #buildings# containing #residences# on #zoning lots# with irregular site conditions, the City Planning Commission may permit modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the following findings are met:

(a) there are physical conditions, including, but not limited to, irregular lot size or shape, topographical features, the presence of an existing #building# or proximity to transportation infrastructure, that creates practical difficulties in complying with the applicable #residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# 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 to 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 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.

~~74-99~~
74-96
Lapse of Authorization or Special Permit

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

* * *

ARTICLE VII
ADMINISTRATION

Chapter 5
Authorizations and Certifications by the City Planning Commission

* * *

75-20
BULK AUTHORIZATIONS

75-21
Bulk Modifications in Certain Commercial and Manufacturing Districts

* * *

75-22
Developments on Lots Over Four Acres that include 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 to 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

[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 to 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, 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, but not limited to, irregular lot size or shape, topographical features, the presence of an existing #building# or proximity to transportation infrastructure, that creates practical difficulties in complying

with the applicable #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 to 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 of #use# or other alteration to a #building# containing #residences# that would create a new #non-compliance# or increase the degree of an existing #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:

(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 to 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

[NEW AUTHORIZATION, REPLACING SECTION 74-79]

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 (Transfer of Development Rights From Landmarks), provided the Commission finds that:

(a) the proposed modifications will not unduly obstruct access to 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 reasonably 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

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 PERMITTED NON-RESIDENTIAL USES) provided the Commission finds that 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
Developments On or Over Railroad Right-of-Ways and on Lots Under Four Acres that Include Certain Railroad Right-of-Ways

[NEW CERTIFICATION]

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# of 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

#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

[ADAPTING TEXT FROM SECTION 74-79, AND MODIFYING]

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 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 SECTION 74-79, BASED ON SECTION 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 other 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; and

(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 once 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.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to the provisions of this Section.

* * *

ARTICLE VII
ADMINISTRATION

Chapter 6
Location of District Boundaries

76-10
DISTRICT BOUNDARIES ON THE ZONING MAPS

* * *

76-14
Additional Rules of Construction

* * *

[UPDATING TERMINOLOGY TO MATCH PROPOSAL]

76-144
Boundary line adjoining ~~a~~ railroad or transit tracks

In cases where a boundary line is shown as adjoining ~~a~~ railroad or transit tracks, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the railroad ~~right-of-way~~ or transit tracks.

76-145
Boundary line coinciding with parks, cemeteries or navigable waters

* * *

ARTICLE VII
ADMINISTRATION

Chapter 7
Special Provisions for Zoning Lots Divided by District Boundaries

* * *

77-02
Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution

[UPDATING CROSS REFERENCE]

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# did not exist on December 15, 1961, or any applicable subsequent amendment thereto, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located. However, the provisions ~~of paragraph (a)~~ of Section 77-22 (Floor Area Ratio) ~~and Section 77-40 (SUPPLEMENTAL REGULATIONS)~~ shall apply to zoning lots created at any time where different #bulk# regulations apply to different portions of such #zoning lot#.

* * *

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 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

* * *

~~**77-40**~~
~~**SUPPLEMENTAL REGULATIONS**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~For #buildings# #developed# or #enlarged# on #zoning lots# in which a district boundary divides the #building# such that the Quality Housing Program applies in one portion of the #building# but not the other, the following Sections of Article II, Chapter 8, shall apply to the entire #building# or #zoning lot#, as applicable:~~

~~Section 28-10 (BUILDING INTERIOR)~~

~~Section 28-20 (RECREATION SPACE AND PLANTING AREAS)~~

~~Section 28-30 (SAFETY AND SECURITY)~~

~~Section 28-40 (PARKING FOR QUALITY HOUSING).~~

~~Where each zoning district has a different recreation space requirement, and/or density of dwelling units per corridor standard, the following rule shall apply:~~

~~To arrive at one standard for the #building#, each standard shall be multiplied by the percentage of the #zoning lot# to which such standard applies. The sum of the products thus obtained shall be the adjusted standard applicable to the building. For any portion of the #zoning lot# in an R3-2, R4 (except R4-1, R4A or R4B), or R5 District, the R6B District standards shall apply.~~

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Midtown District

81-00
GENERAL PURPOSES

* * *

81-06
Applicability of Article VII Provisions

81-061
Applicability of Article VII, Chapter 3

[REMOVING PER PROPOSED MODIFICATIONS IN ARTICLE VII, CHAPTER 3]

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying# #buildings# shall not be applicable:

~~Section 73-621~~ ~~(Enlargement, change of use, or extension within buildings containing residential uses)~~

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

* * *

81-062
Applicability of Article VII, Chapter 4

[UPDATING CROSS REFERENCES]

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-scale Development)

Section 74-75 (Educational Construction Fund Projects)

Section 74-82 (Through Block Arcades)

Section ~~74-83~~ 74-821 (Court Houses)

Section ~~74-841~~74-831(Developments in certain Commercial Districts)

~~Section 74-852~~ ~~(Height and setback regulations for zoning lots divided by district boundaries)~~

Section ~~74-87~~ 74-85 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

~~Section 74-95~~ ~~(Modifications of Housing Quality Special Permits)~~

Within the #Special Midtown District#, the following ~~provisions regarding~~ special permit~~s~~ by the City Planning Commission shall only be applicable as modified below:

Section 74-71 (Landmark Preservation) shall be applicable subject to the height and setback modifications of Sections ~~81-067~~ 81-068, 81-254, 81-266 and 81-277

~~Section 74-79~~ ~~(Transfer of Development Rights From Landmark Sites) shall be applicable subject to modifications of the conditions and limitations on transfer of #floor area# (see Sections 81-212 and 81-747), the meaning of the term "adjacent lot" (see Section 81-747) and the provisions relating to height and setback variations (see Sections 81-254, 81-266 and 81-277).~~

81-063
Applicability of Article VII, Chapter 5

[UPDATING CROSS-REFERENCES]

Within the #Special Midtown District#, the following certification by the Chair of the City Planning Commission or authorization by the Commission shall only be applicable as modified below:

Section 75-26 (Bulk Modifications Associated with a Transfer of Development Rights from Landmarks)

Section 75-42 (Transfer of Development Rights from Landmarks) shall be applicable within the #Special Midtown District#, except in the East Midtown Subdistrict and Theater Subdistrict. Such provisions shall be subject to

modifications of Section 81-212.

~~81-063~~
81-064
Regulations for developments or enlargements on lots divided by district boundaries, within or partially within the Theater Subdistrict

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

~~81-064~~
81-065
Inapplicability of provisions for height and setback modifications in large-scale residential developments

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

~~81-065~~
81-066
Inapplicability of provisions for height and setback modifications in large-scale community facility developments

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

~~81-066~~ 81-067
Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

~~81-067~~ 81-068
Modification of provisions for minimum base height and street wall location in Historic Districts

[RENUMBERING SECTION; UPDATING CROSS REFERENCES]

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43

(Street Wall Continuity Along Designated Streets), 81-671 (Special street wall requirements) pertaining to the East Midtown Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections ~~23-66~~ 23-43 (Height and Setback Requirements in R6 Through R12 Districts) and ~~35-65 (Height and Setback Regulations for Quality Housing Buildings~~) 35-63 (Basic Height and Setback Regulations).

* * *

81-20
BULK REGULATIONS

81-21
Floor Area Ratio Regulations

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of Section 81-21, inclusive, or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Section 81-21, inclusive, shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-63 or 81-64 shall apply.

81-211
Maximum floor area ratio for non-residential or mixed buildings

[UPDATING CROSS REFERENCES]

(a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.

(b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving	C5P	C6-4 C6-5	C5-2.5	C6-7T	C5-3 C6-6

Permitted FAR Levels on a #Zoning Lot#		M1-6	C6-4.5 C6-5.5 C6-6.5		C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances:~~(District-wide Incentives),~~ #Public plazas# - Section 81-23	—	1.0[1,2]	1.0[1,3]	—	1.0[2]
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0[1,2,~~7~~ 6]	13.0[1,3]	14.0	16.0
D. Maximum District-wide #Floor Area# Allowances:~~(District-wide Incentives),~~ #Mass Transit Station# - Section 66-51	1.6[5]	2.0[~~6~~ 5]	2.4	2.8	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	9.6	12.0	14.4	16.8	18.0
F. Maximum #Floor Area# Allowances in Penn Center Subdistrict: #Mass Transit Station# Improvement - Section 81-541	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives	—	12.0	—	—	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					
Development rights (FAR) of a "granting site" - Section 81-744	—	10.0	12.0	14.0	15.0
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	—	2.0	2.4	2.8	3.0
~~Inclusionary Housing - Sections 23-90 and 81-22~~	—	~~2.0[4]~~	—	—	—
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater	—	12.0	14.4	16.8	18.0

Subdistrict					
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	—	2.4	—	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	—	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	—	4.4	2.4	2.8	3.0
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	9.6	14.4~~8~~ 7	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section ~~74-79~~ 75-42	8.0	10.0	13.0~~5~~ 4	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on ~~an "adjacent lot"~~ a #receiving lot# - Section ~~74-79~~ 75-42	1.6	2.0	2.4	No Limit	No Limit
O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4~~8~~ 7	14.4	No Limit	No Limit

1 Not available for #zoning lots# located wholly within Theater Subdistrict Core

[2] Not available within the Eighth Avenue Corridor

[3] Not available within 100 feet of a #wide street# in C5-2.5 Districts

~~[4]~~ ~~Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#~~

~~[5]~~ [4] 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

~~[6]~~ [5] ~~Within R10 Districts outside of #Inclusionary Housing designated areas#~~ For #zoning lots# with #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

~~[7]~~ [6] 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)

~~[8]~~ [7] For #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted ~~through combination with Inclusionary Housing~~ with the provision of #qualifying affordable housing# or #qualifying senior housing#.

81-212
Special provisions for transfer of development rights from landmark sites

[UPDATING PER PROPOSED PROVISIONS IN SECTION 75-42]

~~The provisions of Section 74-79 (Transfer of Development Rights From Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites), 81-747 (Transfer of development rights from landmark theaters) and 81-85 (Transfer of Development Rights From Landmark Sites).~~

~~The provisions of Section 74-79 pertaining to the meaning of the term in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.~~

~~The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.~~

~~Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.~~

~~For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:~~

~~(a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and~~

~~(b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.~~

~~For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:~~

~~(1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;~~

~~(2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and~~

~~(3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.~~

In the #Special Midtown District#, the transfer of development rights from landmarks shall be permitted as follows:

(a) Except in East Midtown Subdistrict and Theater Subdistrict, the provisions of Section 75-42 (Transfer of Development Rights from Landmarks) shall apply subject to the following modifications:

(1) For the purposes of the provisions of Section 75-42, the provisions pertaining to #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 in the meaning of the term #surrounding area#, as defined in Section 75-421 (Definitions), shall also apply to #zoning lots# in C6-5.5, C6-6.5 or C6-7T District;

(2) The provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for the development rights (FAR) of a landmark #granting lot#, as defined in Section 75-421, for transfer purposes. Wherever there is an inconsistency between any provision in Section 75-42 and the table in Section 81-211, the table in Section 81-211 shall apply.

(b) Within the East Midtown Subdistrict and Theater Subdistrict, the provisions of Section 81-213 shall apply.

81-213
Special provisions for transfer of development rights from landmark sites in certain areas

[MAINTAINING LANDMARKS TRANSFER MECHANISM IN THE EAST MIDTOWN AND THEATER SUBDISTRICTS]

Within the East Midtown and Theater Subdistricts, the City Planning Commission may permit a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to #zoning lots# within the #surrounding area#, as modified pursuant to paragraph (a)(1) of Section 81-212 (Special provisions for transfer of development rights from landmark sites). The transfer of #floor area# from a #granting site# to a #receiving site# shall be subject to the conditions, application requirements and findings of paragraphs (a), (b) and (c) of this Section.

In addition to the provisions of this Section, the transfer of development rights pursuant to this special permit shall be made in accordance with the provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites) and 81-747 (Transfer of development rights from landmark theaters).

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions).

(a) Conditions

The transfer of development rights shall be subject to the following conditions:

(1) The maximum amount of #floor area# that may be transferred from any #granting site# shall be the maximum #floor area# allowed by Sections 81-63, 81-65 or 81-747 less the total #floor area# of all existing #buildings on the #granting site#.

(2) For each #receiving site#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section may exceed the maximum #floor area# pursuant to Sections 81-63, 81-65 or 81-747.

(b) 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 #granting site# and the #receiving site#, including plans for all #developments# or #enlargements# on the #receiving site#; 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.

(c) Findings

The Commission shall make the following findings:

(1) that the permitted transfer of #floor area# 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.

(d) 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 #granting site# and #receiving site# 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.

~~81-213~~ 81-214
Special provisions for transfer of development rights from listed theaters within the Special Clinton District

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

81-22
As-of-right Floor Area Bonuses

As-of-right #floor area# bonuses are not permitted in the #Special Midtown District#, except in accordance with ~~the provisions of the following Section:~~

Section 81-23 (Floor Area Bonus for Public Plazas).

~~In addition, the provisions of Section 23-90 (INCLUSIONARY HOUSING) shall be applicable in that portion of the #Special Midtown District# which is also within the #Special Clinton District#, pursuant to Section 81-023 (Applicability of the Special Clinton District regulations).~~

Any #floor area# bonus granted by certification for through #block# gallerias prior to August 6, 1998, shall remain in effect provided, however, that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

* * *

81-24
Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses

81-241
Maximum floor area ratios for a residential building or the residential portion of a mixed building

[UPDATING TO ACCOMMODATE FLOOR AREA PROVISONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING; REMOVING PROVISIONS NOW INCORPORATED IN UNDERLYING PROVISIONS]

For #residential buildings# or #residential# portions of #mixed buildings# in the #Special Midtown District#, the maximum #floor area ratio# for each underlying district is as follows:

(a) In the C5-P District the maximum #floor area ratio# is 8.0, and no additional #floor area# shall be allowed above this limit. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 9.6.

(b) In all underlying districts other than the C5-P District, ~~except as provided in paragraph (c) of this Section,~~ the maximum #residential# #floor area ratio# is 10.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 12.0.

~~(c) In any underlying district other than a C5-P, C6-4 or C6-5 District, or in a C6-4 or C6-5 District within the Theater Subdistrict where a #zoning lot# has been granted bonus #floor area# or other #floor area# allowances in accordance with the provisions of Section 81-741 (General provisions), such #zoning lot# shall qualify for a maximum #residential# #floor area ratio# of 12.0 if the #development# or the #building# containing the #enlargement# includes recreational space for the #residential# occupants in an amount not less than 13 square feet for each #rooming unit#, 16.25 square feet for each #dwelling unit#, or a total area of at least 5,000 square feet, whichever is greater. The recreational space may be located at any level including a roof. Such recreational space shall:~~

~~(1) be restricted to #residential# occupants of the #development# or the #building# containing the #enlargement# and their guests, for whom no admission or membership fees may be 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;~~

~~(4) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet;~~

~~(5) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreational space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreational facilities or seating areas.~~

~~A copy of requirements (c)(1) through (c)(5), as set forth in this Section, shall be permanently posted in a conspicuous place within each recreational space.~~

81-242
Regulations on minimum spacing between buildings

[UPDATING CROSS-REFERENCES]

When a #building# containing #residential# #uses# is located on the same #zoning lot# as another #building#, 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 not apply.

* * *

81-252
Permitted obstructions

[UPDATING CROSS-REFERENCES]

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-10 (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26, and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27:

(a) unenclosed balconies conforming to the provisions of Section ~~23-13~~ 23-62 (Balconies); and

(b) #qualifying exterior wall thickness#, where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

* * *

81-254
~~Special permit~~ Modifications for height and setback ~~modifications~~

[UPDATING CROSS-REFERENCES]

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711	(Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)
Section ~~74-79~~ 75-26	~~(Transfer of Development Rights From Landmark Sites)~~ (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) ~~where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277~~
Section ~~81-066~~81-067	(Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)
Section 81-632	(Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)
Section 81-633	(Special permit for Grand Central public realm improvements)
Section 81-685	(Special permit to modify qualifying site provisions)

81-26
Height and Setback Regulations--Daylight Compensation

* * *

81-266
Special permit for height and setback modifications

[REMOVING PER APPLICABILITY OF PROPOSED PROVISIONS IN SECTION 75-26]

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark~~, or where a special permit application is made pursuant to Section 74-79 for transfer of development rights from a landmark site and the #floor area# represented by such transferred development rights exceeds 20 percent of the basic maximum #floor area# permitted on the #zoning lot# receiving the development rights~~, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations - Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) the applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further indicate for the proposed design where and to what extent deficiencies of #compensating recess# are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein; and

(b) the Commission shall make the following findings in addition to any required under the applicable provisions of Section 74-71 ~~or Section 74-79~~:

(1) that the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of height and setback regulations will adequately protect the setting for the landmark.

81-27
Alternate Height and Setback Regulations - Daylight Evaluation

* * *

81-277
Special permit for height and setback modifications

[REMOVING PER APPLICABILITY OF PROPOSED PROVISIONS IN SECTION 75-26]

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, ~~or where a special permit application is made pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites) and the #floor area# represented by such transferred development rights exceeds 20 percent of the basic maximum #floor area# permitted on the #zoning lot# receiving the development rights,~~ such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-275, inclusive, relating to Alternate Height and Setback Regulations - Daylight Evaluation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) The applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-271 to 81-276, inclusive, and shall further present for the proposed design a complete daylight evaluation with an explanation of street score or overall daylight score deficiencies.

(b) The Commission shall make the following findings in addition to any required under the applicable provisions of Sections 74-71 ~~or 74-79~~:

(1) that the requested departure from the alternate height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of the alternate height and setback regulations will adequately protect the setting for the landmark.

81-28
Minimum Distance Between Buildings

* * *

81-40
MANDATORY DISTRICT PLAN ELEMENTS

* * *

81-43
Street Wall Continuity Along Designated Streets

[UPDATING CROSS-REFERENCE]

* * *

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or #building# entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45 or 81-46 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section ~~23-84~~ 23-353.

* * *

81-44
Curb Cut Restrictions

[UPDATING CROSS-REFERENCE]

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

(a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or

(b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section ~~13-35~~ 13-33 (Modification of Loading Berth Requirements).

* * *

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

* * *

81-61
General Provisions

* * *

81-613
Definitions

* * *

Qualifying site

[UPDATING DEFINITION TO ACCOMMODATE FLOOR AREA FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

For the purposes of Section 81-60, inclusive, a "qualifying site" shall refer to a #zoning lot#:

(a) that is not located in the Vanderbilt Corridor Subarea;

(b) that has frontage along a #wide street#;

(c) where, at the time of #development# or, where permitted, #enlargement#, either:

(1) at least 75 feet of such #zoning lot's# #wide street# frontage is clear of #buildings or other structures#; or

(2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or

(3) such #zoning lot's# #wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);

(d) where a #building# is #developed# or, where permitted, #enlarged#, in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites), and such #development# or, where permitted, #enlargement# exceeds the basic maximum #floor area# set forth in Row A of the table in Section 81-64 and such #building# or publicly accessible space occupies the cleared area in paragraph (c)(1) of this definition, unless the provisions of paragraphs (c)(2) or (c)(3) apply;

(e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#, or a maximum of 24 percent of the #floor area# permitted

on such #zoning lot# where #qualifying affordable housing# or #qualifying senior housing# is provided; and

(f) where such #building# being #developed# or, where permitted, #enlarged#, complies with the performance requirements of paragraph (a) and the publicly accessible space requirements of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

* * *

81-63
Special Floor Area Provisions for the Vanderbilt Corridor Subarea

[UPDATING CROSS-REFERENCES]

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A. Basic Maximum FAR	15
B. Maximum #Floor Area# Allowances: (District-wide Incentives), #Mass transit station# improvements (Section 66-51)	3.0
C. Maximum FAR of Lots Involving Landmarks:	
Maximum FAR of a lot containing non bonusable landmark (Section 74-711 or as-of-right)	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section ~~74-79~~ 81-213)	15.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
(a) an #adjacent lot# (Section ~~74-79~~ 81-213)	No Limit
(b) a #receiving lot# (Section 81-632)	15.0
D. Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E. Maximum Total FAR of a Lot with Transferred Development	

Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F. Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot# (Section ~~74-79~~ 81-213) or District-wide Incentives (other than Section 81-633)	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section ~~74-79~~ 81-213 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

* * *

81-65
Special Floor Area Provisions for All Non-qualifying Sites

[UPDATING CROSS REFERENCES]

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

	Grand Central Core Area		Any Other Area	
Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for #mass transit station# improvements				

(Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections ~~74-79~~ 81-213 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections ~~74-79~~ 81-213 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

* * *

81-653
Special permit for transfer of development rights from landmarks to non-qualifying sites

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to the provisions of Section ~~74-79 (Transfer of Development Rights From Landmark Sites)~~ 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas), provided that:

(a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;

(b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and

(c) 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.

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-73
Special Sign and Frontage Regulations

* * *

~~**81-733**~~
~~**Special provisions for central refuse storage area**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~For all #buildings# or portions of #buildings# #developed# or #enlarged# after May 13, 1982, located within the Theater Subdistrict, facilities shall be provided for central refuse storage within the #building#, and no refuse shall be stored outside the #building#.~~

~~In all cases there shall be an area for central refuse storage provided at the rate of 75 square feet for non-compressed refuse or 50 square feet for compressed refuse for each 10,000 square feet of #lot area#. Such area shall be ventilated.~~

~~For carting purposes, such central storage area shall be directly accessible on a 24-hour basis to loading berths, where provided, or to the exterior of the #building#. Furthermore, the central storage area shall be accessible at all times to all #uses# occupying space within the #building#.~~

~~Such area shall be exempt from calculations for #floor area# as defined in Section 12-10 (DEFINITIONS).~~

* * *

81-74
Special Incentives and Controls in the Theater Subdistrict

81-741
General provisions

* * *

~~(d)~~ ~~Additional #floor area# bonuses~~

~~All #developments# or #enlargements# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# or #enlargements# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).~~

~~(e)~~(d) Required assurances

* * *

~~(f)~~(e) Limits on total additional #floor area#

* * *

~~(g)~~(f) Limitations on non-theater-related bonuses in C6-4, C6-5 or M1-6 Districts

* * *

~~(h)~~(g) Theater-related bonus #floor area# for #residences# in C6-4 and C6-5 Districts

* * *

~~(i)~~(h) Theater Subdistrict Fund

* * *

81-744
Transfer of development rights from listed theaters

[UPDATING CROSS-REFERENCES]

* * *

(a) Transfer of development rights by certification

The City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

(1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or ~~81-213~~ 81-214 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that

may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such "receiving site" by more than 20 percent;

(4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and

(5) appropriate legal documents are executed ensuring that a contribution in an amount equal to 10 dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph ~~(i)~~(h) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights.

The Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

* * *

81-747
Transfer of development rights from landmark theaters

[UPDATING PER PROPOSED PROVISIONS IN SECTION 75-42]

The City Planning Commission by special permit may authorize development rights to be transferred from #zoning lots# occupied by landmark #buildings# to other #zoning lots# proposed for #developments# or #enlargements# in accordance with the provisions of Section ~~74-79 (Transfer of Development Rights From Landmark Sites), as modified by this Section and by Section 81-212 (Special provisions for transfer of development rights from landmark sites)~~ 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas).

The limitations on development rights transferred to #development# sites from landmark sites, including sites of landmark theaters, are set forth in Section ~~81-212~~ 81-213.

~~In the case of landmarks which are theaters and which are located in the Theater Subdistrict, in addition to the modifications set forth in Section 81-212, the provisions of Section 74-79 are modified as follows:~~

~~(a) "Landmark buildings" shall include #buildings# which contain interior landmarks as well~~

~~as #buildings# which are themselves landmarks.~~

~~(b) In all underlying districts throughout the Theater Subdistrict, "adjacent lots" to which landmark theaters' development rights may be transferred shall be construed to include a contiguous lot or one which is across a #street# and opposite to another lot or lots which, except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building#, all such lots being in the same ownership, fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).~~

~~(c) The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) are further modified to provide that in any underlying district within the Theater Subdistrict, the "adjacent lot" may be #developed# or #enlarged# with either a #commercial building# or a #mixed building#.~~

Where development rights are proposed to be transferred and exercised in accordance with the provisions of Section ~~74-79~~ 75-42, as modified by this Section, the Commission~~, in addition to the findings required in paragraph (c) of Section 74-792,~~ shall find that:

~~(1)~~(a) the series of intervening lots in common ownership leading to the "adjacent lot" include lots, identified by the Commission, which are occupied by "listed theaters" or by #uses# which directly support neighborhood theater business, such as, but not limited to, rehearsal space, recording facilities or theater costume rental facilities and that such #uses# will be continued or replaced by other legitimate theaters or theater supportive #uses# as evidenced by covenants binding the owners of such lots, their successors and assigns to provide for such continuation or replacement; or

~~(2)~~(b) useful circulation improvements or other public facilities will be provided and maintained on one or more of the lots comprising the series of intervening lots to accommodate pedestrian or vehicular traffic generated by legitimate theaters.

The Commission shall require the owner of any intervening lot on which special #use# restrictions are applicable or on which circulation improvements or other public facilities are to be provided and maintained to sign a written declaration of restrictions setting forth the obligations of the owner, his successors and assigns and providing a performance bond for the completion of any required improvements. The declaration of restrictions shall be recorded in the Office of the Register of the City of New York (County of New York) and the Commission shall be provided with a certified copy.

The provision of Section ~~74-79~~ 75-42 empowering the Commission to grant variations in the front height and setback regulations is modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications).

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be a condition for issuance of a special permit under the provisions of this Section.

81-75
Special Street Wall and Setback Requirements

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

* * *

81-752
Special street wall and setback regulations within the Eighth Avenue Corridor

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and east of Eighth Avenue, shall comply with the requirements of this Section, and except as superseded by this Section, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections 81-25, 81-26 and 81-27 shall not apply.

The provisions of paragraphs (a) and (b) of this Section shall apply to #developments#, #enlargements# and alterations, where such alterations change the height, width or location of a #street wall#. For purposes of applying #street wall# location provisions, all streets shall be considered as #wide streets#.

(a) #Street wall# location and minimum and maximum heights before setbacks

(1) On Eighth Avenue and 42nd Street, ~~#street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section.~~ the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that recesses shall be permitted below a height of 15 feet. The #street walls# shall extend to up to a minimum base height of 50 feet or the height of the #building#, whichever is less. The maximum height of #street walls# within 10 feet of the

#wide street# #street line# shall be 150 feet beyond 15 feet of a #narrow street# #street line# and 85 feet within 15 feet of a #narrow street# #street line#.

(2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, ~~#street walls# shall extend along the entire width of such #narrow street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# along such #narrow street# frontage shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential# #outer court# regulations for #residential# portions of #buildings# and #community facility# #outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The~~ the #street wall# location provisions of paragraph (a)(1) of this Section shall apply and maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 85 feet.

On a #narrow street# west of and beyond 100 feet of Eighth Avenue, the maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 66 feet.~~, except in accordance with paragraphs (b) or (c)(3) of this Section.~~ However, no #street wall# need be provided where at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#.

~~(3) Within 30 feet of the intersection of two #street lines#, the #street wall# shall be located on the #street line# or anywhere within an area bounded by the two #street lines# and lines parallel to and 15 feet from such #street lines#.~~

~~(4)~~(3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #wide street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

(b) Special #street wall# regulations for #buildings# adjacent to listed theaters

For #buildings# that are adjacent to a theater listed pursuant to Section 81-742 (Listed theaters), the maximum height of the #street wall# of the #building# facing the same #street# as the "listed theater" shall be 60 feet within 15 feet of the #street line#.

(c) Additional regulations applying west of Eighth Avenue

~~(1)~~ West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall~~, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot#, except that for #zoning lots# of less than 20,000 square feet of #lot area#, this percentage may be increased as set forth in Section 23-65 (Tower Regulations). At any level above a height of 85 feet, any~~

~~#building# or #buildings# or portions thereof shall, in the aggregate, occupy not less than 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#.~~ shall be subject to the provisions of Section 23-436 (Tower regulations) and Section 23-442 (Special tower provisions) applicable to an R10X District.

~~(2) Beyond 125 feet of the western #street line# of Eighth Avenue, and beyond 100 feet of the northern #street line# of 42nd Street, no #building or other structure# shall exceed a height of 66 feet, except in accordance with paragraph (c)(3) of this Section.~~

~~(3) Where the new or #enlarged# #building# #abuts# an existing #building# located entirely beyond 125 feet of the western #street line# of Eighth Avenue and the northern #street line# of 42nd Street, and such existing #building# exceeds a height of 66 feet, the new or #enlarged# #building# may exceed any height limits specified in this Section up to the height of the existing #building#, provided that, within 15 feet of the #narrow street# #street line#, such portion of the new or #enlarged# #building# does not exceed either the height of the existing #building# or 85 feet, whichever is less. For the purposes of this paragraph, the height of the existing #building# shall be the height of its #street wall#, before setback, if applicable, of that portion of the existing #building# #abutting# the new or #enlarged# #building#, fronting on the same #street line#, and located on the same or adjoining #zoning lot#.~~

* * *

81-80
SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

* * *

81-85
Transfer of Development Rights From Landmark Sites

For #developments# or #enlargements#, in addition to the provisions of Sections 74-79 (Transfer of Development Rights from Landmark Sites) and 81-212 (Special provisions for transfer of development rights from landmark sites), the City Planning Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

81-90
SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT

[UPDATING PROVISIONS TO ACCOMMODATE
QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In order to conform with the existing scale and character of the Preservation Subdistrict, any #zoning lot# located in the underlying C5-P District shall be limited to a maximum #floor area ratio# of 8.0, except where #qualifying affordable housing# or #qualifying senior housing# is provided or where a #floor area# bonus is granted pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

For all purposes other than as set forth in this Section, the R10 District regulations shall apply to any portion of a #building# containing #residential uses#.

Mandatory #street walls# are required as follows:

> The #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #front lot line# to a minimum height of 72 feet above the #curb level#, or the full height of 72 feet above the #curb level#, or the full height of the #building#, whichever is less. Above a height of 85 feet, the #street wall# shall be set back at least 15 feet from the #street line# and shall be subject to the #sky exposure plane# regulations of Section 33-432 (In other Commercial Districts) applicable in C5 Districts. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) are not applicable in the Preservation Subdistrict.
>
> On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory #street wall# provisions of this Section as applied to an #enlargement#, upon the applicant's showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

For #qualifying affordable housing# or #qualifying senior housing#, the height and setback provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings) shall apply as alternate regulations to the provisions of this Section.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special Lincoln Square District

* * *

82-30
SPECIAL BULK REGULATIONS

The underlying bulk provisions shall apply, except as modified in this Section, inclusive.

82-31
Floor Area Ratio Regulations ~~for Commercial Uses~~

[RELOCATING FLOOR AREA PROVISIONS FROM SECTION 82-32]

The underlying #floor area# provisions shall apply except that:

(a) Within Subdistrict A, for any #building# in a C4-7 District, the maximum permitted #commercial# #floor area# shall be 100,000 square feet. However, the City Planning Commission may grant, by special permit, additional #commercial# #floor area# pursuant to the provisions of Section 82-311 (Commercial floor area increase by special permit).

(b) No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except that 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).

~~(c) Additional bulk modifications may be granted by the City Planning Commission pursuant to Section 82-312 (Modification of bulk regulations by special permit).~~

82-311
~~Floor~~ Commercial floor area increase by special permit

[UPDATING CROSS REFERENCE]

The City Planning Commission may by special permit allow the #commercial# #floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations ~~for Commercial Uses)~~ within Subdistrict A to be increased to 10.0 for #commercial# #uses#. As a

condition for such special permit, the Commission shall find that:

(a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;

(b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;

(c) the additional #bulk# devoted to #commercial# #uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and

(d) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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

~~**82-32**~~
~~**Special Provisions for Increases in Floor Area**~~

[REMOVING REFERENCE TO INCLUSIONARY HOUSING TO ALIGN WITH UNDERLYING PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

~~No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except as provided in this Section. The following #floor area# increases may be used separately or in combination.~~

~~(a)~~ ~~#Floor area# increase for Inclusionary Housing~~

~~For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential# #floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.~~

~~(b)~~ ~~#Floor area# bonus for public amenities~~

~~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).~~

~~**82-33**~~
~~**Modification of Bulk Regulations**~~

[RELOCATING TO NEW SECTION 82-33 BELOW]

~~The City Planning Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot#, and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines#, provided the Commission finds that such modifications are necessary to:~~

~~(a) facilitate good design;~~

~~(b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 (MANDATORY DISTRICT IMPROVEMENTS) are applicable; or~~

~~(c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.~~

~~**82-34**~~
~~**Bulk Distribution**~~

[RELOCATING TO NEW SECTION 82-32 BELOW]

~~Within the Special District, at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.~~

~~For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.~~

~~**82-35**~~ **82-32**
Height and Setback Regulations

Within the Special District, all #buildings# shall be subject to the height and setback regulations of ~~the underlying districts,~~ Section 35-63 (Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency), except ~~as set forth in~~ as follows:

~~(a) paragraph (a) of Section 82-37 (Street Walls Along Certain Street Lines) where the~~

~~#street wall# of a #building# is required to be located at the #street line#; and~~

~~(b) paragraphs (b), (c) and (d) of Section 82-37 where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.~~

(a) for any portion of a building that qualifies as a "tower", the provisions of Section 82-321 (Special tower coverage and setback regulations) shall apply;

(b) #street wall# provisions shall be modified in Section 82-322 (Street walls along certain street lines);

(c) permitted obstructions above a required setback shall be modified pursuant to the provisions of Section 82-323 (Permitted obstructions within required setback areas); and

(d) special height limitations at certain locations shall apply, pursuant to the provisions of Section 82-324 (Special height limitations).

~~82-36~~
82-321
Special tower coverage and setback regulations

[RENUMBERING SECTION; BRACKET TEXT TK]

The requirements set forth in ~~Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings)~~ Section 23-436 (Tower regulations) for any #building#, or portion thereof, that qualifies as a "tower" shall ~~be modified as follows;~~ apply, except as modified in this section.

(a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate~~:~~

~~(1) 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 percent set forth in Section 23-65 (Tower Regulations); and~~

~~(2)~~ not less than 30 percent of the #lot area# of a #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.

~~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 the #story# directly below it.~~

(b) At all levels at or above a height of 85 feet from #curb level#, the minimum required setback of the #street wall# of a tower shall be at least 15 feet from the #street line# of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c) at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

~~(c) In Subdistrict A, the provisions of paragraph (a) of Section 35-64, as modified by paragraphs (a) and (b) of this Section, shall apply to any #mixed building#.~~

For the purposes of determining the permitted tower coverage in Block 3, as indicated on the District Plan in Appendix A of this Chapter, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

~~82-37~~ 82-322
~~Street Walls Along Certain Street Lines~~
Street walls along certain street lines

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

(a) On a #zoning lot# with a #front lot line# along Broadway or Columbus Avenue as indicated on the District Plan in Appendix A of this Chapter, ~~coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#~~ the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply ~~and~~ except that the #street wall# shall rise without setback to a height of 85 feet above #curb level#.~~:~~

~~(1) the east side of Broadway between West 61st Street and West 65th Street;~~

~~(2) the east side of Columbus Avenue between West 65th Street and West 66th Street;~~

~~(3) the east side of Broadway between West 67th Street and West 68th Street;~~

~~(4) the west side of Broadway between West 66th Street and West 68th Street; and~~

~~(5) the west side of Broadway between West 60th Street and West 62nd Street.~~

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20 foot setback at a height of 85 feet above #curb level#. ~~as required in Section 33-432 (In other Commercial Districts).~~

(b) On a #zoning lot# in Block 1, as indicated on the District Plan in Appendix A of this Chapter, the #street wall# location provisions of paragraph (a) of Section 35-361 shall apply, except that: ~~with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#:~~

~~(1) the west side of Broadway between West 62nd Street and West 63rd Street;~~

~~(2) the south side of West 63rd Street between Broadway and Columbus Avenue; and~~

~~(3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.~~

(1) ~~The~~ the #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less~~, and~~ ; and

(2) the #street wall# shall extend along Columbus Avenue and/or Broadway for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet ~~as required in Section 33-432~~.

(c) On a #zoning lot# in Block 2, as indicated on the District Plan, the #street wall# location provisions of paragraph (a) of Section 35-361 shall apply, except that: ~~with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:~~

~~(1) the east side of Broadway between West 67th Street and West 66th Street;~~

~~(2) the north side of West 66th Street between Broadway and Columbus Avenue; and~~

~~(3) the west side of Columbus Avenue between West 66th Street and West 67th Street.~~

(1) ~~The~~ the #street wall# located on the north side of West 66th Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less~~,~~; and

(2) the #street wall# shall extend on Broadway and/or Columbus Avenue for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above

#curb level# and then set back 20 feet ~~as required in Section 33-432~~.

(d) On a #zoning lot# in Block 3, as indicated on the District Plan, ~~with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#~~ the #street wall# location provisions of paragraph (a) of Section 35-361 shall apply, except that: ~~.~~

~~The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height, no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.~~

~~**82-38**~~
~~**Recesses in the Street Wall**~~

[MOVING TEXT TO SECTION 82-322;
ALIGNING WITH UNDERLYING RECESS PROVISIONS]

(e) Recessed fenestration and special architectural expression lines in the #street wall# are required ~~as follows:~~ per articulation allowances of paragraph (d) of Section 23-431 or Section 35-631, inclusive.

~~(a) Except as set forth in paragraph (b) of this Section, the aggregate width of all recesses in the #street wall# fronting upon Broadway shall be between 15 percent and 30 percent of the entire width of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.~~

~~(b) In Block 1, as indicated on the District Plan in Appendix A of this Chapter, for any #street wall# fronting upon the south side of West 63rd Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate width of all recesses in the #street walls# along each such #street# shall be between 15 percent and 30 percent of the entire width of each #street wall# at any #story# between the ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire width of each #street wall# at any #story# above 85 feet above #curb level#.~~

~~(c) In Block 2, as indicated on the District Plan, the requirement of #street wall# recesses in paragraph (b) of this Section shall also apply to a #street wall# fronting upon the north side of West 66th Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block#~~

~~front.~~

~~Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. Below a height of 85 feet above #curb level#, no recesses deeper than one foot shall be permitted in a #street wall# within a distance of 10 feet from the intersection of any two #street lines#.~~

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide, at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

~~82-39~~
82-323
~~Permitted Obstructions Within Required Setback Areas~~
Permitted obstructions within required setback areas

[RENUMBERING SECTION, UPDATING TITLE; DORMER BRACKET TEXT TK]

~~The #street wall# of a #building# may be vertically extended above a height of 85 feet above #curb level# without setback in accordance with either of the following provisions:~~

~~(a)~~ ~~A dormer may be allowed as a permitted obstruction within the required #initial setback distance# above a height of 85 feet above #curb level#. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.~~

~~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 #story# immediately below the initial setback level. For each foot of height above the required initial setback level, the aggregate width of all dormers at that height shall be decreased by one percent of the width of the #street wall# of the #story# immediately below the initial setback level. Such dormers shall count as #floor area# but not as tower #lot coverage#.~~

~~(b)~~ ~~On a #wide street# and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# may be vertically extended without setback within the required #initial setback distance# above a height of 85 feet above #curb level#, up to a maximum height of 125 feet, provided that the aggregate width of such #street walls# shall not exceed 50 percent of the width of the #street wall# of the #story# immediately below the initial setback level and provided the #street wall# of the #building# contains special architectural expression lines at a height of 85 feet above #curb level#.~~

Above a height of 85 feet above #curb level#, a dormer shall be allowed as a permitted

obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstruction in certain districts) provided that, along a #wide street#, or on a #narrow street# within 50 feet of a #wide street# the #building# shall contain special architectural expression lines at a height of 85 feet above #curb level#.

~~**82-40**~~
82-324
~~**SPECIAL HEIGHT LIMITATION**~~
Special height limitations

[RENUMBERING SECTION, UPDATING TITLE; BRACKET TEXT TK]

On Block 1 or 2, as indicated on the District Plan in Appendix A of this Chapter, the maximum height of a #building or other structure# shall not exceed 275 feet above #curb level#, except that ~~a penthouse may be located above such height, provided that such penthouse:~~ the maximum #building# heights may be increased by 15 percent, provided that the gross area of each #story# located above the maximum #building# height does not exceed 90 percent of the gross area of that #story# directly below it.

~~(1) contains not more than four #stories# or 40 feet, whichever is less; and~~

~~(2) the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.~~

The underlying allowances for permitted obstructions above such maximum height limit shall apply.

82-33
Modification of bulk regulations by special permit

[RELOCATING FROM FORMER SECTION 82-33]

The City Planning Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot#, and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines#, provided the Commission finds that such modifications are necessary to:

(a) facilitate good design;

(b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 (MANDATORY DISTRICT IMPROVEMENTS) are applicable; or

(c) incorporate a #floor area# allowance pursuant to paragraph (b) of Section 82-31 (Floor Area Regulations) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

~~82-50~~
82-40
OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

[RENUMBERING SECTION, TEXT UNCHANGED]

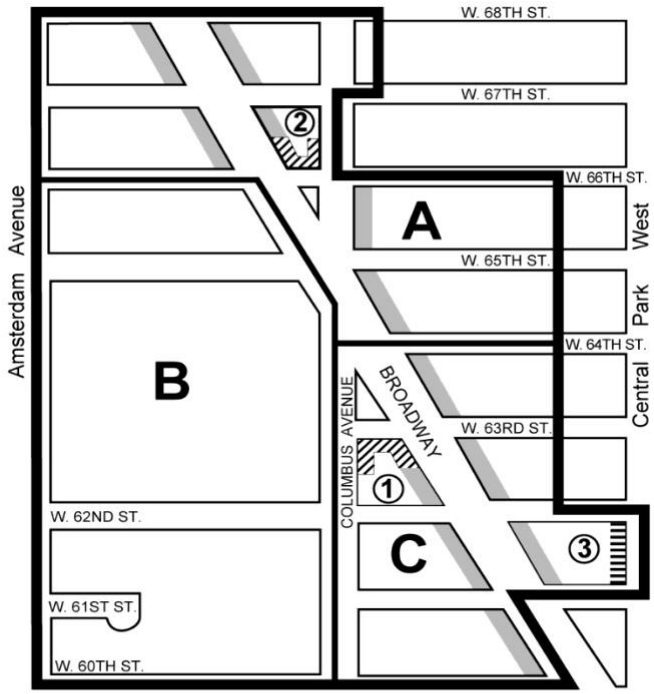
* * *

~~82-60~~
82-50
EXISTING PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

Appendix A
Special Lincoln Square District Plan (82-A)



Special Lincoln Square District Boundary

A Subdistrict

Required 85' *Street Wall*

Required 125' *Street Wall*

Required 150' *Street Wall*

① Development Block

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Battery Park City District

* * *

84-10
ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-11
General Provisions

[UPDATING CROSS REFERENCE AND
REMOVING DENSITY PROVISION PER PROPOSAL]

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, #developments# and #enlargements# may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. #Residential# #open space# in subzone A-4 shall be subject to the provisions of Sections 12-10 (DEFINITIONS) and ~~23-12 (Permitted Obstructions in Open Space)~~ 23-311 (Permitted obstructions in all yards, courts and open areas). ~~For every #dwelling unit# there shall be a minimum of 55.0 square feet of #open space#.~~ All other provisions of this Chapter with respect to Zone A shall not apply to #developments# or #enlargements# in subzone A-4 unless otherwise indicated.

* * *

84-13
Bulk Regulations

[UPDATING CROSS REFERENCES]

#Residential# and #community facility# #bulk# regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections 84-131 through 84-135, inclusive.

The regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections 84-131 (Floor area regulations), 84-132 (Mandatory front building walls), 84-133

(Front wall recess), 84-134 (Mandatory arcades) and 84-135 (Limited height of buildings).

The provisions of Sections ~~23-532 (Required rear yard equivalents)~~ 23-344 (Required rear yard equivalent requirements) and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), are not applicable.

The provisions of Section ~~23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT)~~ 23-371 (Distance between buildings) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

(a) that such modification will aid in achieving the general purpose and intent of the #Special Battery Park City District#, as set forth in Section 84-01;

(b) that such modification will not unduly increase the #bulk# of #buildings#, the density of population or the intensity of #use# on any #zoning lot# to the detriment of the occupants of #buildings# on such #zoning lot# or nearby #zoning lots#;

(c) that such modification will not adversely affect the #buildings# on the #zoning lot# or nearby #zoning lots# by restricting access to light and air; and

(d) that if an open area is provided, at any level, between two #buildings#, it shall have a width of not less than eight feet.

84-131
Floor area regulations

[APPLYING PROPOSED FLOOR AREA RATIO PROVISIONS
FOR QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING
IN SUBZONES A-2, A-3 AND A-6]

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot#:

(a) in subzones A-1 and A-5 shall not exceed 12.0~~,~~; and

(b) in subzones A-2, A-3 and A-6 shall not exceed 8.0~~.~~, except that for #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area ratio# shall be 9.60. ~~However,~~ In addition, within subzone A-6, the #floor area ratio# for the #zoning lot# on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional #floor area# is occupied by a #school#.

The #floor area# bonus provisions with respect to R10 Districts shall not apply.

* * *

84-133
Front wall recesses

[UPDATING CROSS REFERENCE]

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section 84-134 (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section ~~23-84 (Outer Court Regulations)~~ 23-353 (Outer court regulations).

* * *

84-135
Limited height of buildings

[UPDATING CROSS REFERENCES]

For the purposes of this Section, the term "#buildings#" shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

* * *

(e) Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:

(1) The obstructions set forth in Sections ~~23-62~~ 23-41 and 33-42, as applicable, along with heliostats, may penetrate a maximum height limit.

* * *

84-14
Parking Regulations and Curb Cuts

84-141
Accessory off-street parking spaces

[UPDATING CROSS REFERENCES]

Except as provided in Section 84-142 (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-site parking shall be permitted.

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

* * *

(e) such parking facility complies with the findings in paragraphs ~~(c)(1), (c)(2), (c)(3) and (c)(5)~~ (b)(1), (b)(2), (b)(3) and (b)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

* * *

84-30
ZONE C

* * *

84-33
Bulk Regulations

* * *

84-331
Floor area regulations

[APPLYING PROPOSED FLOOR AREA RATIO PROVISIONS FOR QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING]

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# shall not exceed 15.0. The #floor area ratio# for #residential uses# shall not exceed 10.0~~.~~, except that for #qualifying affordable housing# or #qualifying senior housing#, the

permitted #floor area ratio# shall be 12.0. The #floor area# bonus provisions shall not apply.

* * *

84-333
Limited height of buildings

[UPDATING CROSS-REFERENCES]

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions, pursuant to Section 33-42, shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

* * *

(b) Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The obstructions set forth in ~~Section~~ Sections ~~23-62~~ 23-41, inclusive, and 33-42, as applicable, may penetrate a maximum height limit.

* * *

84-34
Parking Regulations and Curb Cuts

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special United Nations Development District

85-00
GENERAL PURPOSES

*** * ***

85-04
Modifications of Bulk Regulations

[ALIGNING WITH PROPOSAL; UPDATING CROSS-REFERENCES]

Notwithstanding any other provisions of this Resolution the following modifications of #bulk# regulations are hereby granted for any #development# which the Chairperson of the City Planning Commission certifies will generally comply with the concept on file with the City Planning Commission dated January 6, 1970, for #development# commencing before January 1, 1980, or the amended design concept on file with the Commission dated April 30, 1980, for #development# commencing after January 1, 1980.

In no event shall the maximum #floor area ratio# for the #Special United Nations Development District#, taken as a whole, exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed the maximum #floor area ratio# set forth in Sections 34-112, ~~23-152~~ 23-221 and 35-31.

The #development# may include land in more than one #block# and the total permitted #floor area# of all #zoning lots# within such #development# may be distributed without regard for #zoning lot lines# or any #streets# separating the #zoning lots# and the #buildings# comprising such #development# may be located without regard for the applicable height and setback regulations.

In no event shall any #development# on the south side of 44th Street within the #Special United Nations Development District# contain more than 200,000 square feet of #floor area#, and no more than 61,000 square feet of #floor area# may be transferred for any such #development#.

At the time of any transfer of #floor area# in the #Special United Nations Development District#, there shall be recorded in the land records, and indexed against each tax lot from which #floor area# is removed, an instrument removing such #floor area# and stating the maximum permissible #floor area# remaining on the tax lot after deducting the #floor area# transferred; and there shall be recorded in the land records, and indexed against each tax lot to which #floor area# is added, an instrument evidencing the transfer of the #floor area# to the tax lot benefitted and

identifying by tax block and lot number and description the tax lot from which the #floor area# has been transferred. A certified copy of such instruments shall be filed with the Commission upon recordation thereof.

For the purpose of any transfer of #floor area# in the #Special United Nations Development District#, the total permitted #floor area# of any tax lot from which #floor area# is transferred shall be the maximum #floor area# permitted under this Chapter for a #commercial building#, less the total #floor area# of any #building# on the tax lot.

The minimum front setback of a #building# on any portion of 45th Street within the #Special United Nations Development District#, more than 100 feet from First Avenue, shall be not less than 10 feet from the #street line#, and required #yards# within the #Special United Nations Development District# shall not be less than 20 feet in depth.

For a #residential building# or the #residential# portions of any mixed-#use# #building# located on the north side of 44th Street within the #Special United Nations Development District#, the provisions of Sections ~~23-532 (Required rear yard equivalents)~~ 23-344 (Required rear yard equivalent requirements) and ~~23-711 (Standard minimum distance between buildings)~~ 23-371 (Distance between buildings) shall not apply. Notwithstanding anything in this Resolution to the contrary, the minimum distance between a #residential# portion of a #building# and any other #building# on the same #zoning lot# within the #Special United Nations Development District# shall be not less than 28 feet.

For any #building# containing #residences# within the #Special United Nations Development District#, the applicable density requirements may be modified~~, but in no event shall there be less than 395 square feet of #residential# #floor area# per #dwelling unit#~~.

As a condition for granting such authorizations, in each case the Commission shall make the following findings:

(a) that the land use intensity and distribution of #bulk# of the total #development# permit better site planning and significantly achieve the specific purposes for which the #Special United Nations Development District# is established; and

(b) that all new #buildings or other structures# erected within the #Special United Nations Development District# are in compliance with the special height requirements set forth in Section 85-05 of this Chapter.

*** * ***

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Forest Hills District

86-00
GENERAL PURPOSES

* * *

86-02
General Provisions

[REMOVING OBSOLETE PROVISION]

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

~~Any special permit granted by the Board of Standards and Appeals before March 24, 2009, 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 special permit was granted, 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).~~

* * *

86-20
SPECIAL BULK REGULATIONS

* * *

~~**86-23**~~
~~**Height and Setback Regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), except as modified by this Section.~~

~~(a) In C4-4A Districts~~

~~Within the C4-4A District, the maximum base height of the #street wall# shall be 60 feet.~~

~~The maximum height of a #building or other structure# within the C4-4A District shall be 70 feet.~~

~~(b) In C4-5X Districts~~

~~Within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet and the maximum base height of the #street wall# shall be 60 feet.~~

~~The maximum height of a #building or other structure# within the C4-5X District shall be 120 feet, except that within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, the maximum height for #buildings or other structures# shall be 80 feet.~~

~~All heights shall be measured from the #base plane#.~~

* * *

86-40
SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

* * *

86-42
Location of Off-site Accessory Parking Spaces for Residential Uses

[REMOVING REFERENCE TO REQUIRED RESIDENTIAL PARKING PER CHANGES IN UNDERLYING REGULATIONS]

The applicable regulations for the location of permitted ~~or required~~ off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they

are #accessory#.

86-43
Modification of Parking Requirement Waivers

[REMOVING REFERENCES TO REQUIRED RESIDENTIAL PARKING PER CHANGES IN UNDERLYING REGULATIONS]

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#~~, as follows:~~.

~~(a)~~ ~~For any #development# or #enlargement# containing #residences#, the waiver modification provisions set forth in Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS), inclusive, shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the applicable regulations of Section 36-30, inclusive, is five spaces or fewer.~~

For any #commercial# or #community facility# #use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

~~(b)~~ ~~The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Forest Hills District#.~~

~~(c)~~ ~~Within the #Special Forest Hills District#, the~~ The provisions of ~~paragraph (a) of~~ this Section and ~~Sections~~ Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) ~~and 36-36 (Waiver of Requirements for Small Number of Spaces)~~ shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

* * *

87-04
Applicability of District Regulations

* * *

~~**87-041**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**87-042**~~
87-041
Applicability of Article VI, Chapter 2

[RE-NUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**87-043**~~
87-042
Applicability of Article VI, Chapter 4

[RE-NUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**87-044**~~

87-043
Applicability of Article XII, Chapter 3

[RENUMBERING SECTION, TEXT UNCHANGED]

* * *

~~**87-045**~~
87-044
Applicability of ~~the Inclusionary Housing Program~~ Mandatory Inclusionary Housing

[RE-NUMBERING AND RENAMING SECTION;
ALIGNING TEXT WITH PROPOSAL]

~~For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#, and the~~ The North Subdistrict, as shown on Map 1, shall be a #Mandatory Inclusionary Housing area#.

* * *

87-20
SPECIAL FLOOR AREA REGULATIONS

* * *

87-21
Floor Area Regulations in the Core Subdistrict

* * *

87-211
Special floor area regulations

[ALIGNING WITH PROPOSAL]

The maximum #floor area ratio# for #zoning lots# containing only #residential uses#, or #residential uses# and #community facility# or #commercial# #uses# shall be ~~3.0~~ 3.33. ~~Such maximum #floor area ratio#~~ The maximum #residential floor area ratio# shall be modified to 4.0 for ~~may be increased to 4.0 through the provision of #affordable housing# pursuant to paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0.~~ #qualifying affordable housing# or #qualifying senior housing#.

* * *

87-30
SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

* * *

87-31
Permitted Obstructions

[UPDATING CROSS REFERENCE]

In the Core and North Subdistricts, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph ~~(c)(1)~~ (b)(1) of Section ~~23-623~~ 23-413 (Permitted obstructions in certain districts).

* * *

87-321
Street wall location

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

In the Core Subdistrict, the following #street wall# location rules shall apply.

Along the following frontages, the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply, except that the #street walls# shall extend to the minimum base heights as specified in Section 87-322 (Base heights and transition heights):

(a) On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2; and

(b) On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2.

Along other frontages, no #street wall# location provisions shall apply.

~~(a) Parcels 1, 2, 3 and 4~~

~~On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall~~

~~be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, 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 any #street#, or deeper than 15 feet along the #shore public walkway#, are located within an #outer court#.~~

~~Along other frontages, no #street wall# location provisions shall apply.~~

~~(b) Parcels 5, 6, 7, 8 and 9~~

~~On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, 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 any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.~~

~~Along other frontages, no #street wall# location provisions shall apply.~~

87-322
Base heights and transition heights

[ALIGNING WITH PROPOSAL]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#, ~~For~~ for #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not

exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. ~~Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.~~ Such setbacks may be modified pursuant to the provisions of Section 23-433, except that on Parcel 1 along the #shore public walkway# dormers may not exceed a depth of 15 feet.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with ~~paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts) shall be permitted obstructions in all~~

~~setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.~~

(c) Maximum transition heights

* * *

87-323
Tower provisions

[ALIGNING WITH PROPOSAL; UPDATING CROSS REFERENCES]

All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a "tower" and may exceed such transition height only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be ~~60~~ 50 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322.

The dormer provisions of paragraph ~~(c)~~ (b)(1) of Section ~~23-623~~ 23-413 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

* * *

87-331
Maximum height of buildings and setback regulations

[ALIGNING WITH PROPOSAL]

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#,

shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraphs (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30 feet of a #shore public walkway# shall be as follows:

(1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and

(2) no dormers~~, pursuant to the provisions of Section 87-31,~~ shall be permitted.

* * *

87-332
Towers

[ALIGNING WITH PROPOSAL]

* * *

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

(1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;

(2) each #residential# #story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;

(3) such #tower# shall not exceed a maximum #building# height of 375 feet;

(4) a #tower# that exceeds a height of ~~260~~ 300 feet shall provide articulation in accordance with the following provisions:

~~(i)~~ ~~For a #tower# less than 300 feet in height, the uppermost three~~ the top 15 percent of the #building# ~~#stories#, or as many #stories# as~~

~~are located entirely above a height of 260 feet, whichever is less,~~ shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#~~; and~~.

~~(ii) For a #tower# 300 feet or more in height, the uppermost four #stories# shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.~~

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

(1) no #tower# shall be located within 60 feet of a #tower# within Location A;

(2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (c)(5) of Section 62-341 (Development on land and platforms);

(3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section 87-71, shall not exceed 150 feet.

(4) such #towers# shall not exceed a maximum #building# height of 260 feet; and

(5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the ~~uppermost three~~ top 15 percent of #stories#~~, or as many #stories# as are~~ located entirely above a height of 200 feet~~, whichever is less,~~ shall have a #lot coverage# not exceeding ~~80~~ 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 8
Special Hudson Square District

88-00
GENERAL PURPOSES

* * *

88-05
Applicability of District Regulations

88-051
Applicability of Article I, Chapter 5

[MODIFYING TO APPLY UNDERLYING CONVERSION RULES]

The conversion to #dwelling units# of non-#residential buildings# erected prior to ~~January 1, 1977,~~ December 31, 1990, 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),~~ the provisions applicable to #Commercial Districts# in Article I, Chapter 5 (Residential Conversion within Existing Buildings), except as superseded or modified by the provisions of this Chapter.

~~**88-052**~~
~~**Applicability of district bulk regulations to certain enlargements**~~

[REMOVING OBSOLETE PROVISION]

~~Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), for the #enlargement# of a #building# which is the subject of Department of Buildings application number 121326742 filed on December 3, 2012, to create a single commercial development, such #enlarged building# shall not be subject to the height and setback regulations of Section 88-33, paragraph (b), and may continue, provided that a building permit has been issued for such commercial development within two years of March 20, 2013. In addition, should the #zoning lot# which is the subject of the above-referenced Department of Buildings application merge with an adjacent #zoning lot# containing #wide street# frontage on Sixth Avenue, such a #zoning lot# merger and the subsequent combining of adjacent #buildings# shall not be deemed to create~~

~~a new #non-compliance#, nor an increase in the degree of #non-compliance# in regards to Section 88-33, paragraph (b)(4), (Maximum length of #street wall#).~~

* * *

88-30
SPECIAL BULK REGULATIONS

[CLARIFYING APPLICABILITY OF BULK REGULATIONS FOR RESIDENTIAL USE]

Except as modified in this Chapter, the following bulk regulations shall apply:

(a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of ~~an R10~~ a C6-4A District, as set forth in ~~Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts),~~ Article III, Chapter 4 (Bulk Regulations for Residential Buildings in Commercial Districts) or Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply;

(b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

88-31
Floor Area Regulations

[ALIGNING FLOOR AREA PROVISIONS WITH QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING FRAMEWORK]

~~Except in Subdistrict A of this Chapter, the~~ The maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0.

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. ~~Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).~~ Notwithstanding the above, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 12.0.

For any #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 #zoning lots# that contain #residences#, such bonus may be applied~~

~~separately or in combination with the #floor area# provisions of Section 88-32.~~ No other #floor area# bonuses shall apply. ~~For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

88-311
Special floor area regulations in Subdistrict A

[ALIGNING FLOOR AREA PROVISIONS WITH QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING FRAMEWORK]

~~For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0.~~

~~For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.~~

~~For any #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).~~

~~Additionally,~~ Within Subdistrict A, any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

(a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or

(b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

88-32
~~Inclusionary Housing~~ Yard Regulations

[SECTION TITLE UPDATE; REMOVING TEXT TO ALIGN WITH QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING FRAMEWORK; RELOCATING YARD REGULATIONS HERE]

~~The #Special Hudson Square District#, except Subdistrict A, shall be an #Inclusionary Housing designated area#, and the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts shall apply.~~

In the #Special Hudson Square District#, the #yard# provisions applicable in C6 Districts shall apply to non-#residential# #buildings#, or the non-#residential# portion of a #building#.

88-33
Height and Setback

[UPDATING HEIGHT AND SETBACK PROVISIONS
TO ALIGN WITH UNDERLYING REGULATIONS]

In the #Special Hudson Square District#, the height and setback regulations ~~of the underlying districts shall not apply~~ applicable to C6-4A Districts shall be modified as follows: ~~In lieu thereof, the provisions of this Section shall apply to all #buildings#.~~ for #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#, the maximum height of such #buildings# shall be 290 feet. In addition, for #buildings# that exceed a height of 230 feet, any #story# located within the highest 15 percent of such #building# shall not exceed 90 percent of the gross area of the #story# directly below it.

~~(a) Permitted obstructions~~

~~The provisions of Section 33-42 shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height provided that such dormers comply with the provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts).~~

~~(b) Height and setback~~

~~(1) #Street wall# location~~

~~On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.~~

~~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 ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:~~

~~(i) Along #wide streets#~~

~~Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.~~

~~(ii) Along #narrow streets#~~

~~Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.~~

~~(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 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 60 feet, or the height of the #building#, whichever is less, up 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 its intersection with 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 from their intersection with 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 either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with 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 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of a #building# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10A District on a #narrow street#. However, 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), such maximum heights and number of #stories# 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.

(4) Maximum length of #street wall#

The maximum length of any #street wall# 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. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the

~~#street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.~~

~~(5) Vertical #enlargements#~~

~~(i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.~~

~~(ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided such #enlarged# portion is located at least 10 feet from a #wide street# and at least 15 feet from a #narrow street#.~~

88-331
Special height and setback regulations in Subdistrict A

[UPDATING TO REFLECT TOWER PROVISIONS IN UNDERLYING REGULATIONS]

For #zoning lots# in Subdistrict A of this Chapter, the regulations in ~~paragraph (b) of~~ Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) #Lot coverage#

~~Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.~~

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.

* * *

~~88-332~~

~~**Courts**~~

[REMOVING PROVISIONS THAT ARE INCORPORATED IN THE PROPOSED UNDERLYING REGULATIONS]

~~Those portions of #buildings# that contain #residences# 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.~~

~~**88-40**~~
~~**YARD REGULATIONS**~~

[RELOCATING TO SECTION 88-32]

~~In the #Special Hudson Square District#, except as provided in Section 88-41 (Rear Yard Regulations for Shallow Through Lots), the #yard# provisions applicable in R10 Districts shall apply to the #residential# portion of a #building#, and the #yard# provisions applicable in C6 Districts shall apply to non-#residential buildings#, or the non-#residential# portion of a #building#.~~

~~**88-41**~~
~~**Rear Yard Regulations for Shallow Through Lots**~~

~~For #through lots# or #through lot# portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth of such #through lot# between #narrow streets# is 180 feet or less, any required #rear yard equivalent# shall be provided in accordance with the provisions set forth in Section 23-533 (Required rear yard equivalents for Quality Housing buildings).~~

~~**88-50**~~
88-40
PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

[RENUMBERING SECTION, TEXT UNCHANGED]

In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) shall apply.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Hudson River Park District

* * *

89-10
USE AND BULK REGULATIONS

* * *

89-12
Special Floor Area Regulations Within Areas B2 and B3

[UPDATING PROVISIONS PER CHANGES IN UNDERLYING REGULATIONS]

Within Areas B2 and B3 on the maps in the Appendix to this Chapter, where a special permit by the City Planning Commission on a #receiving site# is sought pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), and the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# for #qualifying affordable housing# ~~of the underlying district shall not apply. In lieu thereof, the maximum base #floor area ratio#~~ shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21 ~~(Transfer of Floor Area From Hudson River Park)~~.

89-20
SPECIAL PERMITS

89-21
Transfer of Floor Area From Hudson River Park

[REPLACING REFERENCES TO INCLUSIONARY HOUSING WITH QUALIFYING AFFORDABLE HOUSING]

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B2 on the maps in the

Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

(a) Application requirements

* * *

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

* * *

(5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential# #floor area#, it shall provide ~~#affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING)~~ #qualifying affordable housing#;

* * *

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

* * *

(3) for the #receiving site#:

* * *

(v) any ~~#affordable housing#, as defined in Section 23-90 (INCLUSIONARY HOUSING),~~ #qualifying affordable housing# that is provided as part of the project will ~~support the objectives of the Inclusionary Housing Program~~ enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and

(vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Lower Manhattan District

91-00
GENERAL PURPOSES

* * *

~~**91-05**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING OBSOLETE PROVISIONS]

~~Within the #Special Lower Manhattan District#, #buildings# containing #residences# may be #developed# or #enlarged# in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and modified by Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall be superseded by the #bulk# regulations of this Chapter. Recreation space required pursuant to Section 28-20 (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.~~

~~**91-06**~~
91-05
Applicability of Article VII Provisions

~~**91-061**~~
91-051
Applicability of special permits by the Board of Standards and Appeals

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified.

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section 73-163 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A

~~91-062~~ 91-052
Applicability of special permits by the City Planning Commission

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Within the #Special Lower Manhattan District#, the following special permits by the City Planning Commission shall not be applicable or shall be applicable within C5 Districts.

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Height, setback and yard regulations)

Section ~~74-82~~ 74-81 (Through Block Arcades).

* * *

91-20
FLOOR AREA AND DENSITY REGULATIONS

91-21
Maximum Floor Area Ratio

The basic maximum #floor area ratio# on a #zoning lot# is specified in the table in Section 91-22 (Floor Area Increase Regulations) and may be increased only pursuant to the #floor area# increase and bonus provisions of this Chapter.

Notwithstanding the #floor area# increase and bonus provisions of this Chapter, the maximum permitted #floor area ratio# on a #zoning lot# for #residential use# shall be 12.0.

91-22
Floor Area Increase Regulations

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified

in the table in this Section.

The provisions of ~~paragraph (c) of Section 74-792 (Conditions and limitations)~~ paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section ~~74-79~~ 75-422 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Hist-oric & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	C5-3	C6-9
~~Basic maximum FAR~~	~~6.02[1]~~ ~~6.5[3]~~	~~10.0[2,3,4]~~	~~10.0[4]~~ ~~15.0[2,3]~~	~~2.0[2]~~ ~~6.5[3]~~	~~10.0[4]~~ ~~15.0[2,3]~~	~~2.0[2]~~ ~~3.4[3]~~ ~~10.0[4]~~	~~3.4[2,3,4]~~	~~6.0[2]~~ ~~6.02[4]~~ ~~6.5[3]~~	~~10.0[4]~~ ~~15.0[2,3]~~	~~15.0~~
Basic maximum FAR for non-residential #uses#	6.5[2]	10.0	15.0	2.0[1] 6.5[2]	15.0	2.0[1] 3.4[2]	3.4	6.0[1] 6.5[2]	15.0	15.0
Basic maximum FAR for residential #uses#	6.02	10.0	10.0	NA	10.0	10.0	3.4	6.02	10.0	10.0
Maximum FAR for #qualifying affordable housing# or #qualifying senior housing#	7.2	12.0	12.0	NA	12.0	12.0	4.08	7.2	12.0	12.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0[9]	3.0	NA	NA	NA	NA	NA	NA	NA

~~Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)~~	~~NA~~	~~2.0~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~
Maximum FAR with as-of-right #floor area# bonuses	~~6.02[1]~~ ~~6.5[3]~~ 7.2	12.0[9]	18.0	~~2.0[2]~~ 6.5[3]	15.0	~~2.0[2]~~ ~~3.4[3]~~ ~~10.0[4]~~ 12.0	~~3.4~~ 4.08	~~6.0[2]~~ ~~6.02[4]~~ ~~6.5[3]~~ 7.2	15.0	15.0
Maximum #floor area# bonuses by authorization or special permit: #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0[86]	3.0	NA	3.0	2.0[97]	NA	NA	3.0[97]	3.0[97]
Maximum FAR with as-of-right, authorization or special permit #floor area# bonuses	~~6.02[1]~~ ~~6.5[3]~~ 7.2	12.0[10] [8,9]	18.0	~~2.0[2]~~ 6.5[3]	18.0	12.0[8]	~~3.4~~ 4.08	~~6.0[2]~~ ~~6.02[4]~~ ~~6.5[3]~~ 7.2	18.0	18.0
Development rights (FAR) of a landmark lot for transfer purposes ~~(74-79)~~ (75-42)	NA	10.0	15.0[53] 18.0[64]	NA	15.0	NA	NA	NA	NA	NA
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	~~3.4~~ 4.08	8.02	21.6[75]	21.6[75]
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and authorization or special permit #floor area# bonuses	~~6.02[1]~~			2.4[21]						

	~~6.5~~[3] 7.2	14.0[10] 8.9	21.6	7.8[32]	21.6	NA	~~3.4~~ 4.08	8.02	21.6[75]	21.6[75]

~~1~~ ~~maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3~~

~~2~~ 1 for a #commercial# or, where permitted, #manufacturing use#

~~3~~ 2 for a #community facility use#

~~4 for a #residential use#~~

~~5~~ 3 if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

~~6~~ 4 if receiving lot is located in a zoning district with a basic maximum FAR of 15

~~7~~ 5 maximum FAR for receiving lots less than 30,000 square feet

~~8~~ 6 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

~~9~~ 7 only pursuant to Section 66-51

~~10~~ 8 for #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, and utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR ~~may be increased through a combination with Inclusionary Housing~~, shall be calculated in accordance with the provisions of such Section

9 for #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, and utilizing a #floor area# bonus for #public plaza#, the maximum FAR shall be calculated in accordance with the provisions of 23-222 (Floor area regulations for affordable or senior housing).

~~91-23~~
~~Floor Area Increase for Provision of Recreation Space~~

[REMOVING RECREATION SPACE PROVISION THAT APPLIES AS UNDERLYING PROVISION PER PROPOSAL]

~~In C5-3, C5-5 and C6-9 Districts, the #residential# #floor area ratio# of a #zoning lot# may be increased to 12.0, provided that recreation space, for the #residential# occupants of the #building# on such #zoning lot#, is provided in an amount not less than 16.25 square feet for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater.~~

~~Such recreation space may be located at any level, including a roof, and shall:~~

~~(a) be restricted to #residential# occupants of the #building# and their guests for whom no admission or membership fees may be charged;~~

~~(b) be directly accessible from a lobby or other public area served by the #residential# elevators;~~

~~(c) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas;~~

~~(d) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet; and~~

~~(e) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreation space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreation facilities or seating areas.~~

~~A copy of requirements (a) through (e) shall be permanently posted in a conspicuous place within each recreation space.~~

~~**91-24**~~
91-23
Floor Area Bonus for Public Plazas

[UPDATING SECTION NUMBER]

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

(a) A #floor area# bonus for a #public plaza# shall only be permitted for a #development# or #enlargement# that is located:

(1) outside the Historic and Commercial Core;

(2) outside the South Street Seaport Subdistrict; or

(3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:

(i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or

(ii) #street wall# continuity is required, pursuant to the regulations for Type 1

or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

(b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#. However, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3) of this Section.

(c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area# ratio of 12.0, or in accordance with the provisions of Section 23-222 (Floor area regulations for affordable or senior housing), and, in C5-3, C5-5 and C6-9 Districts, by 10 square feet, to a maximum #floor area# ratio of 18.0.

(d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

~~91-25~~ 91-24
Special Permit Bonuses for Increased Floor Area

Within the #Special Lower Manhattan District#, the City Planning Commission may grant the following special permits for increased #floor area# in accordance with the provisions of this Section.

~~91-251~~ 91-241
Special permit for covered pedestrian space

In C5-3, C5-5, C6-4 and C6-9 Districts within the #Special Lower Manhattan District#, except within the South Street Seaport Subdistrict, the City Planning Commission may grant, by special permit, a #floor area# bonus for a #commercial#, #community facility# or #mixed building# that provides #covered pedestrian space# on a #zoning lot#, in accordance with the provisions of Section ~~74-87~~ 74-85 (Covered Pedestrian Space).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) and 91-22 (Floor Area Increase Regulations).

91-30
HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

91-31
Street Wall Regulations

For the purposes of applying the #street wall# regulations of this Section, #developments# shall include alterations and #enlargements# that change the height, width or location of a #street wall#.

All portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

* * *

[REMOVING OBSOLETE PROVISIONS AND UPDATING CROSS-REFERENCES]

(b) For #developments# that front upon a #street# indicated as "Type 1" or "Type 2A," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# that front upon a #street# indicated as “Type 2B,” at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. For #developments# that front upon a #street# indicated as "Type 3," at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# ~~in compliance with~~, provided that:

~~(1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#;~~

~~(2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or~~

(1) For #street walls# associated with the #residential# or #community facility portion of a #building#, any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and

(2) Where recessed areas are pedestrian circulation spaces, the requirements of Section 37-50, inclusive, shall be applied.

~~(3)~~ ~~the requirements of Section 37-50, where such areas are pedestrian circulation~~ spaces.

(c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.

(d) Arcades and sidewalk widenings that meet the design standards of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be permitted along any #street# indicated as "Type 1," "Type 2A" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on August 27, 1998, of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

(e) the articulation allowances set forth in paragraph (d) of Section 35-631 may be applied in modifying the #street wall# location provisions of this Section.

* * *

91-50
OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

91-51
Accessory Off-street Parking for Residential Uses in Converted Buildings

* * *

91-511
Authorization for off-site parking facilities for converted buildings

[UPDATING CROSS-REFERENCES]

The City Planning Commission may authorize #accessory# residential off-site parking spaces for non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, to be provided in a fully enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

* * *

(d) such parking facility complies with findings in paragraphs ~~(c)(1), (c)(2), (c)(3) and (c)(5)~~

(b)(1), (b)(2), (b)(3) and (b)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

* * *

91-60
REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

91-61
General Provisions

[UPDATING CROSS-REFERENCES]

The regulations of Section 91-60, et seq., relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, et seq., supplement or modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of ~~paragraph (c) of Section 74-792 (Conditions and limitations)~~ paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

* * *

91-66
Modification of Use and Bulk Regulations

91-661
Bulk modifications in C6-2A Districts

[REMOVING OBSOLETE PROVISIONS AND ALIGNING WITH THE UNDERLYING REGULATIONS]

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except ~~the maximum #building# height shall be 120 feet. No~~ that no minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet. ~~No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article II, Chapter 8 (The Quality Housing Program), shall not apply.~~

* * *

Article IX - Special Purpose Districts

Chapter 2
Special Park Improvement District

92-00
GENERAL PURPOSES

* * *

~~**92-03**~~
~~**Special Use Regulations**~~

92-10
SPECIAL USE REGULATIONS

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

* * *

(b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs# #accessory# to a #commercial# #use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section ~~22-30~~ 22-20; and

(c) the underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that any #ground floor level# #use# limitations shall be modified to reflect the #use# provisions of this Section.

~~**92-04**~~
~~**Special Bulk Provisions**~~

92-20
SPECIAL BULK REGULATIONS

~~**92-041**~~
~~**Maximum Floor Area Ratio**~~

92-21
Special Floor Area Regulations

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

~~The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0.~~ The underlying #floor area# regulations shall apply except as modified in this Section.

~~No #floor area# bonuses shall be permitted. However, for~~ 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). No other #floor area# bonuses shall be permitted.

~~**92-042**~~
92-22
Mandatory front building walls along certain street lines

[REMOVING OBSOLETE PARTS OF THE EXISTING RULES AND APPLYING THE UNDERLYING STREET WALL REGULATIONS]

(a) Except as provided in paragraph (b) of this Section, the front #building# wall for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue, and ~~for all #developments# along #street lines#~~ within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, ~~shall extend along the full length of its #street line# fronting on such #street# without setback for~~, the #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply, except that the #street wall# shall extend up to a height of 125 feet above #curb level# or the full height of the #building#, whichever is less. Above the height of 150 feet above #curb level#, ~~the front #building# wall shall be set back 10 feet from the #street line#~~ the provisions of Section 23-433 (Standard setback regulations) shall apply. The mandatory front #building# wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing #building# wall.

(b) For any #zoning lot# having frontage on Fifth Avenue~~,~~ or Duke Ellington Circle, ~~East 109th Street and East 110th Street, the provisions of this paragraph (b) shall apply. The front #building# wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines#,~~ and along ~~the full length of the~~ East 109th Street and East 110th Street ~~#street lines#~~ within 50 feet of their intersection with Fifth Avenue and Duke Ellington Circle, ~~and rise without setback~~ the #street wall#

location provisions of paragraph (a) of Section 35-631 shall apply, except that the #street wall# shall extend to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, ~~the front #building# wall shall be set back at least 10 feet from such #street lines#~~ the provisions of Section 23-433 shall apply. Such mandatory front #building# wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

(c) Front wall recesses are permitted within mandatory front #building# walls for architectural or decorative purposes pursuant to recess provisions of paragraph (a) of Section 35-631 except that, ~~provided that~~ the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted~~.~~, Tthe depth of such recesses shall not exceed six feet~~.~~, and ~~N~~no front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

~~Where the aggregate width of balconies located along the front #building# wall, at the level of any #story#, exceeds 20 percent of the length of such front #building# wall, the front #building# wall may be set back not more than three feet from the #street line#.~~

The underlying district height and setback regulations apply along #street lines#, or portions thereof, not subject to the front #building# wall requirement.

~~**92-043**~~
92-23
Special height limitation

[ALIGNING HEIGHT REGULATION FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING WITH UNDERLYING RULES FOR R10A DISTRICTS]

The maximum height of a #building or other structure#, or portion thereof, shall not exceed ~~19~~ ~~#stories# or 210 feet~~ 215 feet above #curb level#~~, whichever is less. However,~~ except that:

(a) for #qualifying affordable housing# or #qualifying senior housing# in R10 Districts or #Commercial Districts# mapped within, or with a #residential equivalent# of such district, the provisions of an R10A District, as set forth in Section 23-434 (Height and setback modifications for affordable or senior housing), shall apply; and

(b) #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 23-62, inclusive, or 33-42, as applicable.

92-30
OFF-STREET PARKING REGULATIONS

[UPDATING THE EXISTING RULES TO ALIGN WITH THE

UNDERLYING PARKING REGULATIONS]

~~**92-05**~~
92-31
Maximum Number of Accessory Off-street Parking Spaces

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections ~~25-21, 25-31, 36-21 or 36-31~~ 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

Article IX - Special Purpose Districts

Chapter 3
Special Hudson Yards District

93-00
GENERAL PURPOSES

* * *

93-01
Definitions

[CLARIFYING APPLICABILITY OF ADDITIONAL DEFINITIONS FOUND IN OTHER SECTIONS OF THE RESOLUTION]

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 66-11, 75-421 or within this Section.

* * *

93-05
Applicability of District Regulations

* * *

93-052
Applicability of Article I, Chapter 3

[UPDATING CROSS REFERENCES]

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, automobile rental establishments, commercial or public utility vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

(a) for #automated parking facilities#, the provisions of paragraph (b) of Section ~~13-25~~ 13-24 (Reservoir Spaces), paragraph (b) of Section ~~13-27~~ 13-26 (Minimum and Maximum Size of Parking Facilities), paragraph (a)(3) of Section 36-521 (Size of spaces), and Section 36-524 (Calculating floor area in parking facilities with lift systems, or in automated parking facilities);

(b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section ~~13-241~~ 13-231 (Location of curb cuts), paragraph (b) of Section ~~13-242~~ 13-232 (Maximum width of curb cuts), paragraph (c) of Section ~~13-25~~ 13-24, and paragraph (c) of Section ~~13-27~~ 13-26;

(c) or commercial or public utility vehicle parking, the applicable provisions of Section 36-46 (Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots), inclusive; and

(d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

* * *

93-054
Applicability of Article VII, Chapter 4

[UPDATING CROSS REFERENCES AND REMOVING REFERENCES TO OBSOLETE PROVISIONS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPSOED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

(a) The following special permits by the City Planning Commission shall not be applicable:

Section 74-142	(Electric utility substations) shall not apply. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations)
~~Section 74-61~~	~~(Development Within or Over a Railroad or Transit Right-of-Way or Yard)~~
Section 74-72	(Bulk Modification)
Section 74-74	(Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A
Section ~~74-831~~ 74-821	(Court houses)
Section ~~74-841~~ 74-831	(Development in certain Commercial Districts)
~~Section 74-852~~	~~(Height and setback regulations for zoning lots divided by district boundaries)~~

Section ~~74-87~~ 74-85 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas).

~~Section 74-95 (Modifications of Housing Quality Special Permits).~~

(b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-194 (Public parking garages or public parking lots in high density central areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

~~Section 74-79 (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.~~

Section ~~74-82~~ 74-81 (Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that no #floor area# bonus shall be permitted.

93-055
Applicability of Article VII, Chapter 5

[PROVISIONS PREVIOUSLY
RELOCATED FROM SECTION 93-054]

(a) The following authorization by the City Planning Commission and certification shall not be applicable:

Section 75-22 (Developments on Lots Over Four Acres that include

Railroad Right-of-Ways)

Section 75-41 (Developments On or Over Railroad Right-of-Ways and on Lots Under Four Acres that Include Certain Railroad Right-of-Ways)

(b) The following provisions regarding certification by the Chairperson of the City Planning Commission shall be applicable as modified:

Section 75-42 (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.

~~93-055~~ 93-056
Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

[UPDATING SECTION NUMBER]

* * *

93-10
USE REGULATIONS

* * *

93-11
~~Air Space Over~~ Development on Zoning Lots Including a Railroad ~~or Transit~~ Right-of-way ~~or Yard~~

[UPDATING PROVISIONS PER CHANGES IN UNDERLYING CHAPTERS]

The provisions for ~~the use of air space over~~ #development# on #zoning lots# including ~~railroad or transit right-of-ways or yards~~ #railroad right-of-ways# set forth in Sections ~~22-41~~ 22-21, ~~32-44~~ 32-51 and ~~42-462~~ 42-31 shall not apply. In lieu thereof, all #developments# or #enlargements# within such air space shall comply with the provisions of this Chapter.

* * *

93-131
Certification for office use

[UPDATING CROSS-REFERENCE; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

(a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes #uses# listed under Office in Use Group VII #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to ~~Sections 23-154 (Inclusionary Housing) or~~ Section 96-25 (Floor Area Bonus for New Theater Use); or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to ~~Sections 23-154,~~ the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D), or the provisions of Sections 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25, and will not result in a total amount of office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

(b) Where the Chairperson of the Department of City Planning determines that the amount of #floor area# for #uses# listed under Offices in Use Group VII in any #development# or #enlargement# will result in a total amount of #floor area# #developed# or #enlarged# WITH SUCH #USE#after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to ~~Sections 23-154,~~ the special provisions for #qualifying affordable

housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25; or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to ~~Sections 23-154,~~ the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25, and will not result in a total amount of office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

(c) Where the Chairperson of the Department of City Planning determines that the amount of #floor area# for #uses# listed under Offices in Use Group VII in any #development# or #enlargement# will result in a total amount of #floor area# #developed# or #enlarged# with such #use# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to ~~Sections 23-154,~~ the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132
Authorization for office use

[UPDATING CROSS-REFERENCE; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of #floor area# for #uses# listed under Offices in Use Group VII in a #development# or #enlargement# will result in over 25 million square feet of such #use# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to ~~Sections 23-154 (Inclusionary Housing),~~ the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D), or the provisions of Sections 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

(a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;

(b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and

(c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

* * *

93-20
FLOOR AREA REGULATIONS

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

93-21
Floor Area Regulations in the Large-Scale Plan Subdistrict A

[APPLYING FAR PROVISONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

(a) Subareas A2 through A5

In Subareas A2 through A5, the basic maximum permitted #floor area ratio# shall be as specified in Row A in the table in this Section. Such #floor area ratio# may be increased to the maximum amount specified in Row B in the table, pursuant to Section 93-31 (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the

amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For #zoning lots# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in Row C in the table through the distribution of #floor area# from the Eastern Rail Yard Subarea A1, pursuant to Section 93-34. For #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# in Row C shall be modified to 7.2.

#Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio#, as follows, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E):

(1) 18.0 or more in Subareas A2 and A3, or 16.8 or more where #qualifying affordable housing# or #qualifying senior housing# is provided in Subarea A3

(2) 15.6 or more, or 14.4 or more where #qualifying affordable housing# or #qualifying senior housing# is provided, in Subarea A4

(3) 14.0 or more, or 12.8 or more where #qualifying affordable housing# or #qualifying senior housing# is provided, in Subarea A5.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBAREAS A2 THROUGH A5

	Subarea A2	Subarea A3	Subarea A4	Subarea A5
ROW A Basic maximum #floor area ratio# (FAR)	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF
ROW B Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.4 R 2.0 CF	18.0 total 18.0 C 4.0 R 2.0 CF
ROW C Maximum FAR through distribution pursuant to Section 93-34	33.0 total 33.0 C 6.0 R 2.0 CF	24.0 total 24.0 C 6.0 R 2.0 CF	21.6 total 21.6 C 6.0 R 2.0 CF	20.0 total 20.0 C 6.0 R 2.0 CF

C = Commercial FAR
CF = Community Facility FAR
R = Residential FAR

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial# #use# shall be 19.0, ~~the maximum #floor area ratio# for #residential use# shall be 3.0, and~~ the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0 or 3.6 where #qualifying affordable housing# or #qualifying senior housing# is provided. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

(1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial# #use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0~~.~~ or 3.6 where #qualifying affordable housing# or #qualifying senior housing# is provided. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section 93-71, paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating

the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

(2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

For #zoning lots# or portions of #zoning lots# in the #Phase 2 Hudson Boulevard and Park#, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) and 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park) shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on ~~an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites)~~ a #receiving lot# in accordance with Section 75-42 (Transfer of Development Rights from Landmarks), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

93-22
Floor Area Regulations in Subdistricts B, C, D, E, F and G

[UPDATING CROSS REFERENCE AND REPLACING INCLUSIONARY HOUSING REFERENCE WITH QUALIFYING AFFORDABLE AND SENIOR HOUSING]

(a) Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus) or as otherwise specified in Sections 93-221 through 93-224.

For a #zoning lot# with more than one #building#, the basic maximum #floor area ratios# set forth in Row A shall apply, provided that any #building# that is #developed# or #enlarged# after January 19, 2005, is wholly non-#residential#. If a #building# containing #residences# is #developed# or #enlarged# on such a #zoning lot# after January 19, 2005, the basic maximum #floor area ratios# set forth in Row B shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on ~~an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights From Landmark Sites)~~ a #receiving lots# in accordance with Section 75-42 (Transfer of Development Rights from Landmarks), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

Maximum Permitted Floor Area Ratio within Subdistricts B through E

	Farley Corridor Subdistrict B				34th St Corridor Sub district C	Hell's Kitchen Subdistrict D			South of Port Auth. Sub district E
Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum FAR for non-#residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 total 2.0 C 7.5 CF	7.5 total 6.0 C 7.5 CF	10.0 total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	10.0 total 10.0 C 6.0 R 2.0 CF	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	7.5 total 6.0 C 7.5 R 7.5 CF	NA
ROW C Maximum FAR through special #floor area# increases pursuant to Section 93-30, inclusive, ~~Inclusionary Housing Section 93-23, inclusive~~ #qualifying affordable housing or #qualifying senior housing#, or Section ~~74-79~~ 75-42, inclusive, as applicable.	21.6 total 21.6 C 6.0 R 2.0 CF	19.0 total 19.0 C 4.0 R 2.0 CF	NA	19.5 total 19.5 C 2.0 CF	13.0 total 13.0 C 12.0 R 12.0 CF	15.0 total 3.0 C 12.0 R 12.0CF	13.0 total 3.0 C 12.0 R 12.0CF	12.0 total 7.5 R 7.2 C 12.0CF	18.0 total 18.0 C 3.0 R 2.0 CF

C = Commercial FAR
CF = Community Facility FAR
R = Residential FAR

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

(c) Subdistrict G

In Subdistrict G, the #floor area ratio# provisions of Section 93-226 (Floor area regulations in Subdistrict G) shall apply.

93-221
Maximum floor area ratio in the Farley Corridor Subdistrict B

[UPDATING FLOOR AREA PROVISIONS PER PROPOSAL FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E). For #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# in Row C shall be modified to 7.2.

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122. For #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# in Row C shall be modified to 7.2.

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted. For #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# in Row B shall be modified to 7.2.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4) and Section ~~74-79 (Transfer of Development Rights From Landmark Sites)~~ 75-42 (Transfer of Development Rights from Landmarks), as modified by paragraph (b) of Section 93-054 (Applicability of Article VII, Chapter 4).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

93-222
Maximum floor area ratio in the 34th Street Corridor Subdistrict C

[UPDATING FLOOR AREA PROVISIONS PER PROPOSAL FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, ~~pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program),~~ as follows:

(a) the #residential# #floor area ratio# may be increased ~~from 6.5~~ to a maximum of 12.0 ~~only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23; and~~ where the following are met:

(1) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing#;

(2) a #floor area# increase equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 (District Improvement Fund Bonus); and

(b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

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). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set

forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-223
Maximum floor area ratio in Hell's Kitchen Subdistrict D

[UPDATING FLOOR AREA PROVISIONS PER PROPOSAL FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 ~~pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-154 (Inclusionary Housing), as modified by Section 93-23~~, as follows:

(1) The #residential# #floor area ratio# may be increased ~~from 6.5~~ to a maximum of 12.0 ~~only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23.~~ where the following are met:

(i) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing#;

(ii) a #floor area# increase or transfer equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 or 93-32; and

(2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility# #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased ~~only~~ pursuant to Section 93-31. In addition, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 9.0.

(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

(d) Authorization for transfer of #floor area# for public facilities

For any #zoning lot# located partially in Subarea D2 and partially in Subarea D4, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea D4 and authorize modifications to the provisions of Section 77-22 (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea D4 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section 77-22. In order to authorize such modifications, the Commission shall find that:

(1) such public facility provides a necessary service to the surrounding area;

(2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#; and

(3) such transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #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 public facility to the local community and the City as a whole.

(e) Authorization for transfer of floor area for public open areas

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-543 (Authorization for the provision of public open areas).

Maximum floor area ratio in the South of Port Authority Subdistrict E

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased #developments# in Section 93-122 (Certification for residential use in Subdistricts A, B and E). In addition, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# in Row C shall be modified to 3.6.

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). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-225
Floor area regulations in Subdistrict F

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 8.0 or 9.6 where #qualifying affordable housing# or #qualifying senior housing# is provided;

(b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#; and

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 8.0; and

(d) the total maximum #floor area ratio# in the subdistrict shall be ~~10.0~~ 10.4. ~~, except as modified pursuant to Section 93-23 (Modifications of Inclusionary Housing Program).~~

93-226
Floor area regulations in Subdistrict G

[UPDATING CROSS REFERENCE]

In Subdistrict G, the basic maximum permitted #floor area ratio# for #residential#, #community facility#, and #commercial# #uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 12.0 for #qualifying affordable housing# or #qualifying senior housing#, ~~pursuant to Section 23-154 (Inclusionary Housing)~~;

(b) the maximum #floor area ratio# for #community facility uses# shall be 12.0;

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 12.0; and

(d) the total maximum #floor area ratio# shall be 24.0.

~~**93-23**~~
~~**Modifications of Inclusionary Housing Program**~~

[RELOCATING PROVISIONS TO SECTION 93-22, INCLUSIVE, AND MODIFYING]

~~Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Subdistrict A-2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).~~

* * *

~~**93-231**~~
~~**Definitions**~~

~~For the purposes of this Chapter, matter in italics is defined in Section 12-10 or 23-911 (General definitions), inclusive.~~

~~**93-232**~~

~~**Floor area increase in Subdistricts B, C, D and E, and Special Garment Center District Subdistrict A-2**~~

[RELOCATING PROVISIONS TO SECTION 93-222 and 93-223 AND MODIFYING]

~~Within Subdistricts B, C, D and E, and Subdistrict A-2 of the #Special Garment Center District#, the provisions of Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), the maximum permitted #residential# #floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:~~

~~(a)~~ ~~The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:~~

~~(1)~~ ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(2)~~ ~~the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(3)~~ ~~the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.~~

~~(b)~~ ~~The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:~~

~~(1)~~ ~~the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(2)~~ ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(3)~~ ~~the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.~~

~~For the purposes of this Section, #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#.~~

~~**93-233**~~
~~**Floor area increase for affordable housing in Subdistrict F**~~

[RELOCATING PROVISIONS TO SECTION 93-225 AND MODIFYING]

~~The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:~~

~~(a)~~ ~~at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #low income households#, as defined in Section 23-911 (General definitions);~~

~~(b)~~ ~~such #building# shall comply with the provisions of:~~

~~(1)~~ ~~Section 23-953 (Additional requirements for compensated developments and MIH developments);~~

~~(2)~~ ~~Section 23-96 (Requirements for Generating Sites or MIH Sites), paragraphs (b) through (i); and;~~

~~(3)~~ ~~Section 23-961 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and~~

~~(c)~~ ~~the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.~~

93-30
SPECIAL FLOOR AREA REGULATIONS

93-31
District Improvement Fund Bonus

[UPDATING CROSS-REFERENCES]

In Subdistrict A-2 of the #Special Garment Center District# and in the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that

instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

(a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or ~~Section 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program)~~ other provisions in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C), 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D) or 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2); or

(b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or ~~Section 23-154, as modified by Section 93-23~~ other provisions in Sections 93-222, 93-223 or 121-41.

* * *

93-32
Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

[UPDATING CROSS REFERENCES]

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through

A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

* * *

(4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or ~~the Inclusionary Housing Program pursuant to Section 23-154, as modified by Section 93-23~~ the provisions of Section 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D).

* * *

93-40
HEIGHT AND SETBACK REGULATIONS

* * *

93-41
Rooftop Regulations

[UPDATING CROSS REFERENCE]

(a) Subdistricts A, B, C, D, E and G

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of ~~paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts)~~ paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

(b) Subdistrict F

In Subdistrict F, the provisions of paragraph (b) of Section 33-42 shall apply, except that for towers above a height of 350 feet, in lieu of the provisions of 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), inclusive, the tower top articulation provisions set forth in Section 93-569 shall apply.

* * *

93-50
SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS

* * *

93-54
Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

* * *

93-542
Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

(a) the rooftop regulations set forth in Section 93-41 shall apply;

(b) within the C2-5 District of Subarea D4, #commercial# #uses# shall be limited to two #stories# or a height of 30 feet, whichever is less; and

(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation~~; and~~.

~~(d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.~~

* * *

93-55
Special Height and Setback Regulations in the South of Port Authority Subdistrict E

[UPDATING CROSS REFERENCES]

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

Above a height of 120 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or ~~35-64~~ 35-642, as applicable, may penetrate the #sky exposure plane#;

(2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, ~~as listed in paragraph (c)(1) of Section 23-623~~ pursuant to the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

* * *

93-80
OFF-STREET PARKING REGULATIONS

* * *

93-821
Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in ~~Section 23-911~~ Section 27-11, #accessory# off-

street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

* * *

93-90
HARASSMENT

(a) Definitions

* * *

(16) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,

(ii) provides that the #low income housing# must comply with the requirements of ~~Section 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

* * *

(d) Certification of Cure for Harassment

* * *

(3) 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 ~~Section 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#; or

(ii) 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 IX - Special Purpose Districts

Chapter 4
Special Sheepshead Bay District

* * *

94-00
GENERAL PURPOSES

* * *

94-02
General Provisions

[ALIGNING WITH 62-00 PROPOSAL]

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

~~In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).~~

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 Zones), the provisions of Article VI, Chapter 4, shall control.

* * *

94-06
Special Use Regulations

* * *

94-061
Permitted residential, community facility and commercial uses

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

A. #Residential# and #community facility uses#

#Residential# and #community facility uses# shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial# #uses#

In all Areas, as indicated in Appendix A of this Chapter, the underlying C2 District regulations shall apply to #commercial uses#.

94-062
Streetscape regulations

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages in Areas A, B, C and D as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter along Emmons Avenue shall be considered #Tier C street frontages#;

(b) #ground floor level# #street# frontages in Areas A, B, C, E and F, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, along Sheepshead Bay Road, Ocean Avenue, Bedford Avenue, Nostrand Avenue, as well as, in Areas E and F, frontages along Emmons Avenue, shall be considered #Tier B street frontages#; and

(c) in Areas A, B, C and D, the size of #ground floor level# #commercial uses# shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at the #ground floor level# of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue, except that:

(1) such size limitation shall not apply to eating or drinking establishments listed under Use Group VI; and

(2) in Area B, grocery and convenience retailers listed under Use Group VI may exceed such size limitations if the following criteria are met:

(i) such establishment shall be on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date;

(ii) only one such establishment shall be permitted on a #zoning lot#; and

(iii) the size of such establishment shall be limited to 15,000 square feet of

#floor area# utilized for the sale of food and non-food grocery products and, further, such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space.

94-063
Additional sign regulations

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

* * *

94-09
Special Bulk Regulations

94-091
Basic floor area ratio

[ALIGNING WITH PROPOSAL]

For the purposes of this Chapter, the #floor area ratio# of a #zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations~~, except as set forth in Section 94-092 (Maximum floor area ratio)~~.

94-092
Maximum floor area ratio

[ALIGNING WITH PROPOSAL]

The permitted basic #floor area ratio# for ~~#residential# or #~~community facility use# is 1.25. ~~and for #commercial# #use# is 1.00.~~ The ~~permitted basic~~ underlying district #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section ~~94-096~~ 94-095 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

~~In Areas A, E and F, the maximum #floor area ratio# for any #residential# or #community~~

~~facility use# on a #zoning lot# shall in no event be more than 2.00 and for #commercial# #use# be no more than 1.00.~~

~~In Area C, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 1.25 and for #commercial# #use# be more than 1.50. The maximum #floor area# in a #mixed building# within the Special District shall be the maximum #floor area# permitted for either the #residential# portion, the #community facility# portion or the #commercial# portion of such a #building#, whichever permits the greatest amount of #floor area#.~~

* * *

~~**94-095**~~
~~**Open space ratio**~~

[ALIGNING WITH PROPOSAL]

~~For the purposes of this Section, the minimum required #open space ratio# for a #building# on a #zoning lot# shall be 40.0. However, if a #zoning lot# is #developed# pursuant to Sections 94-08 (Special Floor Area Bonus Provisions) or 94-094 (Authorization provisions for transfer of development rights to receiving lots), then the minimum #open space ratio# may be modified as set forth in this Section. For every 0.10 increase in permitted #floor area ratio# on a #zoning lot#, the corresponding required #open space ratio# may be decreased by not more than 2.0. In no event shall the required #open space ratio# on a #zoning lot# be less than 25.0.~~

~~**94-096**~~
94-095
Special permit for floor area, location within buildings, building height and related parking modifications within Area G

[RE-NUMBERING; UPDATING CROSS REFERENCES]

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on March 22, 2016, the City Planning Commission may:

(a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial# #use# to 2.0 provided that such #enlargement#:

(1) is designed so as not to impair the character of the surrounding area or its future development; and

(2) will not cause undue congestion on local #streets# or impair pedestrian circulation;

(b) modify the height provisions of ~~paragraph (a) of~~ Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

(c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

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

94-10
SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

[ALIGNING WITH PROPOSAL; UPDATING CROSS REFERENCES]

The height and setback regulations set forth in ~~Sections 23-631 (General provisions)~~ Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 34-24 (Modification of Height and Setback Regulations) and 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent), shall ~~not~~ apply to #buildings# in the #Special Sheepshead Bay District#. ~~In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.~~

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Such minimum setback may be modified in accordance with the provisions of Section 23-423. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

~~In Area A, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or 15 feet of the Sheepshead Bay Road #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer.~~ Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

~~In Area C, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or Ocean Avenue #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distance# of 25 feet in Area C, the #building#~~

~~shall not exceed four #stories# or 50 feet, whichever is fewer.~~

~~In Areas B and D, a #building# shall not exceed four #stories# or 50 feet, whichever is fewer.~~

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

~~In Areas G and H, a #building# shall not exceed three #stories# or 35 feet, whichever is fewer. However, the City Planning Commission may, by a special permit, modify such height restrictions, provided that:~~

~~(a) the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and~~

~~(b) the height of such #building# does not exceed five #stories# or 50 feet, whichever is fewer.~~

~~The Commission may prescribe appropriate conditions and safeguards to protect the view of the Bay and to minimize the adverse effects on the character of the surrounding areas.~~

* * *

Article IX - Special Purpose Districts

Chapter 5
Special Transit Land Use District

* * *

95-09
Special Regulations for Accessory Off-street Parking and Curb Cuts

[ALIGNING WITH THE UNDERLYING REGULATIONS]

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

~~On any #zoning lot# on which a transit easement volume is provided, the required #accessory# off-street parking requirements for #residential uses# of the applicable underlying districts shall be reduced to a maximum of 20 percent.~~

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

~~The #accessory#~~ The underlying #accessory# off-street parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

95-10
MISCELLANEOUS PROVISIONS

* * *

Article IX - Special Purpose Districts

Chapter 6
Special Clinton District

96-00
GENERAL PURPOSES

* * *

96-01
Definitions

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to Section ~~96-109~~ 96-106 that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section ~~96-109~~ 96-106 .

Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

* * *

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section ~~96-109~~ 96-106 .

96-10
PRESERVATION AREA

[REMOVING CERTAIN BULK PROVISIONS IN THIS SECTION TO ALIGN WITH PROPOSED UNDERLYING REGULATIONS]

In the Preservation Area, the regulations of the underlying districts shall apply, except as modified in this Section, inclusive.

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

96-101
Floor area regulations

[UPDATING FLOOR AREA REGULATIONS TO REFLECT QUALIFYING AFFORDABLE AND SENIOR HOUSING PROVISIONS]

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	#Floor Area Ratio#
#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# for the following type of #residences# in ~~the following Districts:~~ R8, C1-5, C2-5 or C6-2 Districts:	
~~R8 C1-5 C2-5 C6-2~~ Basic #residential# or #community facility# #use#	4.2
#Qualifying affordable housing# or #qualifying senior housing#	5.04
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0

C6-2*	4.2

* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

~~**96-102**~~
~~**Lot coverage regulations**~~

[DELETING AND APPLYING PROPOSED UNDERLYING LOT COVERAGE PROVISIONS]

~~Within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section 24-11, are not applicable. The #lot coverage# provisions of this Section apply in lieu thereof. In C6-2 Districts, for the purposes of determining #lot coverage#, any part of a #building# that is listed as a permitted obstruction in #open space# or in a #rear yard# shall not be included in #lot coverage#. For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.~~

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

~~**96-103**~~ **96-102**
Yard regulations

[ALIGNING WITH PROPOSED UNDERLYING YARD PROVISIONS]

~~The #yard# regulations of this Section apply to any #development# or #enlargement#.~~

~~For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide~~

~~street#, no #rear yard# shall be required.~~

~~For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.~~

~~On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section 23-532, paragraph (a), shall apply.~~

The underlying #yard# regulations shall apply except that on a #through lot#, the alternative location allowances of paragraph (c)(2) of Section 23-344 (Rear yard equivalent requirements) shall not apply.

~~96-104~~ 96-103
Height and setback regulations

[UPDATING HEIGHT PROVISIONS TO ALIGN WITH BULK PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

The underlying height and setback regulations ~~shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply.~~ shall apply except as modified in this Section, inclusive. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, ~~#street walls# shall be located on the #wide# #street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, #street walls# shall be located on and extend along the #narrow# #street line# within 50 feet of the #wide street#.~~ the #street wall# provisions of paragraph (a) of Section 35-631 shall apply.

For #zoning lots# with #narrow street# frontage, the #street wall# provisions of paragraph (a) of Section 23-431 shall apply and extend along the entire #narrow street# frontage of the #zoning lot#. ~~#street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow# #street line# is located within 10 feet of the #street line#, the #street wall# of the #building# may be 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 #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the~~

~~#building#, or adjacent to #commercial# #uses# fronting on the #street#.~~

~~(b)~~ ~~Permitted recesses~~

~~Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.~~

~~(c)~~(b) #Building# height

~~Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of seven #stories# or 66 feet, whichever is less.~~

Within 100 feet of a #wide street#, the underlying height and setback regulations applicable to an R7A District shall apply. Beyond 100 feet of a #wide street# the underlying height and setback regulations applicable to an R8B District shall apply, except that the maximum base height set forth in Section 23-432 (Basic height and setback requirements) shall be modified to be 66 feet.

~~(d)~~(c) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution. except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in ~~Section 23-911~~ Section 27-111 (General definitions), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the

Commission shall find that:

(1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;

(2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

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

~~**96-105**~~
~~**Dwelling unit regulations**~~

[DELETING AND APPLYING PROPOSED UNDERLYING DENSITY REGULATIONS]

~~(a) #Dwelling unit# distribution~~

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

~~In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.~~

~~However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-~~

2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

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

(1) that such #residences# are sponsored by a voluntary non-profit organization;

(2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;

(3) that there are social service, health and related programs for the residents including a maintenance and security plan;

(4) that on-site recreation areas for the use of the residents are provided; and

(5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#,which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

96-106
Special regulations for community facility uses

[DELETING SECTION PER PROPOSAL; THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

#Developments#, #enlargements# or #extensions# of #community facility# #uses# or #conversions# of an existing #building# to a #community facility# #use#, are permitted on

~~#zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility# #uses#, provided that the Commission makes the following findings:~~

~~(a) that the existing #building# is not eligible for rehabilitation under any active publicly aided program under which funds are available;~~

~~(b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Department of Housing Preservation and Development of his or her intention to demolish the #building#; and~~

~~(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.~~

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

~~96-107~~ 96-104
Demolition of buildings

[UPDATING SECTION NUMBER; THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

(a) that the existing #building#:

(1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or

(2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.

(b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.

(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110; and

(d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

~~96-108~~ 96-105
Alterations of buildings

[UPDATING SECTION NUMBER; THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

(a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and

(b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(1) making the public areas of a #multiple dwelling# accessible to persons with disabilities

without altering the configuration of any #dwelling unit# or #rooming unit#; or

(2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section ~~96-109~~ 96-106 .

~~96-109~~ 96-106
Harassment and cure

[UPDATING SECTION NUMBER; THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

(a) Definitions

* * *

(11) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of ~~Section 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. ~~However, in the Preservation Area, paragraph (c) of Section 23-96 (Requirements for Generating Sites or MIH Sites), shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable~~;

* * *

(d) Certification of Cure for Harassment

* * *

(3) No portion of the #low income housing# required under this Section shall qualify

to:

(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42nd Street Perimeter Area); Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District#, #Special Hudson Yards District#, #Special West Chelsea District#; or requirements pursuant to Section ~~23-90~~ 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); or

(ii) 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#.

~~96-110~~ 96-107
Off-street parking regulations

[UPDATING SECTION NUMBER; THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

(a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and

(b) the applicant has followed the relocation procedures set forth in Section 96-24.

96-20
PERIMETER AREA

[CLARIFYING APPLICABILITY OF UNDERLYING PROVISIONS]

Within the Perimeter Area, the underlying provisions shall apply except as modified in this Section, inclusive. ~~#Developments#~~ Such #developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-24 (Relocation and Demolition of Buildings in the Perimeter

Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed to another #non-conforming# #use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-conforming Commercial Uses in Commercial Districts).

96-21
Special Regulations for 42nd Street Perimeter Area

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

(b) #Floor area# regulations

[ALIGNING WITH PROPOSED FAR PROVISIONS FOR QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING]

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, ~~the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition,~~ 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). ~~Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, ~~the basic #floor area ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-154,~~

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

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

~~(3) Additional regulations for Subareas 1 and 2~~

[DELETING TO ALIGN WITH PROPOSED TOWER PROVISIONS IN UNDERLYING TEXT]

~~In Subareas 1 and 2, 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) shall apply:~~

~~(i)~~ ~~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~~

~~(ii)~~ ~~to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.~~

(c) Retail continuity requirements

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along West 42nd Street, between Ninth and Twelfth Avenues shall be considered #Tier C street frontages#.

(d) #Street wall# continuity requirements

~~(1)~~ ~~At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street,~~ The #street wall# location provisions of paragraph (b) of Section 23-431 shall apply except that, the #street wall# shall extend up to minimum height of 45 feet above #curb level# or the height of the #building#, whichever is less, and no more than 85 feet. ~~up to a height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.~~

~~(2)~~ ~~The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet, or the height of the #building#, whichever is less, and no more than 85 feet.~~ Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian

circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).

96-22
Special Regulations for Eighth Avenue Perimeter Area

[ALIGNING WITH PROPOSED FAR PROVISIONS FOR QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING]

Within the Eighth Avenue Perimeter Area, the following provisions shall apply:

(a) For ~~#zoning lots#~~ #qualifying transit improvement sites#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, ~~the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, 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). ~~Such bonuses may be applied separately or in combination.~~ For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). ~~For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned~~

~~shall be within the #Special Clinton District#.~~

* * *

96-25
Floor Area Bonus for New Theater Use

[UPDATING REFERENCE]

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue ~~that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING)~~, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

* * *

96-30
OTHER AREAS

* * *

96-31
Special Regulations in R8 Districts

[ALIGNING BULK PROVISIONS WITH QUALIFYING AFFORDABLE AND SENIOR HOUSING PROVISIONS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

(a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, ~~the following special regulations shall apply:~~

~~(1)~~ the provisions of Sections 96-101 (Floor area regulations) and ~~96-104~~ 96-102 (Height and setback regulations) shall apply~~; and~~.

~~(2)~~ ~~the provisions of Section 96-102 (Lot coverage regulations), except that for all~~

~~portions of a #zoning lot# located in Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in Other Areas.~~

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

~~(1) Inclusionary Housing Program~~

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

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

~~(ii) Optional provisions for #affordable housing#~~

~~For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section 23-154.~~

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

~~income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.~~

~~For the purposes of this paragraph (b)(1)(ii), #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 #use# and #bulk# regulations for existing electrical utility substations~~

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, ~~Electrical~~ electrical utility substations listed under Use Group IV(B) operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32
Special Regulations in R9 Districts

[ALIGNING BULK REGULATIONS WITH PROPOSAL FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING; REMOVING SECTION 74-76 PROVISIONS PER UNDERLYING CHANGESAND APPLYING NEW AUTHORIZATIONS PURSUANT TO SECTION 75-22; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In R9 Districts in Western Subarea C2, including #Commercial Districts# mapped within R9 Districts, ~~the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.~~ the underlying provisions shall apply except as modified in this Section, inclusive.

(a) ~~Inclusionary Housing Program~~ Special #bulk# regulations

The basic #floor area ratio# for #residential uses# shall be 6.66. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 8.0. Additionally, the height and setback provisions applicable to R9A Districts shall apply to all #buildings or other structures#.

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

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

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

~~For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, Eleventh Avenue, West 53rd Street and Tenth Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section may modify the provisions of Section 23-154.~~

~~The #residential# #floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-154.~~

~~However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential# #floor area#, on the #zoning lot#.~~

~~For the purposes of this paragraph (a)(2), #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#.~~

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

(1) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses# without any associated size limitations:

From Use Group VIII

Production or entertainment studios

From Use Group X

Theatrical scenery manufacturing, included in other miscellaneous manufacturing.

(2) The supplemental #use# provisions of Section 32-421 (Limitations on floors occupied by commercial uses) shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

~~(c) Height and setback modification~~

~~For any #development# or #enlargement# subject to the provisions of Section 74-61 (Development Within or Over a Railroad or Transit Right-of-Way or Yard), the City Planning Commission may permit the modification of the applicable height and setback~~

~~regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts), and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:~~

~~(1) such modification of height and setback regulations will:~~

~~(i) result in a #building# that has a maximum #building# height of 155 feet;~~

~~(ii) result in a better distribution of #bulk# on the #zoning lot#; and~~

~~(iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;~~

~~(2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and~~

~~(3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is 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.~~

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

96-33
Special Regulations in M2-4 Districts

* * *

96-34
Special Regulations in Northern Subarea C1

[DELETING AND ALIGNING PROVISIONS WITH QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING PROVISIONS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.~~

~~(a) Inclusionary Housing Program~~

~~The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in~~ APPENDIX F ~~of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

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

~~(b) Special #use# regulations~~

~~In Special Use Regulations Areas C1-1 and C1-2,~~ Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

~~(1)~~(a) automobile dealers listed under Use Group VI with preparation of automobiles for delivery; and

~~(2)~~(b) automotive repair and maintenance listed under Use Group VI.

96-40
MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

[UPDATING CROSS REFERENCE]

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section ~~23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts)~~ 23-71 (Height Factor and Open Space Ratios) as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modification), provided the Commission finds that:

(a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and

(b) such modification results in improved site planning.

96-50
REGULATIONS APPLICABLE TO ALL AREAS

* * *

~~**96-53**~~
~~**Conversions to Residential Use**~~

[REMOVING TO APPLY UNDERLYING PROVISIONS FOR CONVERSIONS; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~For #conversions# to #residential use# of a #building#, predominantly occupied by #uses# listed under Use Groups III or V, that exceeds the #residential# #floor area# permitted by the applicable district regulations, the City Planning Commission by special permit, may permit such #building# to be #converted# to #residential use# in its entirety, provided that such #building# includes social or recreational space primarily for the use of occupants of #dwelling units# or #rooming units# in the #development# and which may also be made available to the community.~~

~~There shall be at least 30 square feet of social or recreational space for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater. Such space may be located outdoors at grade level or at any floor level including roof areas. The maximum number of #dwelling units# shall be determined in accordance with the provisions of Section 15-111 (Number of permitted dwelling units). The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties.~~

~~As a condition of approval, the Commission shall find:~~

~~(a) that because of site and building limitations, such modifications are necessary for the proper design and functioning of the #converted# #building#;~~

~~(b) that such modifications will result in adequate access of light and air to the newly created #dwelling units# and to surrounding development;~~

~~(c) that the social or recreational space contains adequate facilities to serve the needs of the residents and wherever possible the surrounding community;~~

~~(d) that there is suitable separation between #dwelling units# and floor space occupied by non-#residential# or #accessory# #uses#; and~~

~~(e) that such #conversion# will not unduly increase the density of population or intensity of #use# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#.~~

~~The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties and may require a program for operation and maintenance of recreational spaces.~~

* * *

96-80
EXCLUDED AREAS

* * *

~~**96-81**~~
~~**R10 Districts**~~

[REMOVING REFERENCES TO INCLUSIONARY HOUSING]

~~R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

~~**96-82**~~ **96-81**
C6-3X Districts

[REMOVING REFERENCES TO INCLUSIONARY HOUSING AND ADJUSTING FLOOR AREA PROVISIONS PER PROPOSAL]

~~(a) Inclusionary Housing Program~~

~~C6-3X Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary~~

~~Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

~~(b) Maximum #floor area ratio#~~

~~Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.~~

In C6-3X Districts in Excluded Areas, the underlying regulations shall apply except that the basic #floor area ratio# for #residential uses# shall be 7.5 and for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 9.0.

* * *

Article IX - Special Purpose Districts

Chapter 7
Special 125th Street District

* * *

97-06
Applicability of District Regulations

* * *

~~**97-062**~~
~~**Applicability of the Quality Housing Program**~~

~~In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

97-063
Applicability of Mandatory Inclusionary Housing Program

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), inclusive, #Inclusionary Housing designated areas# and~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special 125th Street District# are shown on the maps in APPENDIX F of this Resolution.

* * *

97-40
SPECIAL BULK REGULATIONS

Within the #Special 125th Street District#, for #developments# or #enlargements#, the applicable #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

97-41
Special Floor Area Regulations

The maximum #floor area ratio#~~, #open space ratio# and #lot coverage#~~ requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

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). Bonuses pursuant to Sections 66-51 or this Section, inclusive, may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

97-411
Maximum floor area ratio within the Core Subdistrict ~~and areas outside of a subdistrict~~

[UPDATING RES FAR CHART]

~~In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area and Lot Coverage Regulations), inclusive.~~

~~MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES~~

	~~Outside the Core Subdistrict~~			~~Within the Core Subdistrict~~		
~~District~~	~~#Residential Floor Area Ratio#~~	~~#Commercial Floor Area Ratio#~~	~~#Community Facility Floor Area Ratio#~~	~~#Residential Floor Area Ratio#~~	~~#Commercial Floor Area Ratio#~~	~~#Community Facility Floor Area Ratio#~~
~~C4-4D~~	~~5.4~~	~~4.0~~	~~6.0~~	~~5.4~~	~~4.0~~	~~6.0~~
~~C4-7~~	~~9.0~~	~~10.0~~	~~10.0~~	~~5.4~~	~~7.2~~	~~7.2~~
~~C6-3~~	~~6.0~~	~~6.0~~	~~6.0~~	~~5.4~~	~~6.0~~	~~6.0~~

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#.

The basic #residential# #floor area ratios# may be increased up to the applicable maximum #residential# #floor area ratios# in the following table where #qualifying affordable housing# or #qualifying senior housing# is provided.

The basic #residential# or #commercial# #floor area ratios# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

	Within the Core Subdistrict					
District	Basic #Residential Floor Area Ratio#	#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#	#Residential Floor Area Ratio# with visual or performing arts bonus	Basic #Commercial Floor Area Ratio#	#Commerical Floor Area Ratio# with visual or performing arts bonus	#Community Facility Floor Area Ratio#
C4-4D	6.0	7.2	7.2	4.0	5.40	6.0
C4-7	6.0	7.2	7.2	7.2	8.65	7.2
C6-3	6.0	7.2	7.2	6.0	8.00	6.0

~~**97-412**~~
97-413
Maximum floor area ratio in the Park Avenue Hub Subdistrict

[UPDATING CROSS REFERENCES]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

(1) a minimum non-#residential# #floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or

(2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section ~~97-423~~ 97-42 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph ~~(d)(4)~~(a)(4) of Section ~~23-154~~ 27-131 (Mandatory Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;

(2) for #zoning lots#, subject to the provisions of paragraphs ~~(d)~~ (a)(4)(i) or ~~(d)~~(a)(4)(iii) of Section ~~23-154~~ 27-131, the maximum #residential# #floor area# provision of the underlying district as specified in Section ~~23-153~~ ~~(For Quality Housing buildings)~~ 23-221 shall apply; and

[RELOCATING BONUS FROM 97-422]

(3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased ~~pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).~~ up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

[RELOCATING FROM PARAGRAPH (b)(3)]

(4) For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

97-413
Maximum floor area ratio in Subdistrict A

~~In Subdistrict A, the maximum #residential# #floor area ratio# shall be 9.0 and the maximum #floor area ratio# for non-#residential uses# shall be 10.0. Such maximum non-#residential# #floor area# may only be increased pursuant to paragraph (c) of Section 97-422 (Floor area bonus for visual or performing arts uses).~~

In C4-7 Districts in Subdistrict A, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential# and non-#residential uses#.

The basic #residential# #floor area ratios# may be increased up to the applicable maximum #residential# #floor area ratios# in the following table where #qualifying affordable housing# or #qualifying senior housing# is provided.

The basic #residential# or non-#residential# #floor area ratios# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in

paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

	Subdistrict A				
District	Basic #Residential Floor Area Ratio#	#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#	#Residential Floor Area Ratio# with visual or performing arts bonus	Basic Non-#Residential Floor Area Ratio#	Non-#Residential Floor Area Ratio# with visual or performing arts bonus
C4-7	10.0	12.0	12.0	10.0	12.0

97-414
Maximum floor area ratio in areas outside of a subdistrict

In C4-4D, C4-7 or C6-3 Districts in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#.

The basic #residential# #floor area ratios# may be increased up to the applicable maximum #residential# #floor area ratios# in the following table where #qualifying affordable housing# or #qualifying senior housing# is provided.

The basic #residential# or #commercial# #floor area ratios# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

Areas outside of a subdistrict						
District	Basic #Residential Floor Area Ratio#	#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#	#Residential Floor Area Ratio# with visual or performing arts bonus	Basic #Commercial Floor Area Ratio#	#Commerical Floor Area Ratio# with visual or performing arts bonus	#Community Facility Floor Area Ratio#
C4-4D	6.0	7.2	7.2	4.0	5.4	6.0
C4-7	10.0	12.0	12.0	10.0	12.0	10.0
C6-3	6.67	8.0	8.0	6.0	8.0	6.0

~~**97-42**~~
~~**Additional Floor Area and Lot Coverage Regulations**~~

[REMOVING REFERENCES TO INCLUSIONARY HOUSING DESIGNATED AREAS PER PROPOSAL]

~~Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.~~

~~Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.~~

~~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). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

97-421
Inclusionary Housing

[RELOCATING TO 97-411 AND 97-412 AND APPLYING QUALIFYING AFFORDABLE AND SENIOR HOUSING]

In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, the #residential# #floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).

97-422
Floor area bonus for visual or performing arts uses

[RELOCATING TO SECTION 97-411 AND 97-414]

(a) In C4-4D, C4-7 or C6-3 Districts within the Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial# #uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL AND COMMERCIAL USES WITH FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

	Within areas outside a subdistrict				Within the Core Subdistrict			
	#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#		#Residential# #Floor Area Ratio#		#Commercial# #Floor Area Ratio#	
	Base	Maximum	Base	Maximum	Base	Maximum	Base	Maximum
C4-4D	5.4	7.2	4.0	5.4	5.4	7.2	4.0	5.40

C4-7	9.0	12.0	10.0	12.0	5.4	7.2	7.2	8.65
C6-3	6.0	8.0	6.0	8.0	5.4	7.2	6.0	8.00

[RELOCATING TO SECTION 97-412]

(b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

[RELOCATING TO SECTION 97-413]

(c) In C4-7 Districts within Subdistrict A, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in Section 97-413 (Maximum floor area ratio in Subdistrict A) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

~~97-423~~
97-42
Certification for floor area bonus for visual or performing arts uses

~~The minimum non-#residential# #floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the~~ The Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings visual or performing arts #uses# in accordance with the applicable provisions of Section 97-41, inclusive, where ~~that~~ the following conditions have been met:

(a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the applicable provisions of Section 97-41, inclusive, ~~paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in~~

~~#floor area ratio# pursuant to Section 97-422,~~ including the location of such #floor area#.

(b) Drawings also have been provided that clearly designate all #floor area# or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of Section 97-41, inclusive, ~~paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422~~.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

(1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory# #uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;

(2) all bonused #floor area# or below-grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided in the Park Avenue Hub Subdistrict ~~pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422~~. However, all bonused #floor area# or below-grade floor space occupied by visual or performing arts #uses# within a #development# may be primarily accessed from Fifth Avenue, provided the following conditions are met:

(i) the #zoning lot# must have at least 150 feet of Fifth Avenue frontage where such primary entrance is provided; and

(ii) signage that identifies the visual or performing arts #uses# shall be provided at both the primary entrance on Fifth Avenue and on 125th Street;

(3) in the case of primary rehearsal space, where such space does not consist of #accessory# #uses# subject to the requirements of paragraph (b)(4), such space:

(i) can be adapted for rehearsals or performances open to the public;

(ii) is located on the first #story# of the #building# or on any higher #story# with a ceiling height not greater than 60 feet above grade;

(iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section. In addition,

where such primary rehearsal space is provided in the Park Avenue Hub Subdistrict ~~pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422~~ such #street wall# with 50 feet of frontage need not be along 125th Street,

(iv) has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than 9 feet, 6 inches; and

(v) complies with the following glazing requirements, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section: at least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;

(4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;

(5) #Accessory# space

(i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# #accessory# to such primary rehearsal spaces. #Accessory# #uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

(ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory# #use# occupies more than 25 percent of such total minimum required #floor area# or equivalent below-grade floor space, or bonused #floor area# or below grade floor space. #Accessory# #uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space,

ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

(6) Signage

(i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided in the Park Avenue Hub Subdistrict ~~pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422~~; and

(ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;

(c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:

(1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than 15 years, with two five-year renewal options, pursuant to an operating plan and program therefor;

(2) the proposed operator of the visual or performing arts space is a non-profit organization;

(3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;

(4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or performances open to the public shall be required only where the proposed operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow

open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;

(5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;

(6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.

(d) A legal commitment by the owner has been provided:

(1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and

(2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;

(e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying the applicable provisions of Section 97-41, inclusive, ~~minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for~~

~~which a bonus has been received pursuant to Section 97-422,~~ as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment# #use# shall be prohibited for the life of the #development# or #enlargement#.

(1) notwithstanding the provisions of this paragraph (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:

(i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;

(ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or #use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;

(iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and

(iv) any event of <u>force majeure</u>;

(2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or #use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the date of such determination;

(f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;

(g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying <u>the applicable provisions of Section 97-41, inclusive,</u> ~~minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422~~, as a visual

and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the applicable #floor area# permitted pursuant to the provisions of Section 97-41, inclusive, ~~paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422,~~ and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the applicable #floor area# permitted pursuant to Section 97-41, inclusive, ~~the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422~~ shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or #use# that would not warrant further certification pursuant to this Section.

~~**97-424**~~
~~**Special Lot Coverage Regulations**~~

~~The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 100 percent for #corner lots#.~~

97-43
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of ~~paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts)~~ paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

97-432
Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict

[UPDATING AND ALIGNING SECTION WITH UNDERLYING]

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, along 125th Street, the #street wall# ~~shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.~~ location provisions of paragraph (a) of Section 35-631 shall apply. Along all other #streets# the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply.

~~The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:~~

~~(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.~~

~~(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, 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.~~

~~(3) 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#. Above the height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.~~

~~(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.~~

(5) ~~For any #development# or #enlargement# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.~~

(6) ~~The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.~~

(b) Maximum height of building and setback <u>within the Core Subdistrict</u>

~~The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict:~~

(1) Basic regulations

Within the Core Subdistrict, the ~~The~~ minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
	#Street Wall# Height (in feet)		
District	Minimum Base Height	Maximum Base Height Inside Core Subdistrict	Maximum Height of #Building or Other Structure# Inside Core Subdistrict (in feet)
C4-7	60	85	195
C6-3	60	85	~~160~~ 165

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall ~~be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of paragraph (a) of Section 97-432 (Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict).~~ provide a setback in accordance with the provisions of Section 23-433.

(2) Special regulations for certain C4-7 Districts

(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation

Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

(3) Special regulations for C6-3 Districts

In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

(c) Maximum height of building and setback in areas outside of a subdistrict

In areas outside of a subdistrict, the following minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be applied:

(1) in C4-7 Districts, the height and setback regulations applicable to an R10A District shall apply; and

(2) in C6-3 Districts, the height and setback regulations applicable to an R9A District shall apply.

97-433
Height and setback regulations in the Park Avenue Hub Subdistrict

[UPDATING AND ALIGNING SECTION WITH UNDERLYING. THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section ~~35-651~~ 35-631 shall be modified as follows:

(1) Along 125th Street

The #street wall# provisions of paragraph (a) of Section 35-631 shall apply. The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50

feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

The #street wall# provisions of paragraph (~~a~~b) of Section ~~35-651~~ 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in the applicable provisions of Section 35-632 ~~Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable~~, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

~~For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 GROUND FLOOR LEVEL REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.~~

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, ~~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),~~ or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

~~At a height not lower than the minimum base height specified in paragraph (a)~~

~~of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback,~~ Above the applicable maximum base height established pursuant to paragraph (b) of this Section, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a "tower."

(2) #Lot coverage# requirements for towers

~~Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.~~

The maximum #lot coverage# of a tower shall be as set forth in Section 23-436 (Tower regulations)

(3) Maximum #building# height

No height limit shall apply to towers.

97-434
Height and setback regulations in Subdistrict A

[UPDATING CROSS REFERENCES]

Within Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying height and setback regulations ~~for #Quality Housing buildings#~~ shall apply, except that in C4-7 Districts, the minimum and maximum base heights and the overall maximum #building# height provisions of Section ~~35-65~~ 35-632, ~~inclusive,~~ shall be modified in accordance with the following table: ~~Maximum height of #buildings.~~

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
District	Minimum Base Height	Maximum Base Height	
C4-7	60	85	245

Above the maximum base height, a setback shall be provided in accordance with the provisions of ~~paragraph (c) of~~ Section ~~23-662~~ 23-433.

* * *

97-50
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51
Accessory Off-street Commercial Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

~~**97-511**~~
~~**Required accessory off-street residential parking**~~

[REMOVING AS UNDERLYING NOW APPLIES]

~~#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.~~

~~**97-512**~~
~~**Required accessory off-street commercial parking**~~

[RELOCATING TO 97-51]

In #Commercial Districts# within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial# #uses# in C4-4D Districts.

~~**97-52**~~
~~**Required Accessory Off-street Parking Within the Park Avenue Hub Subdistrict**~~

[REMOVING AS UNDERLYING NOW APPLIES]

~~In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.~~

~~**97-53**~~
97-52
Location of Access to the Street

* * *

97-~~54~~
97-53
Parking Access Through Zoning Lots in Residence Districts

* * *

~~**97-55**~~
97-54
Certification for Access to Required Uses

* * *

~~**97-56**~~
97-55
Authorization for Access to Permitted Parking Facilities or Loading Berths

* * *

~~**97-57**~~

97-56
Public Parking Facilities

* * *

Article IX - Special Purpose Districts

Chapter 8
Special West Chelsea District

* * *

98-05
Applicability of District Regulations

~~**98-051**~~
~~**Applicability of Article I, Chapter 1**~~

[REMOVING SECTION]

~~Within the #Special West Chelsea District#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.~~

* * *

98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

* * *

98-16
~~**Air Space Over**~~ **Development on Zoning Lots Including a Railroad or Transit Right-of-way** ~~**or Yard**~~

For the purposes of this Resolution, the #High Line# shall not be considered a #railroad or transit right-of-way# and the provisions of Sections ~~32-44 (Air Space Over a Railroad or Transit Right-of-way or Yard)~~ 75-22 (Developments on Lots Over Four Acres that include Railroad Right-of-Ways) and ~~42-462 (Use of railroad or transit air space)~~ 75-41 (Developments On or Over Railroad Right-of-Ways and on Lots Under Four Acres that Include Certain Railroad Right-of-Ways) shall not apply.

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas

[CHANGING FAR CHARTS TO INCORPORATE UAP]

For all #zoning lots#, or portions thereof, located in Subareas A through K, the maximum #floor area ratios#, ~~#open space ratios# and #lot coverages#~~ of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the ~~table~~ tables in this Section. ~~For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential# #floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program)~~.

For #zoning lots# using the #High Line Transfer Corridor# or the #High Line Improvement Bonus#, the provisions set forth in Table 1 shall apply.

For #zoning lots# using #qualifying affordable housing# and #qualifying senior housing#, the provisions set forth in Table 2 shall apply.

TABLE 1
High Line Improvement Bonus and High Line Transfer Corridor

~~MAXIMUM FLOOR AREA RATIO BY SUBAREA~~

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	~~Inclusionary Housing~~		Permitted #floor area ratio# (maximum)
				~~FAR required to be transferred[1] (minimum)~~	~~Increase in FAR for Inclusionary Housing Program (98-26)~~	
A	6.5	2.65	___[2]	~~2.65~~	~~2.85~~	12.0
B	5.0	2.5	___[2]	~~1.25~~	~~1.25~~	7.5
C	5.0	2.5	NA	~~1.25~~	~~1.25~~	7.5
D[5]	5.0	2.5[3]	2.5[3]	~~1.25~~	~~1.25~~	7.5
E	5.0	1.0[3]	1.0[2,3]	~~NA~~	~~NA~~	6.0

F	5.0	NA	NA	~~NA~~	~~NA~~	5.0
G	5.0	1.0[3]	1.0[3]	~~NA~~	~~NA~~	6.0
H	7.5	NA	2.5	~~NA~~	~~NA~~	10.0
I	5.0	2.5	NA	~~1.25~~	~~1.25~~	7.5
I[4]	5.0	NA	2.5	~~NA~~	~~NA~~	7.5
J[6]	5.0	NA	2.5	~~NA~~	~~NA~~	7.5
K	5.0	NA	NA	~~NA~~	~~NA~~	5.0

~~1~~ ~~Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized~~

2 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

3 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)

4 For #zoning lots# over which the #High Line# passes

5 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted

6 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

TABLE 2
Qualifying Affordable Housing and Qualifying Senior Housing

Sub-Area	Basic #floor area ratio# (maximum)	#Floor area ratio# for #Qualifying affordable housing# or #qualifing senior housing#
A	10.0	12.0
B	6.25	7.5
C	6.25	7.5
D[1]	7.5	9.0
D	6.25	7.5
E	5.0	6.0

F	5.0	6.0
G	5.0	6.0
H	8.33	10.0
I	6.25	7.5

1 For #zoning lots# between West 22nd Street and West 24th Street.

98-221
Additional regulations for Subdistrict A

[UPDATING CROSS REFERENCES]

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights), the provisions of 23-242 (Special tower provisions) ~~paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas~~) 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#.

* * *

~~**98-26**~~
~~**Modifications of Inclusionary Housing Program**~~

[REMOVING REFERENCES TO INCLUSIONARY HOUSING DESIGNATED AREAS PER PROPOSAL]

~~Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

~~**98-261**~~
~~**Definitions**~~

~~For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive.~~

* * *

~~98-262~~
98-26
~~Floor area increase~~
Affordable housing fund

[REMOVING INCLUSIONARY HOUSING PROVISIONS]

~~For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for #conversions# of non-#residential# #floor area# to #dwelling units# where the total #residential# #floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing Program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:~~

~~(a) In C6-4 Districts:~~

~~(1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#;~~

~~(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.~~

~~(b) In C6-3 Districts:~~

~~(1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#;~~

~~(2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate~~

~~income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or~~

~~(3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.~~

~~For the purposes of this Section, #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#.~~

~~However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where~~ Where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph ~~(c)~~ (a) of this Section.

~~(c)~~(a) #Affordable Housing Fund#

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount permitted in Table 1 of Section 98-22, that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of ~~#low#, #moderate# or #middle income housing#~~ #affordable housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

* * *

98-40
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

98-41
Special Rear Yard Regulations

[UPDATING CROSS REFERENCES]

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, 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 the #street#. Where a #rear yard equivalent# is required by ~~either~~ Section ~~23-532~~ ~~(Required rear yard equivalents)~~ 23-344 (Rear yard equivalent requirements), or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (c)(1) or paragraph (a) of ~~either~~ such Sections, respectively ~~as applicable~~. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section ~~23-533~~ ~~(Required rear yard equivalents for Quality Housing buildings)~~ 23-344 (Rear yard equivalent requirements), the alternatives for #through lots# with a depth of ~~180 feet~~ 190 feet or less shall not apply.

98-42
Special Height and Setback Regulations

The height and setback regulations of the underlying district shall ~~not~~ apply, except as ~~set forth~~ modified in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

* * *

98-422
Special rooftop regulations

[REMOVING DORMER PROVISIONS]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (~~c~~)(1) of Section ~~23-623~~ (Permitted obstructions in certain districts). ~~However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.~~

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as

applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423
Street wall location, minimum and maximum base heights and maximum building heights

[UPDATING SECTION AND ALIGNING WITH UNDERLYING]

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (h) of this Section.

(a) For all #buildings#

(1) #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply except that, recesses may be extended below a height of 15 feet and all #street walls# shall extend up to at least the minimum base height specified in the table in this Section. For purpose of applying #street wall# location regulations, all streets shall be considered as #wide street#.

~~Where #street walls# are required to be located on the #street line#, 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#. Above a height of 12 feet, 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 that, 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.~~

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

(i) over which the #High Line# passes;

(ii) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or

(iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in ~~Section 23-662 (Maximum height of buildings and setback regulations)~~ Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, for the #residential equivalent# of an R8A and R9A District, respectively. ~~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), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.~~

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback ~~at a height not lower than the applicable minimum base height. 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#, except such dimensions may include the depth of permitted recesses in the #street wall#.~~in accordance with the provisions of Section 23-433 (Standard setback provisions).

~~No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.~~

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow# #street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet ~~shall be located within 10 feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.~~ shall follow #street wall# location provisions of paragraph (b) of Section 23-431.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

(i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454(Towers on small lots).

(ii) Any #story# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.

(iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.

(iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.

(v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.

(vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. ~~Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of~~

~~Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow# #street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.~~

~~The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.~~

~~In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.~~

In Subarea C, for any #enlargement# on a #zoning lot# that is subject to the provisions of Section 98-242 (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing #street wall# of the #building# to be #enlarged# and no #street wall# shall be required above such minimum base height.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-241. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as “Tower East” and “Tower West.” At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow# #street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow# #street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, ~~as shown in Diagram 5 of Appendix C of this Chapter,~~ but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. As an alternative to the maximum heights listed in the chart, the following regulations may apply: No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

(1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a

height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

[UPDATING TABLE]

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____[1]
	between 50 and 100 feet of a #wide street#	15	85	____[1]
	for #zoning lots# with only #narrow street# frontage	40	60	____[1]
Subarea B		60	~~95~~ 105	~~135~~ 145

Subarea C	~~for #zoning lots# with only #narrow street# frontage~~	~~60~~	~~110~~	~~110~~
	for #zoning lots# ~~with~~ within 100 feet of Tenth Avenue ~~frontage~~	105[2]	125[2]	~~125[2]~~ 145[2]
	for #zoning lots# ~~with~~ within 100 feet of Eleventh Avenue ~~frontage~~	125[2]	145[2]	145[2]
Subarea D		60	~~90~~ 95	250[1]
Subarea E		60	105[3]	~~120~~ 125 [3]
Subarea F		60[2]	~~80~~ 105[2]	~~80~~ 125[2]
Subarea G	~~for #zoning lots# with only #narrow street# frontage~~	~~60~~	~~95~~ 125	~~95~~ 125
	~~for #zoning lots# with #wide street# frontage~~	105[2]	~~120~~ 125[2]	~~120~~ 125[2]
Subarea H		60[4]	85[4]	____ [4]
Subarea I	~~within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.~~	60	~~85~~ 105	~~120~~ 145[5]
	~~all other areas~~	~~60~~	~~105~~	~~135~~
Subarea J	Midblock Zone	NA	110[6]	130[6]
	Ninth Avenue Zone	NA	130[6]	135[6]
	Tenth Avenue Zone	NA	185[6]	230[6]
Subarea K		NA[7]	NA[7]	NA[7]

[1] see Section 98-423, paragraph (b)
[2] see Section 98-423, paragraph (c)
[3] see Section 98-423, paragraph (d)
[4] see Section 98-423, paragraph (e)
[5] see Section 98-423, paragraph (f)
[6] see Section 98-423, paragraph (g)
[7] see Section 98-423, paragraph (h)

* * *

98-43
Special Distance Between Buildings Regulations

[UPDATING CROSS REFERENCES]

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 not apply.

* * *

Article IX - Special Purpose Districts

Chapter 9
Special Madison Avenue Preservation District

99-00
GENERAL PURPOSES

* * *

99-10
SPECIAL USE REGULATIONS

~~**99-03**~~
99-11
Special Streetscape Regulations

[TEXT REFLECTS THAT OF CITY OF YES FOR ECONOMIC OPPORTUNITY]

* * *

~~**99-04**~~
~~**Special Bulk Provisions**~~

99-20
SPECIAL BULK REGULATIONS

99-21
Special Floor Area Regulations

[APPLYING FLOOR AREA REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

~~For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0.~~ The underlying #floor area# regulations shall apply except as modified in this Section.

~~However, for~~ 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). No other #floor area# bonuses shall be permitted.

~~**99-05**~~
99-22
Special Height and Setback Regulations

[UPDATING SECTION NUMBER AND APPLYING UNDERLYING C5-1A HEIGHT AND SETBACK REGULATIONS]

~~The height and setback regulations of Sections 23-63, 23-64, 23-65, 24-52, 24-53, 24-54, 33-43, 33-44 and 33-45 shall not apply. In lieu thereof, the height and setback regulations set forth in Sections 99-051 through 99-054, inclusive, shall apply.~~

The underlying height and setback regulations applicable to a C5-1A District shall apply.

~~**99-051**~~
~~**Location, height and setback of street wall**~~

[REMOVING TO APPLY UNDERLYING C5-1A STREET WALL REGULATIONS]

~~(a) #Street walls# along Madison Avenue~~

~~For #developments# or #enlarged# portions of #buildings# with frontage on Madison Avenue or on a side #street# within 50 feet of its intersection with Madison Avenue, the following regulations shall apply:~~

~~(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base may be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance shall not exceed 15 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:~~

~~(i) not less than 110 feet but not more than 120 feet above #curb level# ; or~~

~~(ii) the full height of the #building# ;~~

~~whichever is less.~~

~~(2) Above the base, a setback is required for all portions of a #building# which exceed a height of 120 feet above #curb level#. Such setback shall be provided at a height not lower than 110 feet above #curb level#, and shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.~~

(3) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(b) #Street walls# along side #streets#

For #developments# or #enlarged# portions of #buildings# with frontage on a side #street# beyond 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting# #building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base shall be aligned with the #street wall# of the #abutting# #building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting# #building#. However, such setback distance need not exceed 10 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) a height of 60 feet above #curb level# ; or

(ii) 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# ;

whichever is higher.

(2) Alternatively, the #street wall# location provisions of paragraph (a) of this Section may apply to the base of a #building# along a side #street# beyond 50 feet of its intersection with Madison Avenue, up to a distance of 70 feet from its intersection with Madison Avenue.

(3) Above the base, a setback is required for all portions of a #building#. Such setback shall have a minimum depth of 10 feet from a #wide# #street line# and a minimum depth of 15 feet from a #narrow# #street line#.

(4) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(c) #Street walls# in Historic Districts

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 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 this Section.

(2) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

99-052
Recesses, balconies and dormers

[REMOVING TO ALIGN WITH UNDERLYING REGULATIONS]

(a) Recesses

Recesses are permitted to provide #outer courts#, balconies or articulation of #street walls# at the intersection of two #street lines#. In addition, recesses may be required or prohibited due to the width of the #zoning lot# or the location of the #street wall# of an adjacent #building#. For the purposes of this Section, the provisions of Section 23-842 (Wide outer courts) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one-third times its depth. All recesses shall be provided in accordance with the following provisions:

(1) Above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, up to 30 percent of the #street wall# of a base may be recessed from the #street line#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#, unless such recesses are provided within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

(2) Where the #development# or #enlarged# portion of a #building# is adjacent to an existing #building# located on a #zoning lot# having frontage on the same #street line#, no recesses shall be provided in the #street wall# of the #development# or #enlargement# for a distance of 10 feet from the adjacent corner of the existing #building# to a height equal to the height of the existing #building#.

(3) Except for a #zoning lot# with less than 50 feet of frontage, or a #zoning lot# with less than 100 feet of frontage and located entirely in a Historic District designated by the Landmarks Preservation Commission, recesses are required on the #street walls# of #buildings# facing Madison Avenue, in accordance with the following provisions:

(i) above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, at least 25 percent of the length of the

#street wall# of a base at the level of every #story# shall be recessed from the #street line# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky; and

(ii) above the base, the #street wall# shall be articulated with recesses that occupy at least 20 percent of the length of the #street wall# at the level of every #story# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky.

(b) Balconies

Balconies shall comply with the following provisions:

(1) No balconies shall be permitted to extend beyond the #street wall# of the base built in accordance with the height and setback regulations of Section 99-051 (Location, height and setback of street wall), paragraph (a).

(2) Balconies shall be permitted in recesses that are not required to be unobstructed from their lowest level to the sky.

(c) Dormers

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 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#. However, a dormer shall not be located within 10 feet of a #side lot line# unless it fully abuts an adjoining #building#.

On any #street# frontage, the aggregate width of all dormers at the required 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.

99-053
Special provisions for narrow buildings

If the width of a #street wall#, built pursuant to Section 99-051 or 99-052, is 45 feet or less, then the #building# shall comply with the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements).

99-054
Maximum building height

[REMOVING TO APPLY UNDERLYING C5-1A HEIGHT REGULATIONS]

~~The height of all #buildings or other structures# shall comply with the following provisions:~~

~~(a) Except as otherwise provided in paragraph (b) of this Section, the height of all #buildings or other structures# shall not exceed 170 feet above #curb level#. However, such #buildings or other structures# may exceed 170 feet, to a height of 19 #stories# or 210 feet, whichever is less, provided that the gross area of each #story# located above 170 feet does not exceed 80 percent of the gross area of the #story# directly below it.~~

~~(b) For the purposes of this Section, the Midblock Transition Portion shall be that portion of a #zoning lot# located within the area between 70 feet and 100 feet from the Madison Avenue #street line#, except for a #zoning lot# which has frontage on a #wide street# not located in a historic district. Within the Midblock Transition Portion, a #building or other structure# shall not penetrate an imaginary plane that begins above a line 100 feet from the Madison Avenue #street line# at a height of 20 feet above the height of a #street wall# built pursuant to Section 99-051, paragraph (b), and rises over the Midblock Transition Portion to a height of 120 feet above #curb level# at a distance of 70 feet from the Madison Avenue #street line#.~~

99-23
Authorization to Waive Midblock Transition Portion Height Limitation

[RELOCATED FROM SECTION 99-07]

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the maximum building height requirements of Section 99-22 (Special Height and Setback Regulations) provided the City Planning Commission finds that:

(a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);

(b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;

(c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and

(d) the Landmarks Preservation Commission reports that a program for continued

maintenance of the #building# to be preserved has been established.

~~**99-06**~~
~~**Off-street Parking Regulations**~~

99-30
OFF-STREET PARKING REGULATIONS

[UPDATING SECTION NUMBER]

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

~~**99-07**~~
~~**Authorization to Waive Midblock Transition Portion Height Limitation**~~

[RELOCATING TO SECTION 99-23]

~~For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the requirements of Section 99-054 (Maximum building height), paragraph (b), provided the City Planning Commission finds that:~~

~~(a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);~~

~~(b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;~~

~~(c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and~~

~~(d) the Landmarks Preservation Commission reports that a program for continued~~

~~maintenance of the #building# to be preserved has been established.~~

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

101-00
GENERAL PURPOSES

* * *

101-021
Applicability of the Mandatory Inclusionary Housing Program

[TITLE CHANGE; UPDATING CROSS REFERENCES]

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of ~~Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING),~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

101-03
District Plan and Maps

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following ~~seven~~ six maps:

Map 1	Special Downtown Brooklyn District and Subdistricts
Map 2	Ground Floor Retail Frontage
Map 3	Street Wall Continuity and Mandatory Sidewalk Widenings
Map 4	Curb Cut Restrictions

Map 5 Height Limitation Areas

Map 6 Subway Station Improvement Areas

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

* * *

101-11
Special Ground Floor Use Regulations

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

101-12
Sign Regulations

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, ~~et seq.~~ inclusive, pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

* * *

101-20
SPECIAL BULK REGULATIONS

[REMOVING DUPLICATE PROVISION]

The #bulk# regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

~~Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.~~

* * *

101-21
Special Floor Area ~~and Lot Coverage Regulations~~

[ADJUSTING PROVISIONS TO ACCOMMODATE FLOOR AREA REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

R7-1 C6-1 C6-4.5 C6-6 C6-9

(a) In R7-1 Districts

In R7-1 Districts, ~~the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent.~~ the underlying #floor area# regulations applicable to R7A Districts shall apply.

(b) In C6-1 Districts

In C6-1 Districts, ~~the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.~~ the maximum #floor area ratio# for #residential use# shall be 3.44. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 4.13.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where

applicable.

(d) In C6-6 Districts

In C6-6 Districts, ~~the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after October 21, 2021, the maximum #residential floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted, except in accordance with the provisions of Section 66-51, where applicable.~~ the underlying provisions shall apply, except that in #Mandatory Inclusionary Housing areas# mapped on or before October 21, 2021, the maximum #residential# #floor area ratio# shall be 9.0.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0. ~~In addition, #residential# #floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing).~~

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential# #floor area ratio# shall be 9.0. On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area# #ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. ~~In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

101-22
Special Height and Setback Regulations

[UPDATING TEXT PER CHANGES IN UNDERLYING REGULATIONS]

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1, C6-4 and C6-9 Districts, except C6-1A Districts, the underlying height and setback regulations shall ~~not~~ apply except as modified by the provisions of this Section. ~~In lieu thereof, all~~ #buildings or other structures# ~~shall comply with the provisions of Section 101-222 (Standard height and setback regulations) or, as an option where applicable, Section 101-223 (Tower regulations).~~ #Buildings or other structures# within the ~~Flatbush Avenue Extension and~~ Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section 101-30 (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS). ~~However, the underlying height and setback regulations shall apply to any #Quality Housing building#, except that Quality Housing height and setback regulations shall not be applicable within any R7-1 District mapped within a C2-4 District.~~

101-221
Permitted Obstructions

[ALIGNING SETBACK PROVISIONS WITH UNDERLYING REGULATIONS]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of ~~paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts).~~ paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

101-222
Standard height and setback regulations

[ADJUSTING HEIGHTS TO ALIGN WITH THE UNDERLYING HEIGHT PROVISIONS]

C2-4/R7-1 C6-1 C6-4.5 C6-6 C6-9

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall ~~be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.~~ provide a setback pursuant to the provisions of Section 23-433 (Standard setback regulations).

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS IN C2-4/R7-1, C6-1, C6-4.5, C6-6 AND C6-9 DISTRICTS

	Maximum Base Height	Maximum #building# Height

District	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
C2-4/R7-1	85	85	~~160~~ 165	~~160~~ 165
C6-1	125	~~150~~ 155	185	~~210~~ 215
C6-4.5 C6-6 C6-9	125	~~150~~ 155	~~250~~ 255	~~250~~ 255

C5-4 C6-4

In the districts indicated, ~~the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10 District. 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), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for an R10 District. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.~~ the underlying height and setback provisions applicable to an R10A District shall apply.

101-223
Tower regulations

[ALIGNING WITH UNDERLYING TOWER REGULATIONS]

C5-4 C6-1 C6-4 C6-6 C6-9

~~In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provisions of Section 101-222 (Standard height and setback regulations).~~
In the districts indicated, except C6-1A Districts, above the maximum base heights specified pursuant to Section 101-222 (Standard setback regulations), tower provided in accordance with the provisions of Section 23-436 (Tower regulations) shall be permitted as an alternative to the maximum #building# heights specified in Section 101-222. For #buildings or other structures# utilizing such provisions, no height limit shall apply, except that, in C6-1 Districts, the maximum height shall be 495 feet.

~~(a) Setback requirements for #residential# towers~~

For #buildings# that contain #residential# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential# #floor area#.

(c) #Lot coverage# requirements for towers

All #buildings#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #buildings#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any portion of a #building# containing #residential# #floor area# above a height of 150 feet shall have a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the table in this Section:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq. ft.)	Maximum Percentage 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~~

~~(d) Maximum #building# height~~

~~In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, C6-4, C6-6 or C6-9 District.~~

101-30
SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

[REMOVING HEIGHT LIMITATIONS ALONG FLATBUSH AVENUE AND AREAS A AND C WITHIN SCHERMERHORN STREET HEIGHT LIMITATION AREA; REMOVING REAR YARD PROVISIONS TO ALIGN WITH UNDERLYING REGULATIONS]

The provisions of this Section shall apply within the ~~Flatbush Avenue Extension and~~ Schermerhorn Street Height Limitation Area~~s~~, as shown on Map 6 in Appendix E of this Chapter.

~~(a) Flatbush Avenue Extension Height Limitation Area~~

~~Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.~~

~~(b) Schermerhorn Street Height Limitation Area~~

~~Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:~~

~~(1)~~(a) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 6.

~~(2)~~(b) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 ~~shall apply~~ are modified to limit maximum #building# height to 210 feet within Area A of Map 6, and are

modified to limit maximum #building# height to 140 feet within Area B~~, and to permit a maximum #building# height of 250 feet within Area C~~ of Map 6. ~~For #Quality Housing buildings#, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6 or as specified pursuant to the Quality Housing Program, whichever is less.~~

~~(3)~~ ~~#Rear yard# modification~~

~~The provisions of Sections 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable, shall not apply to any #through lot#. In lieu thereof, 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. Such #rear yard# 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).~~

101-40
MANDATORY DISTRICT PLAN ELEMENTS

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

101-41
Special Street Wall Location Regulations

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# ~~of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #building# within the Subdistrict~~, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum base height of 85 feet. Above ~~a height of 85 feet~~ such maximum base height, the provisions of Sections 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, ~~the underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line#~~ the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply. Such required #street walls# shall extend to the minimum base height for the district, or the height of the #building#, whichever is less, and may rise to the maximum base height before a setback is applied. The maximum base heights set forth in Section 23-432 shall be modified as follows:

(1) for a C2-4 District mapped within an R6A District, the maximum base height shall be 55 feet above #curb level#; and

(2) for a C2-4 District mapped within an R7A District, the maximum base height shall be 65 feet above #curb level#.

~~for a minimum height of 16 feet above #curb level# and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level# or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.~~

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square, ~~at least 70 percent of the #street wall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #street line#~~ the #street wall# location provisions of paragraph (a) Section 35-631 shall apply, except that recesses may be extended below a height of 15 feet. Such #street wall# shall extend to a minimum base height of 80 feet or the height of the #building#, whichever is less. ~~and a maximum height of 85 feet. Above a height of 85 feet~~, ~~the~~ The provisions of Section 101-223 shall apply.

(d) All other areas

On all other #streets# shown on Map 4, ~~at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line#~~ the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, and extend to ~~at least~~ a minimum base height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

* * *

101-50
OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

[REMOVING OBSOLETE PROVISION TO REFLECT REMOVAL OF RESIDENTIAL PARKING REQUIREMENTS IN UNDERLYING REGULATIONS]

~~The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that the #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#. However, such modification shall not apply in R6B Districts.~~

The underlying off-street parking and loading provisions shall apply except as modified in this Section, inclusive.

* * *

101-52
Reservoir Spaces

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. 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 one reservoir space.

* * *

(b) #Automated parking facilities#

[ALIGNING WITH PROVISIONS OF ARTICLE I, CHAPTER 3]

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as 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 paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

* * *

101-532

Off-site accessory parking spaces in public garages

[UPDATING CROSS-REFERENCE]

Section ~~36-57~~ 36-56(Accessory Off-street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage# #developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section 101-55 (Location of Off-site Parking Spaces).

101-533
Pedestrian safety

[ALIGNING PROVISIONS WITH UNDERLYING PROVISIONS IN ARTICLE I, CHAPTER 3]

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, 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 entire width of such exit lane;

(2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) be located a minimum of four feet and a maximum of eight feet beyond the #street line#, as measured perpendicular to the #street line#.

* * *

101-55
Location of Off-site Parking Spaces

[UPDATING CROSS REFERENCE]

Sections 25-50 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use#

generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

* * *

101-72
Modification of Bulk Regulations

101-721
Height and setback

[REMOVING TO ALIGN WITH UNDERLYING REGULATIONS]

~~The underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above #curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.~~

Special #street wall# location regulations are set forth in Section 101-41.

101-73
Special Provisions

* * *

101-74
Modification of Accessory Off-street Parking and Loading Requirements

* * *

101-741
Accessory off-street parking

[REMOVING PROVISIONS TO ALIGN WITH UNDERLYING REGULATIONS]

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. ~~All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the~~

~~occupants of such #residences#.~~

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

* * *

101-744
Special permit for public parking garages or public parking lots

[UPDATING CROSS REFERENCES]

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), ~~36-55~~ 36-54 (Surfacing) and ~~36-56~~ 36-55 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and

(c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

101-80
SPECIAL PERMITS

101-81
Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

[UPDATING CROSS REFERENCES; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section ~~23-641~~ 23-721 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

* * *

Appendix E
Special Downtown Brooklyn District Maps

* * *

Map 6 — Height Limitation Areas (12/10/19)

[UPDATING TO REFLECT MODIFICATIONS TO HEIGHT LIMITATION]

[EXISTING MAP]

Special Downtown Brooklyn District

Ⓐ Schermerhorn Street Height Limitation Area: Height Restriction of 210 Feet

Ⓑ Schermerhorn Street Height Limitation Area: Height Restriction of 140 Feet

Ⓒ Schermerhorn Street Height Limitation Area: Height Restriction of 250 Feet

Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet

[PROPOSED MAP]

Special Downtown Brooklyn District

Schermerhorn Street Height Limitation Area A: Height Restriction of 210 Feet

Schermerhorn Street Height Limitation Area B: Height Restriction of 140 Feet

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Planned Community Preservation District

* * *

103-10
GENERAL PROVISIONS

* * *

103-11
Special Permits for Bulk and Parking Modifications

[UPDATING CROSS-REFERENCE]

(a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

(1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(3) minor variations in the #yard# regulations required by the applicable district regulations;

(4) minor variations in the height and setback regulations required by the applicable district regulations;

(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section ~~23-71 (Minimum Distance Between Buildings on a Single Lot)~~ 23-371 (Distance between buildings); or

(6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

* * *

103-20
SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS

* * *

~~**103-21**~~
~~**Special Bulk Regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residence# and #Commercial Districts#, or modified within the Special District, are hereby further modified to the extent set forth in this Section, inclusive.~~

~~**103-211**~~
~~**Special floor area regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of 0.9, provided that any such increase in #floor area# is located 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.~~

~~**103-212**~~
~~**Special density regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the density factor for #dwelling units# shall be 900.~~

~~**103-213**~~
~~**Special height regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residence# and #Commercial Districts#.~~

~~**103-214**~~
~~**Special yard regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residential# and #Commercial Districts#~~

~~**103-22**~~
~~**Special Parking Regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.~~

~~**103-23**~~
103-21
Curb Cuts

[RE-NUMBERING SECTION; TEXT UNCHANGED]

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Manhattanville Mixed Use District

* * *

104-20
SPECIAL BULK REGULATIONS

* * *

104-21
Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

[APPLYING QUALIFYING AFFORDABLE AND SENIOR HOUSING PROVISIONS TO SUBDISTRICTS A AND C]

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 4.13.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 7.20.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall be 100 percent.

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 not apply.

104-22
Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. ~~#Lot coverage# requirements for #community facility uses# shall not apply.~~

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

104-23
Maximum Floor Area Ratio for Commercial Uses

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial# #uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# listed in Section 104-13 (Commercial and Manufacturing Use Modifications) shall be 2.0.

* * *

104-25
Change of Use

[REMOVING PARAGRAPH (a) TO ALIGN WITH UNDERLYING PROVISIONS IN ARTICLE I, CHAPTER 5;
BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~(a) Change to #residential use#~~

~~Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such #conversions# of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or #mixed buildings#.~~

~~(b) Change to non-#residential use#~~

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed under Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C6 Districts, that is located in a #non-complying# #building or other structure# may be changed to:

~~(1)~~(a) a #use# listed in Section 104-13 (Commercial and Manufacturing Use Modifications), subject to the performance standards for an M1 District set forth

in Section ~~42-20~~ 42-40, and subject to Section 104-14 (Certification Requirements), if applicable; or

~~(2)~~(b) a #community facility use#, or #uses# listed under Offices in Use Group VII.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in ~~paragraph (b) of~~ this Section.

The provisions of ~~paragraph (b) of~~ this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of ~~paragraph (b) of~~ this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40, shall apply to the changes of #use# set forth in ~~paragraph (b) of~~ this Section.

104-30
SPECIAL HEIGHT AND SETBACK REQUIREMENTS

* * *

104-31
Maximum Building Height

[APPLYING HEIGHT REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING IN SUBDISTRICT C AND IN THE OTHER AREA EAST OF BROADWAY]

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. However, for #qualifying affordable housing# or #qualifying senior housing# in Subdistricts C and the Other Area east of Broadway, the maximum #building# height shall be 145 feet. No other #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

* * *

104-33
Mandatory Street Walls

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-336. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

(1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;

(2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;

(3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

(c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.

(d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-336, with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.

(e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.

(f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

104-331
Type 1 street wall location

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.

(b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.

(c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

(d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.

(e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-332
Type 2 street wall location

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

(a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

(b) Where the #lower street wall# is set back from the #upper street wall#:

(1) the provisions of Section 104-334 (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;

(2) the provisions of Section 104-331 (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and

(3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

104-333
Type 3 street wall location

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:

(1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or

(2) 10 feet, if such setback area faces only 12th Avenue.

(b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.

(c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special Natural Area District

105-30
PRESERVATION OF NATURAL FEATURES

* * *

105-33
Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422

[UPDATING CROSS-REFERENCE]

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I
PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#*						
						R6	
#Average Percent of Slope#	R1	R2	R3	R4	R5	1-2 Family	Other
10–14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15–19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20–24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a ~~#zoning lot# or~~ portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section ~~105-422~~ 105-412, the maximum permitted percentage of #lot coverage# for such

#zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II
PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422

#Residence District#*						
					R6	
R1	R2	R3	R4	R5	1-2 Family	Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

* * *

105-40
SPECIAL REVIEW PROVISIONS

* * *

~~**105-41**~~
~~**Certification**~~

[ALIGNING WITH PROPOSAL]

~~When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.~~

~~Where #natural features# are to be protected and maintained under Section 105-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.~~

~~**105-42**~~
105-41
Authorizations to Alter Natural Features

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-421**~~
105-411
Modification of topographic features on Tier I sites

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-422**~~
105-412
Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-423**~~
105-413
Relocation of erratic boulders

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-424**~~
105-414
Alteration of rock outcrops

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-425**~~
105-415
Modification of botanic environment and tree preservation and planting requirements

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-426**~~

105-416
Alteration of aquatic features

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-43**~~
105-42
Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-431**~~
105-421
Modification of lot coverage controls

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-432**~~
105-422
Modification of yard, height and setback regulations, and parking location regulations

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-433**~~
105-423
Modification of grading controls

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-434**~~
105-424
Modification of requirements for private roads and driveways

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-44**~~
105-43
Special Permits

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-441**~~
105-431
Modification of use regulations

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-442**~~
105-432
Natural area dedicated for public use

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

~~**105-45**~~
105-44
Certification of Restoration Plans

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

105-70
SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

In order to carry out the purposes of this Chapter, all #zoning lots# #developed# predominantly for #residential use# may be subject to the provisions of this Section.

105-701
Applicability of large-scale residential development regulations

[UPDATING CROSS-REFERENCES]

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale

Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots# #developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in ~~Section 23-32 (Minimum Lot Area or Lot Width for Residences~~) 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts) (shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly or separately owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections 78-313 (Findings) and 78-52 (Common Open Space) with respect to the qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# that are determined to have qualities of exceptional recreational, cultural or educational value to the public and that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section 105-60 (MAINTENANCE OF NATURAL FEATURES).

* * *

105-90
FUTURE SUBDIVISION

* * *

105-94
Special Natural Area Districts Specified

* * *

105-944
Special Fort Totten Natural Area District-4

[UPDATING CROSS REFERENCE; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

(d) Special regulations

* * *

(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d)(1) of this Section.

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning# #lot lines#;

(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning# #lot lines#;

(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;

(d) minor variations in the height and setback regulations required by the applicable district regulations;

(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of ~~Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot)~~ 23-371(Distance between buildings);

(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning# #lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

* * *

Article X - Special Purpose Districts

Chapter 6
Special Coney Island Mixed Use District

106-00
GENERAL PURPOSES

* * *

106-01
General Provisions

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; ALIGNING WITH PROPOSAL]

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. 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 Zones), the provisions of Article VI, Chapter 4, shall control.

All #residences# and #community facilities# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter. ~~The special regulations relating to #predominantly built-up areas#, as defined in Section 12-10 (DEFINITIONS), shall apply to all #buildings# containing #residences#, except that #front yards# shall not be required.~~

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

<u>The maximum #floor area ratio# for #mixed buildings# shall be that permitted for C2 Districts mapped over an R5 District.</u>

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections 106-12 (Special Permit Provisions for Residential Uses), 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) or 106-33 (Changes of Manufacturing or Commercial Use).

~~In the case of a #zoning lot# occupied partly by #residential uses# and partly by other #uses#, the maximum #floor area ratio# on the #zoning lot# shall not exceed 2.0. In no event shall the total #floor area# of #residential uses# on a #zoning lot# exceed 1.65.~~

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or below #manufacturing# or #commercial# #uses#, and

#manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to the provisions of Sections 42-414 (Special provisions applying along district boundaries), 42-512 (In M2 or M3 Districts), 42-52 (Enclosure or Screening of Storage), 42-53 (Limitations on Business Entrances, Show Windows or Signs), 42-66 (Special Provisions Applying Along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or 44-583 (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections 106-11 and 106-12 of this Chapter.

Special regulations for #community facility uses# are listed in Section 106-21 of this Chapter.

Special regulations for #manufacturing# and #commercial# #uses# are listed in Sections 106-31, 106-32 and 106-33 of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial# #uses# are listed in Sections 106-41 and 106-42 of this Chapter.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special South Richmond Development District

107-00
GENERAL PURPOSES

* * *

107-01
Definitions

[REMOVING DETACHED DEFINITION TO ALIGN WITH UNDERLYING DETACHED DEFINITION]

Definitions specifically applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

* * *

Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

~~Detached~~

~~For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building# #abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building# #abuts# the #street line#.~~

Open space network

* * *

107-04

Applications to the City Planning Commission Prior to November 2, 2023

[ALIGNING WITH PROPOSAL]

(a) Applications for authorization or special permit which were adopted prior to November 2, 2023, may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.

Continuance of such application 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).

(b) Applications for certification granted by the Commission prior to November 2, 2023, may be continued, ~~in accordance with the terms thereof or as such terms may be subsequently modified~~, pursuant to the regulations in effect on the date that such certification was granted.

* * *

107-20
DISTRICT PLAN ELEMENTS

* * *

107-22
Designated Open Space

* * *

107-223
Permitted obstruction in designated open space

[UPDATING CROSS REFERENCES]

The following shall not be considered as obstructions when located in #designated open space#:

(a) Awnings and other sun control devices, pursuant to ~~Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~ 23-311 (Permitted obstructions in all yards, courts and open areas);

(b) Balconies, unenclosed, subject to the provisions of Section ~~23-13~~ 23-62;

(c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;

(d) Fences or walls, conditioned upon certification by the City Planning Commission that:

(1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and

(2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;

(e) #Qualifying exterior wall thickness#, pursuant to Section ~~23-44~~ 23-311;

(f) Solar energy systems on walls, pursuant to Section ~~23-44~~ 23-311;

* * *

107-23
Waterfront Esplanade

[UPDATING CROSS REFERENCE]

* * *

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section ~~107-24 (Performance Bond)~~ 107-24 (Special Regulations for Arterials of Railroad Rights of Ways).

* * *

107-24
Special Regulations for Arterials or Railroad Rights of Way

* * *

107-241
Special provisions for arterials

[ALIGNING WITH PROPOSAL]

Along those #streets# designated as #arterials#, the following regulations shall apply:

* * *

(b) #Building# setback

In all districts excluding #Commercial Districts#, ~~Along~~ along portions of the #arterials#, as indicated on the District Plan (Maps 2.1 through 2.4 in Appendix A of this Chapter), a 20 foot #building# setback shall be provided for the full length of the #front lot line# #abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch #caliper# or more, pre-existing or newly planted, for each 400 square feet of such front open area, unless waived pursuant to the provisions of paragraph (c) of Section 107-483 (Planting and screening for parking areas). The trees shall be selected in accordance with the provisions of Section 107-32 (Tree Requirements).

107-242
Building setbacks along railroad ~~rights-of-way~~ or transit tracks

[SECTION RENAMED; TEXT UNCHANGED]

* * *

107-30
NATURAL FEATURE REGULATIONS

* * *

107-31
General Regulations for Natural Features

* * *

107-311
Areas within designated open space

[TEXT UNCHANGED]

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Authorization for Modifications of Natural Features).

107-312
Regulations within plan review sites

[ALIGNING WITH PROPOSAL]

On any portion of a #plan review site# not within #designated open space#, #development#, #enlargement#, or #site alteration# shall be permitted only in accordance with the provisions of this Section or by authorization of the City Planning Commission pursuant to the provisions of Section 107-65 (Authorization for Modifications of Natural Features) or by certification of the Chairperson of the City Planning Commission pursuant to the provisions of Section 107-51 (Certification of Certain Plan Review Sites).

The ground elevation of land existing on November 2, 2023, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch #caliper# or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent and removal of trees of six-inch #caliper# or more shall only be permitted:

(a) within 20 feet of an existing #building's# foundations or in an area designated for utilities ~~for a proposed #building or other structure#~~;

* * *

107-32
Tree Requirements

[ALIGNING WITH PROPOSAL]

For all #zoning lots#, newly planted trees shall be planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.

(a) Planting in #Residence Districts# or ~~in~~ on a #zoning lot# containing a #group parking facility# with fewer than 10 parking spaces.

In connection with any #development#, #site alteration#, or #enlargement# in a #Residence District#, or ~~in~~ on any #zoning lot# that contains a #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one-inch #caliper# and less than six-inch #caliper#, or pre-existing ~~or newly planted,~~ trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.

* * *

107-40
SPECIAL USE, BULK AND PARKING REGULATIONS

107-41
Type of Residence

[ALIGNING WITH PROPOSAL]

#Semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74 (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section 107-42.

~~#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.~~

107-411
Affordable independent residences for seniors in Area SH

[UPDATING CROSS REFERENCES]

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

(a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;

(b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and

(c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, ~~except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts)~~, as modified by this Chapter. The provisions of Section 23-213 (Qualifying senior housing) ~~Section 23-144 (Affordable independent residences for seniors~~) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section ~~107-672~~ 107-671 (In Area SH).

* * *

107-42
Minimum Lot Area and Lot Width for Residences

[ALIGNING WITH PROPOSAL]

~~For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. 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 shall be multiplied by the number of such #buildings# on the #zoning lot#.~~

~~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 (DEFINITIONS), 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 #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.~~

~~However, one #single-family# #detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:~~

~~(a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and~~

~~(b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005, and on the date of application for a building permit.~~

~~In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.~~

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2 3 4	5,700 5,700 5,700	40 50 60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2 3-4	3,800 3,800	40 45
R3-1 R3-2	#semi-detached#	1-2 3-4	2,375[3] 3,800	24[3] 40
R3-2	#detached# #attached#	1-2 3-4 1-2 1-2 3-4 3-4	3,800 4,275 1,700 2,375[1] 2,280 3,800[1]	40 45 18 24[1] 24 40[1]
R3A	#detached#	1-3	3,325	35
R3X[2]	#detached#	1-2 3 4	3,800 4,750 5,700	40 50 60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached# #detached#	1-3 1-3	2,375[3] 3,325	24[3] 35

[1] For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

[2] In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet.

[3] For #two-family# #semi-detached# #residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family# #semi-detached# #residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

BY SPECIAL PERMIT (PURSUANT TO SECTION 107-74)

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

All #zoning lots# shall follow the regulations of Section 23-11 (Lot Area and Lot Width Regulations), except as modified in this Section.

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Width# (in ft)**
#Single-# or #two-family# #detached#, where permitted	R3X[1]	4,750	50
	R2 R3X	3,325	35
#Detached# or #zero lot line#, where permitted	R3A R3-2	2,850	30
#Semi-detached#	R3-2	2,375	25
#Attached#	R3-2	1,700	18

[1] For #zoning lots# In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter

BY SPECIAL PERMIT (PURSUANT TO SECTION 107-74)

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Width# (in ft)**
#Semi-detached#	R2 R3-1	2,375	25
#Attached#	R2 R3-1	1,700	18

* * *

107-43
Maximum Height for Buildings or Structures

[UPDATING CROSS-REFERENCE]

Subject to the requirements for maximum height of walls and required setbacks in Sections ~~23-63~~ 23-42, 24-52 or 33-43, no #building or other structure# shall exceed a height of 50 feet unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Regulations).

* * *

107-46
Yard and Court Regulations

~~**107-461**~~
~~**Front yards**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.~~

~~107-462~~
107-461
Side yards

[ALIGNING WITH PROPOSAL]

In all districts, except R1 Districts, for all #single-# or #two-family# #detached# and #semi-detached# #residences#, the #side yards# shall be as set forth in the following table: ~~relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:~~

~~REQUIRED SIDE YARDS~~

~~District~~	~~Type of #Residence#~~	~~Height (in #stories#)~~	~~Number of #Side Yards# Required~~	~~Required Total Width~~	~~Required Minimum Width of any #Side Yard#~~
~~R2 R3-1~~	~~#detached#~~	~~1-2~~	~~2~~	~~15~~	~~5~~
~~R3-2~~	~~#detached#~~	~~3-4~~	~~2~~	~~20~~	~~5~~
	~~#semi-detached#~~	~~1-2~~	~~1~~	~~9~~	~~9~~
	~~#semi-detached#~~	~~3-4~~	~~1~~	~~15~~	~~15~~
~~R3A R4A~~	~~#detached#~~	~~1-4~~	~~2~~	~~15~~	~~5~~
~~R3X*~~	~~#detached#~~	~~1-2~~	~~2~~	~~15~~	~~5~~
	~~#detached#~~	~~3~~	~~2~~	~~20~~	~~8~~
	~~#detached#~~	~~4~~	~~2~~	~~25~~	~~10~~
~~R4-1~~	~~#detached#~~	~~1-4~~	~~2~~	~~15~~	~~5~~
	~~#semi-detached#~~	~~1-4~~	~~1~~	~~9~~	~~9~~

~~* In Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003~~

~~In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.~~

MINIMUM REQUIRED SIDE YARDS

Type of #Residence#	District	Number required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)
#Single-# or #two-family# #detached#, where permitted	R2 R3-1 R3-2 R3A R3X	2	15	5
#Single-# or #two-family# #semi-detached#, where permitted	R3-1 R3-2	1	5	5

~~107-463~~

~~**Side yard regulations for other residential buildings**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~For all #residential buildings# other than #single-# or #two-family# #detached# or #semi-detached# #residences#, the provisions of Section 23-462 (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than 10 feet.~~

~~Furthermore, for #attached# #residences# that #abut# an #attached# #building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story# #residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story# #residences#.~~

~~**107-464**~~
107-462
Side yards for permitted non-residential use

[RE-NUMBERING SECTION; REMOVING UNNECESSARY CROSS REFERENCE]

For #community facility# #buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# ~~or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other non-#residential buildings#~~, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of ~~Sections 23-464 or~~ Section 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

~~**107-465**~~
107-463
Modifications of special yard regulations for certain zoning lots

[RENUMBERING SECTION; UPDATING CROSS-REFERENCE]

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

* * *

The Commission shall also find that:

(1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire #development#;

(2) there is no adverse effect with regard to adequate light and air to the #residences#;

(3) such modification results in the maximum preservation of trees;

(4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and

(5) a condition to the grant of any certification shall be that the requirements of Section ~~107-92 (Recordation)~~ 107-90 (SPECIAL ADMINISTRATIVE PROVISIONS FOR RECORDATION) have been satisfied.

~~**107-466**~~
107-464
Court regulations

[RENUMBERING SECTION; ALIGNING WITH PROPOSAL]

The #court# regulations as set forth in Section 23-35 shall apply except as modified by this Section.

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family# #detached# #residences#.

~~**107-467**~~
107-465
Modifications of yard and court regulations

[RENUMBERING SECTION; TEXT UNCHANGED]

* * *

107-48
Special Landscaping and Buffering Provisions

107-481
Planting provisions along Residence District boundaries

[UPDATING CROSS-REFERENCE]

For any #commercial# or #manufacturing# #development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section 107-483 (Planting and screening for ~~open~~ parking areas).

107-482
Landscaped buffer for manufacturing and commercial development adjacent to residences

[UPDATING SECTION TITLE]

* * *

107-483
Planting and screening for parking areas

[ALIGNING WITH PROPOSAL]

#Zoning lots# that contain a #group parking facility# with 10 or more parking spaces that are not fully enclosed, shall be subject to paragraphs (a) and (b) of this Section and may be subject to paragraph (c) of this Section.

* * *

For #developments# in #Residence Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of paragraph (a) of Section 107-32. Furthermore, for #developments# and #enlargements# in #Commercial# or #Manufacturing Districts#, which provide trees in accordance with the provisions of this Section, the requirements of paragraph (a) of Section 107-32 shall not apply.

* * *

107-50
CERTIFICATIONS

[ALIGNING WITH PROPOSAL]

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

(a) when certain #plan review sites# are subdivided, as set forth in Section 107-08 (Future Subdivision of Certain Plan Review Sites);

(b) when certain #plan review sites# meet the requirements set forth in Section 107-51 (Certification of Certain Plan Review Sites) and do not require an authorization pursuant to Section 107-60, inclusive;

(c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);

(d) where required #yards# or equivalents are to be modified as set forth in Section 107-463~~5~~ (Modifications of special yard regulations for certain zoning lots);

(e) where plant material is substituted for required trees as set forth in Section 107-33 (Substitution of Other Plant Materials); or

(f) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

(g) any development or enlargement may modify applicable regulations governing the location of required parking spaces, driveways and curb cuts, as set forth in Section 107-34 (Preservation of Natural Features)

* * *

107-60
AUTHORIZATIONS

* * *

107-62
Yard, Court and Parking Regulations

[UPDATING CROSS-REFERENCE]

For any #plan review site# or for any #zoning lot# containing #designated open space# or an #area of no land alteration#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46, inclusive, or in the location of parking, driveway or curb cut regulations as set forth in Sections ~~23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~ 23-311 (Permitted obstructions in all yards, courts and open areas), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-632 (Driveway and curb cut regulations in lower density growth management areas) for the purpose of allowing proper

arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of natural features.

* * *

107-63
Minimum Distance Between Buildings

[UPDATING CROSS REFERENCE]

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by ~~Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot)~~ Section 23-371 (Distance between buildings).

* * *

107-65
Authorization for Modifications of Natural Features

[ALIGNING WITH PROPOSAL]

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023 beyond the amount specified in Section 107-31 (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section 107-311 (Areas within designated open space) and Section 107-312 (Regulations within plan review sites).

The Commission may authorize modifications to natural features, provided that the Commission finds that:

* * *

107-67
Uses and Bulk Permitted in Certain Areas

107-671
In Area SH

[REMOVING OBSOLETE REFERENCES]

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, ~~except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts),~~ as modified by this Chapter. The provisions of Section 23-213 (Qualifying senior housing) ~~23-144 (Affordable independent residences for seniors~~) shall not apply.

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

(a) such #developments# are part of a superior site plan;

(b) such #residences# are compatible with the character of the surrounding area; and

(c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Little Italy District

109-00
GENERAL PURPOSES

* * *

~~**109-01**~~
~~**Definitions**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS FOR RECREATION SPACE; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions), or Section 109-01 (Definitions).~~

~~Open recreation space~~

~~"Open recreation space" is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.~~

~~**109-02**~~
109-01
General Provisions

[UPDATING SECTION NUMBER AND CROSS-REFERENCES]

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections ~~23-15, 23-20 and~~ 33-13 (Floor Area Bonus for a Public Plaza) and 33-14 (Floor Area Bonus for Arcades) are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

~~The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.~~

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

~~109-03~~
109-02
District Map

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

* * *

~~109-04~~ 109-03
Zoning Lots Located in More Than One Area

[UPDATING SECTION NUMBER AND CROSS-REFERENCES]

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section ~~109-03~~ 109-02 (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

109-10
PRESERVATION AREA (Area A)

* * *

109-12
Bulk Regulations

109-121
Floor area regulations

[APPLYING FLOOR AREA REGULATIONS
FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#	Maximum #Floor Area Ratio# for #qualifying affordable housing# or #qualifying senior housing#
#Corner lots#	4.8	5.76
#Interior# or #through lots#	4.1	4.92

~~**109-122**~~
~~**Lot coverage, through lot and rear yard regulations**~~

[REMOVING TO ALIGN WITH
UNDERLYING LOT COVERAGE AND YARD PROVISIONS]

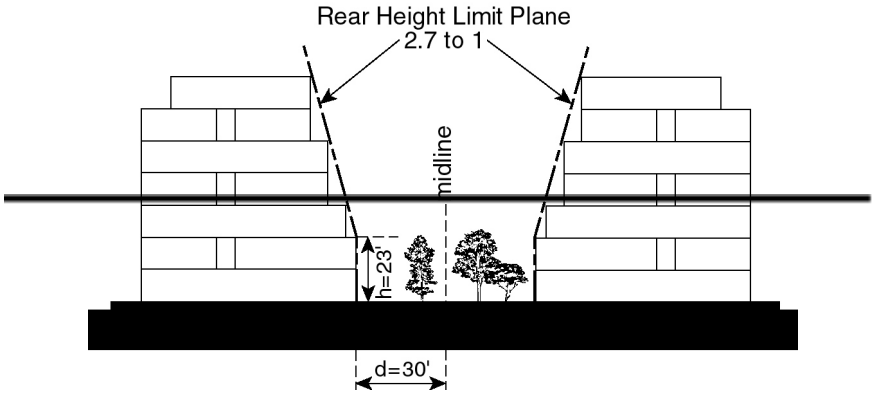
~~Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:~~

~~Lot Type~~	~~Maximum #Lot Coverage# (in percent)~~
~~#Corner lot#~~	~~100~~
~~#Interior lot#~~	~~60~~
~~#Through lot#, except as provided below~~	~~60~~

~~However, when a #through lot# is #developed# with more than one #building#, the maximum~~

~~#lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal.~~

~~All #buildings# #developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30 feet.~~



~~REAR HEIGHT LIMIT PLANE~~

~~**109-123**~~
~~**Floor area per room regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING DENSITY PROVISIONS]

~~For the purposes of this Chapter, the density requirements of Sections 23-22, 23-24 or 35-40 shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.~~

~~**109-124**~~
109-122
Height and setback regulations

[RENUMBERING SECTION; APPLYING HEIGHT REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

~~The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning~~

~~Commission pursuant to Section 109-514.~~

~~However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.~~

The underlying height and setback provisions applicable to an R8B District shall apply to any #building or other structure# on an #interior lot# or #through lot#, and the underlying height and setback provisions applicable to an R7D District shall apply to #corner lots#.

109-13
Special Front Wall Regulations

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; APPLYING UNDERLYING STREET WALL LOCATION PROVISIONS]

~~The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted.~~ The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply. For the purposes of applying #street wall# location provisions, all #streets# shall be considered as #wide streets#. ~~In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#.~~ The exterior #building# materials of the front wall shall be predominantly of masonry.

~~**109-14**~~
~~**Open Recreation Space and Landscaping Regulations**~~

~~**109-141**~~
~~**Open recreation space regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING RULES]

~~For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.~~

~~Such #open recreation space# shall be located at the ground level and/or the roof level. However,~~

~~if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.~~

~~109-142~~
~~Landscaping regulations~~

[REMOVING TO ALIGN WITH UNDERLYING RULES]

~~The required #open recreation space#, as provided in Section 109-141, on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.~~

~~Ground level #open recreation space# shall:~~

~~(a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its perimeter;~~

~~(b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;~~

~~(c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:~~

~~(1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;~~

~~(2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;~~

~~(3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;~~

~~(4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and~~

~~(5) steps do not count toward the seating requirements;~~

~~(d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;~~

~~(e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;~~

~~(f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;~~

~~(g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and~~

~~(h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section 109-14 (Open Recreation Space and Landscaping Regulations).~~

~~#Open recreation space# at roof level shall:~~

~~(1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;~~

~~(2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and~~

~~(3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.~~

~~109-15~~
~~Regulations for Rehabilitation or Conversion of Existing Buildings~~

[REMOVING TO ALIGN WITH UNDERLYING CONVERSION RULES]

~~When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.~~

~~Furthermore, when a non-#residential building#, or portion thereof, is #converted# for~~

~~#residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted# #building# or portion thereof.~~

~~**109-16**~~
109-14
Parking Regulations

[UPDATING SECTION NUMBER]

* * *

~~**109-17**~~
~~**Mandatory Street Trees**~~

[REMOVING PROVISION TO ALIGN WITH STANDARD REGULATIONS]

~~In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section 26-41 (Street Tree Planting).~~

109-20
MULBERRY STREET REGIONAL SPINE (AREA A1)

[UPDATING CROSS-REFERENCE]

The provisions set forth in ~~Sections~~ Section 109-10 ~~through 109-16~~ (Preservation Area–Area A), inclusive, are applicable within Area A1 (Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

* * *

109-22
Bulk Regulations

109-221
Floor area regulations

[APPLYING FLOOR AREA REGULATIONS
FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#	
#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential# <u>other than #qualifying affordable housing# or #qualifying senior housing#</u>	4.1	3.5
<u>#Qualifying affordable housing# or #qualifying senior housing#</u>	<u>4.92</u>	<u>4.2</u>

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, or the #community facility# portion of such #building# or the #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

~~**109-222**~~
~~**Lot coverage regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~The requirements set forth in Section 109-122 shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial# #uses#, and provided that such portion is no more than 23 feet above #curb level#.~~

109-30
HOUSTON STREET CORRIDOR (Area B)

* * *

109-32
Bulk Regulations

The #bulk# regulations ~~of the underlying district~~ applicable to a C6-3A District shall apply to the Houston Street Corridor (Area B)~~, except as set forth in this Section~~.

~~109-321~~
~~Floor area regulation~~

[REMOVING TO APPLY THE UNDERLYING PROVISIONS OF C6-3A DISTRICT]

~~The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. 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).~~

~~109-322~~
~~Lot coverage regulations~~

[REMOVING TO APPLY THE UNDERLYING PROVISIONS OF C6-3A DISTRICT]

~~For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:~~

~~Lot Type~~	~~Maximum #Lot Coverage# (in percent)~~
~~#Corner lot#~~	~~100~~
~~#Interior# or #through lot#~~	~~70~~

~~109-323~~
~~Height and setback regulations~~

[REMOVING TO APPLY THE UNDERLYING PROVISIONS OF C6-3A DISTRICT]

~~The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.~~

~~For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate length of the #street walls# at each #story#.~~

~~The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.~~

~~The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.~~

~~In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.~~

~~However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.~~

109-33
Special Front Wall Regulations

[APPLYING UNDERLYING STREET WALL LOCATION PROVISIONS]

The #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply. For the purposes of applying #street wall# location provisions, all streets shall be considered as #wide streets#. For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

~~**109-34**~~
~~**Open Recreation Space and Landscaping Requirements**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS FOR RECREATION SPACE]

~~For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public.~~

~~Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section 109-142 (Landscaping regulations).~~

~~**109-35**~~
109-34
Curb Cuts

[UPDATING SECTION NUMBER]

~~**109-351**~~
109-341
Curb cut regulations

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

~~**109-36**~~
~~**Mandatory Street Trees**~~

[REMOVING PROVISION TO ALIGN WITH STANDARD REGULATIONS]

~~In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section 26-41 (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.~~

~~**109-37**~~
109-35
Noise Attenuation

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

For any #residential# or #commercial# #use# in a #development# within Area B:

(a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial# #uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements)

with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and

(b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

109-40
BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

109-41
Bulk Regulations

109-411
Height and setback regulations

[CLARIFYING APPLICABILITY OF UNDERLYING PROVISIONS]

~~The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot line# not occupied by existing #buildings# to remain and shall rise without setback.~~

Within Area C, the height and setback provisions of a C5-4A District within 100 feet of a #wide street# shall apply.

~~**109-412**~~
~~**Lot coverage regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING LOT COVERAGE PROVISIONS]

~~Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:~~

	~~Above Ground Floor (in percent)~~	~~At Ground Floor Only (in percent)~~
~~#Residential Use#~~	~~60~~	~~60~~
~~#Commercial# #Use#~~	~~70~~	~~100~~

~~**109-42**~~
~~**Open Recreation Space and Landscaping Requirements**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS FOR RECREATION SPACE]

~~All #buildings# #developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section 109-142 (Landscaping regulations).~~

~~**109-43**~~
109-42
Additional Requirements

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Section 109-21 (Use Regulations), inclusive.

109-50
SPECIAL REVIEW PROVISIONS

* * *

109-51
Modification of the Provisions of the Special Little Italy District

109-514
Modifications by authorization

[UPDATING CROSS REFERENCES]

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to

the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

* * *

(e) the #enlargement# as proposed shall comply with the applicable provisions of Sections ~~109-14,~~ 23-63 ~~or~~ ~~109-17, 109-25, 109-34 or 109-42~~, except as otherwise modified by the Commission; and

* * *

109-52
Special Permit Provisions

109-521
Modification of accessory off-street parking facilities

[UPDATING CROSS REFERENCES]

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section ~~109-16~~ 109-14 or Section ~~109-351~~ 109-341.

* * *

109-523
Applications for special permit

[UPDATING CROSS REFERENCES]

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections ~~109-16~~ 109-14 and ~~109-351~~ 109-341of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Tribeca Mixed Use District

* * *

111-10
SPECIAL USE REGULATIONS

111-11
Residential Use Modification

[REMOVING REFERENCES TO LOFT DWELLING PER PROPOSAL; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~(a) Loft dwellings~~

~~#Loft dwellings# created prior to October 13, 2010, shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after October 13, 2010, except as the result of a subdivision of a #loft dwelling# existing prior to October 13, 2010.~~

~~(b) Home occupations~~

A #home occupation# may occupy a ~~#loft dwelling#, or a~~ #dwelling unit# converted pursuant to Article I, Chapter 5 ~~(Residential Conversion of Existing Non-Residential Buildings)~~ (Residential Conversion Within Existing Buildings), as an #accessory# #use# pursuant to Section 15-13 (Special Home Occupation Provision).

* * *

111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

111-21
Bulk Regulations for Area A1

~~(a) Area A1~~

[APPLYING FLOOR AREA REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING; REMOVING PROVISIONS FOR NARROW BUILDINGS TO ALIGN WITH UNDERLYING HEIGHT REGULATIONS]

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except ~~as set forth herein.~~ that

~~(1) Maximum #floor area ratio#~~

~~The~~ the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 6.0.

~~(2) Special regulations for narrow #buildings#~~

~~A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.~~

111-22
Bulk Regulations for Area A2

~~(b) Area A2~~

[APPLYING UNDERLYING RESIDENTIAL FLOOR AREA, LOT COVERAGE AND HEIGHT PROVISIONS]

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

~~(1)~~ (a) Maximum #floor area ratio#

~~The maximum #floor area ratio# permitted shall be 7.52.~~ In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

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). No other #floor area# bonuses shall be permitted in Area A2.

~~(2) #Open space# and #lot coverage# regulations~~

~~The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on #interior lots# and #through lots# shall not exceed 80 percent of the #lot area#. The maximum permitted #lot coverage# on #corner lots# shall be 100 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.~~

~~(3) #Yard#, #court# and minimum distance between #buildings# regulations~~

~~The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-532 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.~~

~~(4)~~(b) ~~#Height factor#, front height~~ Height and setback regulations

The underlying height and setback regulations applicable to a C6-3A District shall apply.

~~The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot#, not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth in this paragraph (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25~~

~~feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and #community facility# #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.~~

~~For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, 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 this Chapter.~~

~~For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.~~

~~(5)~~(c) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

111-23
Bulk Regulations for Area A3

~~(c) Area A3~~

[APPLYING UNDERLYING C6-3A REGULATIONS]

The regulations applicable to a C6-3A District shall apply to #developments# and #enlargements#~~, except as set forth herein~~.

~~(1) Height and setback regulations~~

~~The height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) shall not apply. In lieu thereof, the following height and setback regulations shall apply:~~

~~(i) Permitted obstructions~~

~~Permitted obstructions for all #buildings or other structures# shall be as set forth in Section 33-42.~~

~~(ii) Measurement of height~~

~~Heights of all #buildings or other structures# shall be measured from the #base plane#.~~

~~(iii) #Street wall# location~~

~~The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet 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. 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#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.~~

~~(iv) Maximum height of #street walls# and required setbacks~~

~~The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, 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#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.~~

~~(v) Maximum #building# height~~

~~No #building or other structure# shall exceed a height of 135 feet.~~

~~(vi) Vertical #enlargements# of low #buildings#~~

~~Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.~~

~~(2) Special regulations for narrow #buildings#~~

~~A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.~~

111-24
Bulk Regulations for Areas A4, A5. A6 and A7

~~(d) Areas A4, A5, A6 and A7~~

[APPLYING FLOOR AREA AND HEIGHT PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

Except as set forth in this Section, the #bulk# regulations of the underlying district shall apply.

(a) The basic maximum #residential# #floor area ratio#, and that permitted for #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in the following table:

Area	Maximum #Floor Area Ratio#	Maximum #Floor Area Ratio# for #qualifying affordable housing# or #qualifing senior housing#
A4	6.5	7.8
A5	5.5	6.6
A6	6.0	7.2
A7	5.0	6.0

~~(1)~~(b) ~~The applicable height and setback regulations, as set forth in Section 35-65 (Height and Setback Requirements for Quality Housing Buildings), inclusive, shall be modified, as follows:~~

The underlying height and setback regulations shall apply except that in Area A4, the maximum #building# height shall be 145 feet or, where #qualifying affordable housing# or #qualifying senior housing# is provided, 175 feet.

~~Area~~	~~Minimum Base Height (in ft.)~~	~~Maximum Base Height (in ft.)~~	~~Maximum #Building# Height (in ft.)~~
~~A4~~	~~60~~	~~70~~	~~140~~
~~A5~~	~~60~~	~~70~~	~~110~~
~~A6~~	~~60~~	~~85~~	~~120~~
~~A7~~	~~60~~	~~85~~	~~120~~

~~For any #building# or portion thereof within Area A4, a penthouse portion of a #building#, not exceeding 10 feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.~~

~~However, for any #building# or portion thereof located within Area 4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section 35-24 shall apply, except that the maximum height of such #buildings#, or portions thereof, shall be 160 feet and the 10-foot penthouse allowance set forth in this paragraph (d)(1) shall not apply.~~

~~(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts).~~

~~(3) The maximum #floor area ratio# permitted on a #zoning lot# shall be as follows:~~

~~Area~~	~~Maximum #Floor Area Ratio#~~
~~A4~~	~~6.5~~
~~A5~~	~~5.5~~
~~A6~~	~~5.4~~
~~A7~~	~~5.0~~

~~(4) Applicability of Inclusionary Housing Program~~

~~R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

~~(5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to October 13, 2010, to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).~~

~~(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within six years of the original granting of said variance.~~

* * *

~~111-40~~
~~REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010~~

[REMOVING LOFT DWELLING PROVISIONS AND APPLYING UNDERLYING CONVERSION RULES OF ARTICLE I, CHAPTER 5]

~~The following is applicable to all existing #loft dwellings#, created prior to October 13, 2010, within the #Special Tribeca Mixed Use District#.~~

~~(a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.~~

~~(b)~~

~~(1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:~~

~~(i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;~~

~~(ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;~~

~~(iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or~~

~~(iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.~~

~~(2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:~~

~~(i) for which a determination of #residential# occupancy on September 1, 1980 has been made;~~

~~(ii) 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~~

~~(iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.~~

~~#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, 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.~~

~~No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building#~~

~~to which the regulations of Section 15-024 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).~~

~~(c)~~ ~~The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.~~

~~(d)~~ ~~Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and one-third percent of the #floor area# contained within such #loft dwelling#. 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 #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.~~

~~(e)~~ ~~At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# 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 #loft dwellings# and their guests for whom no fees are charged.~~

~~(f)~~ ~~Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).~~

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special City Island District

* * *

112-00
GENERAL PURPOSES

* * *

112-10
SPECIAL BULK REGULATIONS

~~**112-101**~~
~~**Special open space and lot coverage regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent and the minimum required #open space# shall be 35 percent.~~

~~**112-102**~~
~~**Special floor area regulations for mixed buildings**~~

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY
THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT.
REMOVING TEXT MADE REDUNDANT BY SECTION 35-32]

~~In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, up to one #story# of #commercial use# may be excluded from the definition of #floor area#.~~

~~**112-103**~~
112-11
Special height and setback regulations

[RENUMBERING SECTION, TEXT UNCHANGED]

The underlying height and setback regulations shall apply, except that no #building or other

structure# shall exceed a height limit of 35 feet, and the height shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections ~~112-106~~ 112-12 or ~~112-107~~ 112-13.

~~112-104~~
112-12
Authorization for modification of height and setback regulations

[RENUMBERING SECTION]

* * *

~~112-105~~
112-13
Special permit for modification of height and setback regulations

[RE-NUMBERING SECTION]

* * *

~~112-11~~
112-20
~~Special Parking Regulations~~
SPECIAL PARKING REGULATIONS

[RENUMBERING SECTION]

~~112-111~~
112-21
Accessory parking for commercial uses

[RENUMBERING SECTION]

* * *

~~112-112~~
112-22
Accessory parking and floor area requirements for eating or drinking establishments

[RENUMBERING SECTION AND UPDATING CROSS REFERENCES; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating

or drinking establishment listed under Use Group VI that, in the aggregate, results in an increase of more than 150 square feet of #floor area#, one off-street #accessory# parking space shall be provided for each 150 square feet of the total of the existing and new #floor area#.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections 36-23 or 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or ~~Sections~~ Section 52-41 (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, ~~73-43 (Reduction of Parking Spaces)~~ and Section 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

~~**112-113**~~
112-23
Reservoir space requirements for eating and drinking establishments

[RENUMBERING SECTION]

* * *

~~**112-114**~~
112-24
Screening and tree planting requirements for all parking lots with 10 or more spaces

[RENUMBERING SECTION]

* * *

~~**112-115**~~
112-25

Location of parking spaces along City Island Avenue

[RENUMBERING SECTION]

* * *

~~**112-13**~~
112-30
~~**Zoning Applicability at the Shoreline**~~
ADDITIONAL SPECIAL DISTRICT REGULATIONS

[TITLE CHANGE; RENUMBERING SECTION]

~~**112-131**~~
112-31
Location of zoning district boundary lines

[RENUMBERING SECTION]

* * *

~~**112-132**~~
112-32
Naturally or lawfully altered shorelines and development rights on piers

[RENUMBERING SECTION]

* * *

~~**112-14**~~
112-33
Special Requirements for Waterfront Access

[RENUMBERING SECTION]

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Ocean Parkway District

* * *

113-00
GENERAL PURPOSES

* * *

113-01
General Provisions

[UPDATING CROSS REFERENCE; ALIGNING WITH PROPOSAL]

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), 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), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

For the purpose of applying the ~~Inclusionary Housing Program~~ provisions set forth in ~~Sections 23-154 and 23-90, inclusive,~~ #Mandatory Inclusionary Housing areas# within the #Special Ocean Parkway District# are shown on the maps in APPENDIX F of this Resolution.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, inclusive, the special regulations set forth in Sections 113-50 through ~~113-57~~ 113-523, inclusive, shall apply to the Subdistrict.

* * *

~~**113-30**~~
~~**SPECIAL LANDSCAPING REGULATIONS**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~Within the 30 foot #front yard# required along Ocean Parkway, landscaping in the form of grass,~~

~~ground cover, trees or shrubs shall be provided at #curb level# or the natural grade level. Paving within the #front yard# shall be limited to the amount necessary for driveways or walkways. Fences are permitted along the #front# or #side lot line# provided that such fence is no higher than four feet above #curb level#.~~

~~**113-31**~~
113-30
Tree Planting Requirements

[RENUMBERING SECTION; UPDATING CROSS REFERENCE]

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of ~~Section 26-41 (Street Tree Planting)~~ Section 23-611 (Street Tree Planting).

* * *

113-50
THE SUBDISTRICT

113-501
General purposes

[ALIGNING WITH PROPOSAL]

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences, as well as multiple dwellings in appropriate locations.

~~**113-502**~~
113-51
Special use regulations

[RENUMBERING; ALIGNING WITH PROPOSAL]

~~Within the Subdistrict, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the Subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-conforming Uses).~~

Within the Subdistrict, the underlying #use# regulations applicable to an R4-1 District shall apply, except that for #qualifying residential sites# the regulations applicable to an R5 District

shall apply.

~~**113-503**~~
113-52
Special bulk regulations

[RENUMBERING; ALIGNING WITH PROPOSAL]

~~For #single-# and #two-family# #detached# and #semi-detached residences#, and for #zoning lots# containing both #community facility# and #residential uses#, certain underlying district #bulk# regulations are set forth in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply in the Subdistrict.~~

For #residential buildings#, or the portion of #building# containing #residences#, the underlying #bulk# regulations applicable to an R4-1 District shall apply, except as set forth in this Section, inclusive.

For #community facility buildings#, or the portion of #buildings# allocated to #community facility uses#, the #bulk# regulations of Article II, Chapter 3 shall apply, except as modified by the provisions of this Section, inclusive. ~~are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), 24-012 (Exceptions to the bulk regulations of this Chapter), paragraph (a), and 24-04 (Modification of Bulk Regulations in Certain Districts), pertaining to R4-1 Districts, shall not apply in the Subdistrict.~~

~~**113-51**~~
113-521
Maximum Permitted Floor Area Ratio

[RENUMBERING SECTION; ALIGNING WITH PROPOSAL]

The maximum permitted #floor area ratio# shall be 1.50~~.~~, except that for #qualifying residential sites# the maximum permitted #floor area ratio# shall be 2.00.

~~**113-52**~~
~~**Density Regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The regulations set forth in Section 23-22 (Maximum Number of Dwelling Units) pertaining to R4-1 Districts shall apply.~~

~~**113-53**~~
~~**Lot Area, Lot Width and Density Regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The regulations set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) pertaining to R4-1 Districts shall apply to #residential uses#. The regulations set forth in Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES), pertaining to R4 Districts, shall apply to #buildings# used partly for #residence# and partly for #community facility use#.~~

~~**113-54**~~
113-522
Yard Regulations

~~**113-541**~~
~~**Permitted obstructions in required yards or rear yard equivalents**~~

[RENUMBERING SECTION AND UPDATING CROSS REFERENCES; ALIGNING WITH PROPOSAL]

For permitted #residential uses#, the provisions of ~~Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)~~ Section 23-311 (Permitted obstructions in all yards, courts and open areas) shall apply with the following modifications:

(a) open #accessory# off-street parking spaces shall not be located within a #front yard# unless such spaces are located in a permitted #side lot ribbon#; and

(b) three-foot overhangs in a required ~~18-foot~~ #front yard# in R4 or R5 Districts shall not be permitted~~; and~~.

~~(c) balconies shall not be a permitted obstruction in #rear yards# or #rear yard equivalents#.~~

~~**113-542**~~
~~**Minimum required front yards**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The regulations set forth in Section 23-45 (Minimum Required Front Yards) pertaining to R4-1 Districts shall apply.~~

~~113-543~~
~~Minimum required side yards~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The regulations set forth in Section 23-461 (Side yards for single- or two- family residences) pertaining to R4A Districts shall apply to #detached buildings#. The regulations in that Section pertaining to R4-1 Districts shall apply to #semi-detached residences#.~~

~~For an existing #single-# or #two-family residence# with a #non-complying# #side yard#, an #enlargement# involving a straight line extension of the existing #building# walls facing such #non-complying# #side yard# is permitted, provided that:~~

~~(a) the portion of the #building# which is #enlarged# complies with the height and setback regulations set forth in Section 113-55;~~

~~(b) the minimum distance between such #building# wall and the nearest #building# wall, or prolongation thereof, on an adjoining #zoning lot# across the common #side lot line# is eight feet;~~

~~(c) the #enlarged# #building# does not contain more than two #dwelling units#;~~

~~(d) there is no encroachment on the existing #non-complying# #side yard#, except as set forth in this Section; and~~

~~(e) the #enlargement# does not otherwise result in the creation of a new #non-compliance# with the applicable #bulk# regulations.~~

~~113-544~~
~~Minimum required rear yards~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~One #rear yard# with a depth of not less than 20 feet shall be provided on any #zoning lot# except a #corner lot#. The provisions of Section 23-52 (Special Provisions for Shallow Interior Lots) shall be inapplicable. The provisions of Section 23-53 (Special Provisions for Through Lots) pertaining to R4 Districts shall apply except that the provisions in Section 23-532 (Required rear yard equivalents) shall be modified to require 40 feet instead of 60 feet in paragraph (a), or 20 feet instead of 30 feet in paragraphs (b) and (c).~~

~~**113-545**~~
~~**Special provisions for side lot line walls**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~The regulations set forth in Section 23-49 (Special Provisions for Side Lot Line Walls) pertaining to R4-1 Districts shall apply.~~

~~**113-55**~~
113-523
Height and Setback Regulations

[RENUMBERING; ALIGNING WITH PROPOSAL]

~~The height and setback regulations of a #building or other structure# in the Subdistrict shall be those applicable to R4A Districts in Section 23-631 (General provisions), except that paragraph (b)(2) shall be modified as follows:~~ For #buildings# subject to the height and setback regulations of Section 23-421 (Basic pitched-roof envelopes for certain districts), the following modification shall apply:

Each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35-foot-high plane.

~~**113-56**~~
~~**Parking Regulations**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~**113-561**~~
~~**General provisions**~~

~~Except as set forth in this Section, the regulations set forth in Article II, Chapter 5 (Accessory Off-street Parking and Loading Regulations), pertaining to R2X Districts, shall apply.~~

~~**113-562**~~
~~**Parking requirements**~~

~~One #accessory# off-street parking space shall be provided for each #dwelling unit# created after August 3, 1993. This requirement may be waived for a #single-family residence# on an #interior zoning lot# that has a width of less than 25 feet along a #street#.~~

~~**113-57**~~

~~**Administration**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~**113-571**~~
~~**Special provisions for zoning lots divided by district boundaries**~~

~~For the purposes of applying the regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), the Subdistrict shall be considered an R4-1 District.~~

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Bay Ridge District

* * *

114-10
SPECIAL BULK REGULATIONS

* * *

114-11
Special Floor Area Regulations

[APPLYING NEW DEFINITION; UPDATING CROSS REFERENCE]

In C8-2 Districts, for any #zoning lot#, the maximum #floor area ratio# for any #community facility use# shall not exceed 3.0.

In R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of Article II, Chapter 4, shall apply ~~only to a #building# that is used entirely for #community facility use#~~ to #community facility buildings#, except that the maximum #floor area ratio# shall not exceed 1.65. For a #building# that is used partly for #community facility use# and partly for #residential use#, the #bulk# regulations of Article II, Chapter 3, shall apply to all portions of such #building#, except that where:

(a) 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

(b) such #building# has received an authorization pursuant to ~~Section 24-04~~ 24-06 (Modification of Bulk Regulations in Certain Districts);

the #bulk# regulations of Article II, Chapter 4, shall apply to the #community facility# portion of such #building#, provided that the maximum #floor area ratio# for the #community facility# #use# shall not exceed 1.65.

114-12
Special Height and Setback Regulations

114-12

Special rooftop regulations

[UPDATING CROSS REFERENCE]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of ~~paragraph (c)(1) of Section 23-623~~ paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

114-122
Maximum building height and setback

[ALIGNING WITH PROPOSAL]

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a ~~#building or other structure# containing #community facility uses#~~ #community facility building# shall not exceed 32 feet.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 24-51 or 33-42 (Permitted Obstructions), as applicable.

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special Downtown Jamaica District

115-00
GENERAL PURPOSES

* * *

115-02
District Plan and Maps

[UPDATING CROSS REFERENCES]

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Downtown Jamaica District

Map 2 Ground Floor Use and Transparency and Curb Cut Restrictions

Map 3 Street Wall Location

~~Map 4~~ ~~Street Wall Height~~

Map ~~5~~ 4 Maximum Building Height

Map ~~6~~ 5 Sidewalk Widening

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

115-03
Applicability of the Mandatory Inclusionary Housing Program

[MOVING FROM 115-212]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory

Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

* * *

115-20
SPECIAL BULK REGULATIONS

The underlying #bulk# provisions shall apply except as modified in this Section, inclusive.

115-21
Floor Area Ratio~~, Open Space and Lot Coverage~~

(a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the ~~underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the~~ maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts.

In C6-4 Districts, ~~the underlying #floor area ratio# provisions shall apply to #community facility uses#. For~~ for #commercial uses#, the maximum #floor area ratio# shall be 12.0.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

~~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) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

~~The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special regulations for Inclusionary Housing designated areas) or Section 115-212 (Special regulations for Mandatory Inclusionary Housing areas), as applicable, for the district. In addition, 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. Such bonuses may~~

~~be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11.~~

The maximum #residential floor area ratio# shall be as set forth by the underlying district regulations. However, #height factor buildings# shall not be permitted.

(c) ~~#Lot coverage#~~ #Floor area# bonus

[REMOVING SPECIAL LOT COVERAGE PROVISIONS TO ALIGN WITH UNDERLYING RULES; MOVING PROVISIONS FOR TRANSIT BONUS FROM PARAGRAPHS (a) AND (b)]

~~In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior# or #through lot#.~~

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).

~~115-211~~
~~Special regulations for Inclusionary Housing designated areas~~

[REMOVING AND INCORPORATING FLOOR AREA PROVISIONS INTO SECTIONS 115-21 AND 115-23]

~~(a) Applicability~~

~~Locations in R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts designated in APPENDIX F of this Resolution within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.~~

~~(b) Maximum #floor area ratio#~~

~~The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# set forth in the table in this Section, except that such base #floor area ratio# may be increased to the maximum #floor area ratio#, set forth in Section 23-154 (Inclusionary Housing), through the provision of~~

~~#affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90, inclusive.~~

~~District~~	~~Base #Floor Area Ratio#~~
~~R7A C4-4A~~	~~3.45~~
~~R7X C4-5X~~	~~3.75~~
~~R8 C6-2~~	~~5.4~~
~~R9 C6-3~~	~~6.0~~
~~R10 C6-4~~	~~9.0~~

~~(c) Modification of location requirements~~

~~The requirements of paragraph (a) of Section 23-96 (Requirements for Generating Sites or MIH Sites) shall be modified as follows: a #generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.~~

~~(d) Height and setback~~

~~The height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section 115-23, inclusive.~~

~~115-212~~
Special regulations for Mandatory Inclusionary Housing areas

[REMOVING AND INCORPORATING FLOOR AREA PROVISIONS INTO SECTIONS 115-21 AND 115-23]

~~(a) Applicability~~

~~For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.~~

~~(b) Height and setback~~

~~The height and setback regulations of Sections 23-952 (Height and setback for Mandatory Inclusionary Housing areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be modified by the special height and setback regulations of Section 115-23, inclusive~~.

* * *

115-23
Height and Setback Regulations

[CLARIFYING APPLICABILITY OF UNDERLYING PROVISIONS AND MODIFICATIONS]

~~In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section 115-231 (Permitted obstructions).~~

~~In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections 115-231 through 115-235, inclusive.~~

The underlying height and setback regulations shall apply except as modified by the provisions of this Section, inclusive.

For #zoning lots# subject to the sidewalk widening requirements of Section 115-31, the boundary of the sidewalk widening furthest from the #street line# shall be considered the #street line# for the purposes of applying all height and setback regulations.

All heights shall be measured from the #base plane#.

115-231
Permitted obstructions

[UPDATING CROSS REFERENCES]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph ~~(c)(1) of Section 23-623 (Permitted obstructions in certain districts)~~ (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

115-232
Street wall location

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS; UPDATING SECTION NUMBER AND CROSS REFERENCES]

C4 C6

In the districts indicated, #street walls# shall be provided in accordance with the provisions of this Section.

(a) For #zoning lot# frontages designated on Map 3 (Street Wall Location) in Appendix A of this Chapter the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply. For the purposes of applying the #street wall# location provisions of this Section, all #streets# shall be considered as #wide street#; and

(b) For all other #zoning lot# frontages, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply.

However, such #street walls# need only extend to a minimum base height of 40 feet.

~~(a) For all locations, except as specified on Map 3 (Street Wall Location) in Appendix A of this Chapter, the #street wall# of a #building# shall be located on the #street line# and extend along at least 70 percent of the #street# frontage of the #zoning lot#. No #street wall# location rules shall apply to the remaining portion of the #street frontage# of the #zoning lot#; however, any #street walls# provided in such portion shall be located on the #street line# or recessed within an #outer court#. All required #street walls# shall rise without setback to at least the minimum base height specified in Section 115-233 (Street wall height), or the height of the #building#, whichever is less. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall apply on all such #street lines#.~~

~~(b) Map 3 (Street Wall Location) in Appendix A of this Chapter, specifies the #street# frontages where the regulations set forth in this paragraph (b) apply.~~

~~(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage as specified on Map 3, and shall rise without setback to at least the minimum base height specified in Section 115-233, or the height of the #building#, whichever is less. This requirement shall also apply along that portion of any #street line# that intersects such #street# frontage, specified on Map 3, within 50 feet of such intersection.~~

~~(2) To allow articulation of #street walls# at the intersection of two #street lines# with mandatory #street wall# requirements, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines# may be unoccupied by a #building#.~~

~~(3) Where corner articulation is specified on Map 3, the following regulations shall apply:~~

~~(i) Where base corner articulation is specified, the #building# shall occupy, at every level up to the level of the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75~~

~~percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines#.~~

~~(ii) Where tower corner articulation is specified, no articulation is required where all portions of the #building# that exceed a height of 60 feet are located at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. Where a #building# rises without setback along those #street lines# where no setback is required, as specified on Map 4 (Street Wall Height), in Appendix A of this Chapter, the #building# shall cover, at every level above the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75 percent of the area bounded by:~~

~~(a) the #street line# of the #street# where no setback is required;~~

~~(b) a line 10 feet from and parallel to a #wide street# with a setback requirement or 15 feet from and parallel to a #narrow street# with a setback requirement; and~~

~~(c) lines parallel to and 20 feet from such lines.~~

~~(4)~~ No #street wall# location requirements shall apply to any open space fronting on Sutphin Boulevard between 94th and 95th Avenues provided pursuant to the Jamaica Gateway Urban Renewal Plan, as shown on Map 3.

~~(5)~~ For #building# walls facing Archer Avenue on Blocks 9988 and 9994, the #street walls# required pursuant to this ~~paragraph (b)~~ Section shall not be located along the Archer Avenue #street line#, but shall instead be located along the northern boundary of the Public Place mapped on each such block. However, if the Public Place is not mapped on Block 9994, then the #street wall# shall be located on a line perpendicular to 147th Place and passing through a point 51.77 feet distant (as measured along the southwesterly #street line# of 147th Place) from the corner of the northeasterly #street line# of Archer Avenue and the southwesterly #street line# of 147th Place. To accommodate the #development# of a one #story# #building# which may be located within each Public Place, such #street walls# shall have no #building# entrances or windows up to a height of 30 feet within 100 feet of 147th Place on Block 9994 and within 100 feet of 146th Street on Block 9988.

~~(c) In all locations where #street walls# are required, 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#.~~

~~Above a height of 12 feet, up to 30 percent of the aggregate width of required #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 this Section.~~

~~Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.~~

~~**115-233**~~
115-233
~~**Street wall height**~~
Maximum building height

C4 C6

~~Except in the locations indicated on Map 4 (Street Wall Height) in Appendix A of this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 115-232 (Street wall location), shall be as set forth in the following table:~~

~~District~~	~~Minimum #Street Wall# Height~~	~~Maximum #Street Wall# Height~~
~~C4-4A~~	~~40 feet~~	~~65 feet~~
~~C4-5X~~	~~40 feet~~	~~85 feet~~
~~C6~~	~~40 feet~~	~~60 feet~~

~~However, in C4-4A and C4-5X Districts, the maximum #street wall# height may be modified for #Quality Housing buildings# with #qualifying ground floors# in accordance with Section 23-662 (Maximum height of buildings and setback regulations) for 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). In addition, 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), such maximum #street wall# heights may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for the applicable residential equivalent of such districts.~~

~~Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.~~

~~In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.~~

~~However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section 115-232 shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of such #street wall#.~~

The maximum base height for #buildings# shall be provided in accordance with the provisions of Section 23-43, inclusive, for the applicable #residential equivalent#. At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

After setback, the maximum #building# heights shall as set forth in Section 23-43, inclusive, for the applicable #residential equivalent#, except that:

(a) in C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 4 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed# or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan; and

(b) in C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet.

~~115-234~~
~~Maximum building height~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~C4-C6~~

~~In C4-4A and C4-5X Districts, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for 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). 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), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for the applicable residential equivalent of such districts. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.~~

~~In C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed#~~

~~or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan.~~

~~**115-235**~~
~~**Transition area**~~

[REMOVING TRANSITION HEIGHTS PER PROPOSAL]

~~R6 R7 R8 R9 R10~~

~~In the districts indicated, and in #Commercial Districts# where such #Residence District# #bulk# regulations are applicable, that portion of a #building# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum height of 35 feet. In addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.~~

115-30
MANDATORY IMPROVEMENTS

* * *

~~**115-32**~~
~~**Refuse Storage, Recreation Space and Planting Areas**~~

[REMOVING TO ALIGN WITH UNDERLYING REQUIREMENTS PURSUANT TO SECTION 23-23]

~~All #buildings# containing #residences# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Sections 28-12 (Refuse Storage and Disposal) and 28-20 (RECREATION SPACE AND PLANTING AREAS), whether or not they are #Quality Housing buildings#.~~

~~**115-40**~~
~~**RESIDENTIAL CONVERSIONS**~~

[REMOVING TO ALIGN WITH UNDERLYING CONVERSION RULES]

~~In all #Commercial Districts#, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b).~~

~~#Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).~~

~~115-50~~
115-40
SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

[UPDATING SECTION NUMBER]

~~115-51~~
115-41
Parking and Loading Regulations

[UPDATING SECTION NUMBER AND CROSS REFERENCES;
BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Within the #Special Downtown Jamaica District#, the underlying off-street parking and loading regulations shall be modified, as follows:

(a) #Commercial# and #manufacturing uses#.

* * *

(4) Modification of Waiver of Parking Requirements

(i) In C4, C6 and M1 Districts, the provisions of Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and ~~44-23~~ 44-22 (Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements) shall only apply to #zoning lots# existing both on September 10, 2007 and on the date of application for a building permit.

(ii) In C4, C6 and M1 Districts, for any #commercial# #use# permitted in a C4 or C6 District, the waiver provisions for a C4-4 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 15 spaces, pursuant to the waiver provisions for a C4-2 District set forth in Section 36-231 (In districts with high, medium or low parking requirements).

~~(iii) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of~~

~~requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.~~

(b) #Residential uses#

(1) The provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory# #group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.

~~(2) The required #accessory# off-street parking space regulations of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section 25-20 shall apply. The regulations set forth for an R6 District in Sections 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES), inclusive, and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b)(3) and (b)(4) of this Section.~~

~~(3) In all #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:~~

~~(i) The provisions of Section 25-26 shall only apply to #zoning lots# existing both on September 10, 2007, and on the date of application for a building permit.~~

~~(ii) For all #developments# or #enlargements# containing #residences#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.~~

~~(4)~~(2) The provisions of ~~Section~~ Sections 25-52 (Off-site Spaces for Residences) and 25-521 (Maximum distance from zoning lot) shall be modified to permit the location of ~~permitted or required~~ off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

~~(5)~~(3) The provisions of Section 36-42 (Off-site Spaces for Residences) and 36-421(Maximum distance from zoning lot) shall be modified to permit the location of ~~permitted or required~~ off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning

lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

~~(c)~~ ~~#MIH sites#~~

~~For #residential uses# on #MIH sites#, the provisions of paragraphs (a)(4), (b)(2) and (b)(3) of this Section shall not apply. In lieu thereof, the underlying off-street parking provisions shall apply.~~

~~**115-52**~~
115-42
Location of Access to the Street

* * *

~~**115-53**~~
115-43
Authorization for Curb Cut

Between 160th Street and a point 205 feet east of 160th Street along Archer Avenue, The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts that are prohibited by Section ~~115-52~~ 115-42 (Location of Access to the Street), provided the Commission finds that a curb cut at such location:

* * *

Appendix A
Special Downtown Jamaica District Maps

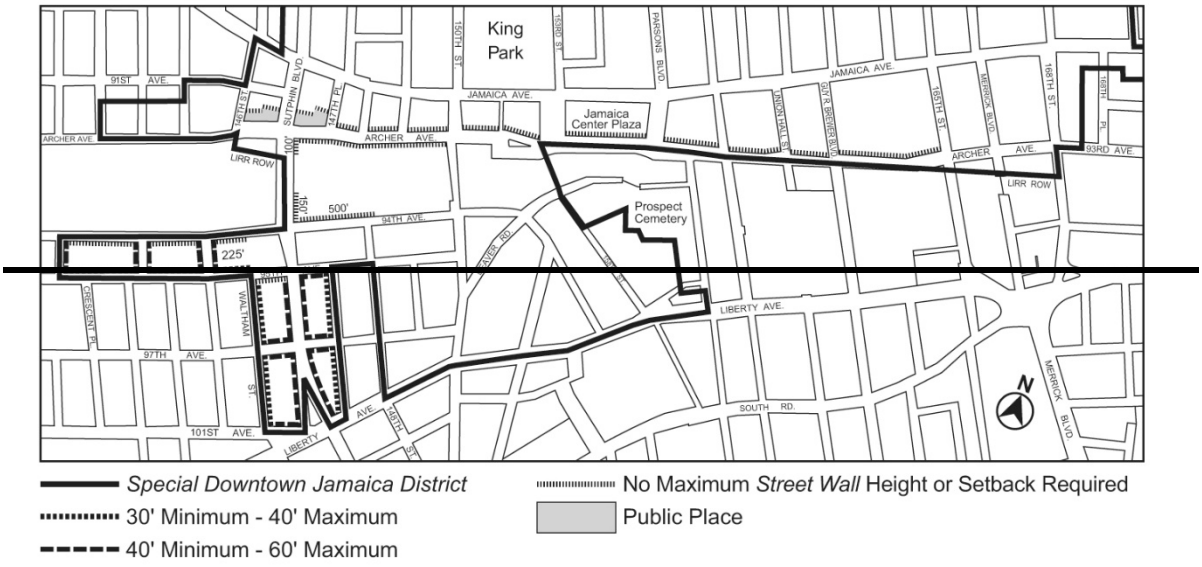
* * *

Map 3 — Street Wall Location

[UPDATED MAP TO COME]

~~Map 4 — Street Wall Height~~

[REMOVING TEXT MAP PER UPDATES TO HEIGHT REGULATIONS]



~~Map 5~~ Map 4 — Maximum Building Height

* * *

~~Map 6~~ Map 5 — Sidewalk Widening

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Stapleton Waterfront District

* * *

116-20
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

* * *

116-22
Maximum Floor Area Ratio

[APPLYING FLOOR AREA REGULATIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

The maximum #floor area ratio# for all #uses# shall be 2.0. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 2.40.

~~However,~~ Additionally, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

* * *

116-23
Special Height and Setback Regulations

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

116-231
Special rooftop regulations

[UPDATING CROSS REFERENCE]

The provisions of Section ~~33-42~~ 35-61 (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C~~, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts)~~.

116-232
Street wall location

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

Within ~~the #Special Stapleton Waterfront District#,~~ Subareas A, B and C, 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 that at least 70 percent of the #aggregate width of street wall# be located within 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.~~ the #street wall# location provisions of paragraph (c)(2) Section 35-631 (Street wall location) shall apply.

(b) Subareas B2 through B5 and C

In Subareas 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 Appendix A of this Chapter, specifies locations in Subareas B2 through B5 and C where #mandatory front building wall# requirements apply as follows:~~

(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.~~ The #street wall# location provisions of paragraph (a) Section 35-631 shall apply to mandatory front building line as outlined on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter. For the purposes of applying #street wall# location regulations, the #street walls# shall be considered as fronting #wide streets#.

(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.~~

The #street wall# location provisions of paragraph (b) Section 35-631 shall apply to mandatory front building line as outlined on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter.

~~(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 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.~~

~~All #mandatory front building walls# shall rise without setback to the minimum base height specified in Section 116-233, or the height of the #building#, whichever is less. 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.~~

116-233
Height and setback

Within ~~the #Special Stapleton Waterfront District#,~~ Subareas A, B and C, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

[ADJUSTING PROVISIONS TO ALIGN WITH UNDERLYING HEIGHT AND SETBACK PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

(1) Base heights and maximum #building# heights

The table 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.

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.~~ shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

~~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 23-623 (Permitted obstructions in certain districts) 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 lower.~~

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed ~~60 feet~~ 65 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the height and setback regulations applicable to an R6B District set forth in Section 23-43, inclusive, shall apply. For the purposes of applying the setback regulations of Section 23-433, all surrounding #streets# shall be considered #wide streets#.

~~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.~~

~~The maximum height of a #building or other structure# 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)(2) of Section 35-652 (Maximum height of buildings and setback regulations), the maximum height of a #building or other structure# may be increased to 55 feet.~~

116-30
SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS FOR SUBAREAS A, B AND C

In Subareas A, B and C, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

116-31
Modification of Waiver of Requirements

[REMOVING MODIFICATION TO REFLECT CHANGES IN UNDERLYING PROVISIONS]

~~The provisions of Section 36-362 (In other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.~~

~~All other waivers~~ Waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

* * *

116-50
SPECIAL URBAN DESIGN REQUIREMENTS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

* * *

~~**116-53**~~
~~**Refuse Storage Areas**~~

~~Refuse shall be stored within a #completely enclosed building#.~~

116-60
SPECIAL REGULATIONS IN SUBAREA E

The special #use#, #bulk#, #visual corridor# and #waterfront public access area# requirements of Section 116-60, inclusive, shall apply to Subarea E.

116-61
Special Use Regulations

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except that the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) shall be modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial# #floor area# is located above a #dwelling unit#.

116-62
Special Bulk Regulations

The #bulk# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified in Section 116-62, inclusive.

116-621
Floor area

[REMOVING TO ALIGN WITH UNDERLYING REGULATIONS]

~~Subarea E of the #Special Stapleton Waterfront District# shall be a #Mandatory Inclusionary Housing area# for the purpose of applying the Inclusionary Housing Program provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.~~

The #floor area# regulations of Article VI, Chapter 2, shall not apply. In lieu thereof, the underlying #floor area# regulations shall apply, except that ~~the #floor area# regulations of Section 23-154 (Inclusionary Housing)~~ the provisions of Section 23-222 (Floor area regulations for affordable or senior housing), as applicable to #Mandatory Inclusionary Housing areas#, ~~shall apply, except~~ shall be modified as follows in R6 Districts:

(a) for #zoning lots#, or portions thereof, within 100 feet of a #wide street#, the maximum #floor area ratio# shall be 3.6; and

(b) for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#, the maximum #floor area ratio# shall be 2.42.

* * *

116-623
Height and setback regulations

[UPDATING CROSS REFERENCES]

The provisions of ~~Section 62-341 (Developments on land and platforms)~~ Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except as modified in this Section.

(a) ~~#Initial setback distance#~~ Required setback along a #shore public walkway#

The provisions of ~~paragraph (a)(2) of Section 62-341~~ paragraph (b)(2) or (c)(1) of Section 62-343 (Height and setback regulations in other medium- and high-density districts) shall be modified for #buildings# located on portions of a #zoning lot# where the distance between the edge of the stabilized shore and a landward #zoning# #lot line# is less than 150 feet. The depth of ~~such #initial setback distance#~~ a required setback from the boundary of a #shore public walkway# may be reduced to five feet, provided that at least 40 percent of the width of each #story# required to be set back above the minimum base height is set back no less than 10 feet from the boundary of the #shore public walkway#.

(b) Measurement of height

The provisions of ~~paragraph (a)(3) of Section 62-341~~ paragraph (b) of Section 62-34 shall apply, except for the purpose of this Section, #base plane# shall refer to an elevation of 16.8 feet above Richmond Datum.

(c) Permitted obstructions

The provisions of ~~paragraphs (a)(4)(i) and (ii) of Section 62-341 shall not apply~~ paragraph (c) of Section 62-34 shall apply, except that ~~. Dormers and~~ the penthouse provisions shall be superseded by paragraph (e) of this Section ~~portions of a #building# shall not be considered permitted obstructions above a maximum base height~~.

(d) Maximum base height

The maximum base height provisions of paragraph ~~(c)(1) of Section 62-341~~ paragraph (a) of Section 62-343 shall apply, except a #building or other structure#, or a portion thereof, located within an #initial setback distance#, shall rise to a height of at least 25 feet or two #stories#, whichever is less, and may not exceed a maximum base height of 55 feet or five #stories#, whichever is less.

(e) Maximum #building# height and tower size

The maximum #residential# tower size provisions of paragraph ~~(c)(4) of Section 62-341~~

paragraph (d) of Section 62-343 shall not apply. For the purposes of this paragraph (e), any portion of a #building# that exceeds a height of 55 feet or five #stories#, whichever is less, shall be considered a tower. #Buildings# with tower portions fronting on Edgewater Street shall not exceed a height of 120 feet above the #base plane#, and the ~~or 12 #stories#, whichever is less. The~~ height of any other #building# with tower portions shall not exceed a height of 110 feet above the #base plane#~~, or 11 #stories#, whichever is less~~.

Each #story# within a tower portion of a #building# shall not exceed a gross area of 10,000 square feet up to a height of 90 feet or nine #stories#, whichever is less, and each #story# above a height of 90 feet ~~or nine #stories#, whichever is less~~, shall not exceed a gross area equal to 90 percent of that #story# directly below it ~~of 8,100 square feet~~. All #stories# within the tower portions of #buildings# shall be bounded on all sides by open areas on the #zoning lot#. For #zoning lots# with three or more #buildings#, no more than two #buildings# shall contain towers.

~~(f)~~ ~~#Floor area# distribution~~

~~The provisions of paragraph (c)(3) of Section 62-341 shall not apply.~~

~~(g)~~(f) #Street wall# articulation facing #shore public walkways#

The provisions of paragraph ~~(c)(5) of Section 62-341~~ (d)(1) of Section 62-343 shall apply. In addition, for portions of #buildings# fronting on a #shore public walkway# with an #aggregate width of street wall# greater than 200 feet, such #street walls# shall provide a recess at least five feet deep and 55 feet wide, unobstructed from the lowest level of the #building# to the sky. In no event shall a #street wall# extend along a #shore public walkway# for a distance greater than 130 feet without providing such a recess. Furthermore, above the height of the second #story#, such #street walls# shall provide at least one additional recess with a minimum depth of five feet and a minimum width or, where applicable, an aggregate width, of at least 40 feet.

116-624
Ground floor regulations

[UPDATING CROSS REFERENCES]

~~(h)~~ ~~Streetscape provisions~~

The underlying #ground floor level# streetscape provisions set forth in ~~of paragraph (c)(6) of Section 62-341~~ Section 62-351 (Ground floor streetscape) shall not apply. In lieu thereof, the following provisions shall apply:

~~(1)~~(a) Lobbies

A #residential# lobby, extending along at least 30 percent of the #aggregate width of street walls# shall be provided, but need not be wider than 35 feet. Transparent

glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two and 10 feet above the level of the adjoining grade.

A lobby to a #commercial# or #community facility use# shall have a minimum width of 20 feet. Transparent glazing materials shall occupy at least 50 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining grade and a height 12 feet above the level of the first finished floor.

In the event of a conflict between the provisions of this paragraph (h)(1) and the construction standards of the Federal government or Appendix G of the New York City Building Code, the requirements of this paragraph shall not apply.

~~(2)~~(b) Parking garage wall treatment

For any level within a #building# where #accessory# off-street parking is provided, such parking shall be screened from the #street line# or #waterfront public access area# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement. Such required wall treatment may be interrupted by vehicular or pedestrian entrances. In addition to the wall treatment, the screening requirements of Section 62-655 (Planting and trees) shall apply.

For #buildings# with #street walls# that are more than 50 feet in width and located within 50 feet of a #waterfront public access area# or #street#, at least 70 percent of the width of such #street walls# shall contain #floor area# at the first #story# located completely above the #base plane#.

* * *

Appendix A
Stapleton Waterfront District Plan

* * *

Map 3. Mandatory Front Building Wall Lines

[UPDATED MAP TO COME]

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Long Island City Mixed Use District

117-00
GENERAL PURPOSES

* * *

117-06
Applicability of the Mandatory Inclusionary Housing Program

[REMOVING REFERENCES TO INCLUSIONARY HOUSING DESIGNATED AREAS PER PROPOSAL]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, ~~#Inclusionary Housing designated areas# and~~ #Mandatory Inclusionary Housing areas# within the #Special Long Island City Mixed Use District# are shown on the maps in APPENDIX F of this Resolution.

* * *

117-20
SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS

* * *

117-23
Street Wall Location in Certain Designated Districts

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

R6B M1-4/R6A M1-4/R7A M1-5/R8A M1-4/R6B M1-5/R7X

~~In the districts indicated, the #street wall# of any #building# containing #residences# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet. Recesses, not to exceed three feet in depth from the #street line#, or eight feet in depth where ramps for the physically disabled are required, shall be permitted on the ground floor where required to provide access to the #building#.~~

In the districts indicated, the #street wall# location provisions of paragraph (a) Section 23-431 shall apply. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet. ~~Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.~~

117-30
SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

117-31
Special Bulk Regulations

[THE SECTION NUMBER REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~All #street walls# shall be built coincident with the #street line#.~~ For C1 or C2 Districts, the #street wall# location provisions of paragraph (a) Section 35-631 shall apply.

117-40
COURT SQUARE SUBDISTRICT

* * *

117-42
Special Bulk and Use Regulations in the Court Square Subdistrict

* * *

117-421
Special bulk regulations

* * *

(b) The following provisions shall not apply within the Court Square Subdistrict:

[UPDATING CROSS REFERENCE]

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

Section 34-23 (Modification of and Open Area Yard Regulations).

* * *

117-50
QUEENS PLAZA SUBDISTRICT

* * *

117-52
Queens Plaza Subdistrict Special Bulk Regulations

117-521
General provisions

[ALIGNING WITH REGULATIONS OF ARTICLE XII, CHAPTER 3]

~~All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.~~

~~In Areas A-1, A-2, B, C and D of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and #community facility uses# in a #building or other structure# in accordance with the regulations of the designated M1 District, except as modified in the special #bulk# regulations of Sections 117-522 through 117-533, inclusive.~~

~~When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.~~

In Areas A-1, A-2, B, C and D of the Queens Plaza Subdistrict, the provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified in Section 117-52 (Queens Plaza Subdistrict Special Bulk Regulations), inclusive.

117-522
Floor area regulations

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING]

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0 C, M, CF or R
B	8.0 C, M, CF or R
C	5.0 C, M, CF or R
D	15.0 C or M 10.0 CF 8.0 R

C = Commercial
M = Manufacturing
CF = Community Facility
R = Residential

However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 9.6 in Areas B and D, and 6.0 in Area 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).~~

~~**117-523**~~
~~**Lot coverage and open space ratio requirements**~~

[REMOVING TO ALIGN WITH UNDERLYING LOT COVERAGE PROVISIONS]

~~(a) #Lot coverage# requirements for #residential buildings#~~

~~In the Queens Plaza Subdistrict, where the designated #Residence District# is an R7 or R9 District, the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts), regulating minimum required #open space ratios#, and maximum #floor area ratios#, shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #Quality Housing buildings#, shall comply with the #lot coverage# requirements set forth for the designated district in Section 23-153 (For Quality Housing buildings).~~

~~Where the designated district is an R7-3 District, the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.~~

~~(b)~~ ~~#Lot coverage# and #open space ratio# requirements for #mixed use buildings#~~

~~#Lot coverage# and #open space ratio# requirements shall not apply to any portion of a #mixed use building# in the Queens Plaza Subdistrict.~~

~~117-524~~
117-523
Floor area bonuses ~~for a public plaza or arcade~~

[RELOCATING FROM SECTION 117-522]

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

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).

~~117-525~~
117-524
Special yard regulations

The #yard# regulations of the underlying districts shall apply, except as specified in this Section.

~~(a)~~ ~~#Mixed use buildings#~~

[REMOVING PARALLEL PROVISION IN ARTICLE XII, CHAPTER 3]

~~For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such~~

~~#rear yard#.~~

~~(b)~~(a) #Manufacturing# or #commercial buildings#

The #rear yard# provisions of the designated M1 District ~~shall apply, except that such #rear yard# provisions~~ shall not apply to #manufacturing# or #commercial buildings# on #through lots#.

~~(c)~~(b) #Zoning lots# adjacent to the Sunnyside Yard

On a #zoning lot# sharing a #lot line# with the Sunnyside Yard, no #yards# are required for any #building# within a distance of 100 feet from the shared #lot line#.

~~(d)~~(c) For #zoning lots# occupying an entire #block#

No #rear yard# or #rear yard equivalent# shall be required for a #zoning lot# occupying an entire #block#.

117-53
Height and Setback and Street Wall Location Regulations

[UPDATING CROSS REFERENCE]

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections ~~23-62~~ 23-41 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

117-531
Street wall location

(a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, ~~the #street wall# of a #building# shall be located on the #street line# and extend along the entire width of the #street frontage# of the #zoning lot# and rise without setbacks up~~ the #street wall# provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply, except that the #street wall# shall extend to at least the applicable minimum base height specified in the table in Section 117-532 (Setback regulations for buildings that exceed the maximum base height), or the height of the #building#, whichever is less. ~~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#.~~

(b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, ~~the #street wall# of a #building# shall extend along the entire width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.~~ the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the #street wall# shall extend along the entire width of the #narrow street# frontage.

Beyond 100 feet of the intersection of a #wide street#, ~~#street walls# shall extend along at least 70 percent of the width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.~~ the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply.

~~Beyond 50 feet of the intersection of a #wide street#, all #street walls# required pursuant to this paragraph (b) shall be located within eight feet of the #street line#.~~

~~(c) On a #wide street# above the ground floor level, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, in compliance with #outer court# regulations.~~

~~(d) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet.~~

~~(e)~~(c) In the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) ~~through (d)~~ and (b) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section ~~117-554~~ 117-553 (Mandatory sidewalk widening design requirements), and located adjacent to a public sidewalk or mandatory sidewalk widening.

~~(f)~~(d) For any #building# fronting on Queens Plaza South in Area A-1, Area B or Area D, as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.

~~(g)~~(e) For any #building# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back five feet from the #street line# only upon certification of the Chairperson of the City Planning

Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #building#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

117-532
Setback regulations for buildings that exceed the maximum base height

[ALIGNING WITH PROPOSAL]

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

(a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, 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#~~, except such dimensions may include the depth of any permitted recesses in the #street wall#~~. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

Area	Minimum Base Height	Maximum Base Height
A-1	60	—
A-2	60	150
B and D	100	150
C*	60	100

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

(b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).

~~(c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, 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 this Section.~~

* * *

117-55
Mandatory Plan Elements for the Queens Plaza Subdistrict

117-551
General provisions

[UPDATING CROSS REFERENCES; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~Within the Queens Plaza Subdistrict, the provisions of Section 117-552 (Central refuse storage area) shall apply to any #development#, #enlargement#, alteration or change of #use#, except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed under Use Groups IV(B), IX or X.~~

The provisions of Sections ~~117-553~~ 117-552 (Mandatory sidewalk widening) and ~~117-554~~ 117-553 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

~~**117-552**~~
~~**Central refuse storage area**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~The provisions of Section 28-12 (Refuse Storage and Disposal) shall apply.~~

~~**117-553**~~
117-552
Mandatory sidewalk widening

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

* * *

~~**117-554**~~
117-553
Mandatory sidewalk widening design requirements

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

* * *

117-60
DUTCH KILLS SUBDISTRICT

* * *

117-63
Special Bulk Regulations in the Designated Districts

[REMOVING OBSOLETE REFERENCE]

Maximum #floor area ratio#~~, #lot coverage#~~ and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 ~~through 117-633, inclusive~~ and 117-632, respectively.

117-631
Floor area ratio ~~and lot coverage~~ modifications

(a) Floor space used for #accessory# off-street parking spaces

In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

~~(b) Maximum #floor area ratio# and #lot coverage# for #residential uses#~~

[REMOVING TO APPLY THE PROVISIONS OF ARTICLE XII, CHAPTER 3]

~~(1) M1-2/R5B designated district~~

~~The maximum #floor area ratio# for #residential use# shall be 1.65.~~

~~The maximum #lot coverage# for the #residential# portion of a #building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.~~

~~(2) M1-3/R7X designated district~~

~~(i) Inclusionary Housing Program~~

~~Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

~~(ii)~~ ~~Maximum #floor area ratio#~~

~~Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0, as set forth in Section 23-154 (Inclusionary Housing), through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.~~

~~(c)~~(b) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to #referenced commercial and manufacturing uses#.

117-632
Street wall location

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

In the Dutch Kills Subdistrict, ~~the #street wall# of any #residential# or #mixed use building# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#.~~ the #street wall# location provisions of paragraph (a) of Section 23-431 shall apply. However, ~~For #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.~~

~~**117-633**~~
~~**Maximum street wall height**~~

~~In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.~~

~~**117-634**~~
~~**Maximum building height for mixed use buildings in designated R5 Districts**~~

~~The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:~~

~~(a) in designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;~~

~~(b) in designated R5D Districts, no #building or other structure# shall exceed a height of 45 feet within 25 feet of a #street line#.~~

117-64
Special Parking Regulations

[REMOVING REFERENCES THAT NO LONGER APPLY]

The provisions of Section 123-70 (PARKING AND LOADING) and the underlying #accessory# off-street parking and loading regulations for the designated district are modified, as follows:

* * *

(b) #Residential uses#

~~(1) The provisions of Section 25-241 (Reduced requirements) shall not apply in the designated M1-3/R7X District.~~

~~(2) In the applicable designated #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:~~

~~(i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section 25-26 shall only apply to #zoning lots# existing both on October 7, 2008, and on the date of application for a building permit.~~

~~(ii) for all #developments# or #enlargements# in the designated M1-3/R7X District, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.~~

~~(3)~~ Where the designated district is ~~a~~ an M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) shall not apply.

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 8
Special Union Square District

* * *

118-20
BULK REGULATIONS

118-21
Floor Area Regulations

The maximum #floor area ratio# permitted on property bounded by:

[APPLYING FAR PROVISIONS OF QUALIFYING AFFORDABLE AND SENIOR HOUSING]

(a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0~~;~~. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 9.6; and

(b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 12.

The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

~~**118-22**~~
~~**Residential Density Regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING DENSITY REGULATIONS]

~~The density regulations of Section 23-20 shall not apply. Instead, for every 750 square feet of #residential# #floor area# permitted on a #zoning lot#, there shall be no more than one #dwelling unit#.~~

~~However, the conversion of non-#residential buildings# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).~~

~~**118-30**~~
~~**STREET WALL, HEIGHT AND SETBACK REGULATIONS**~~

118-22
Street Wall Regulations

[ALIGNING STREET WALL REGUALTIONS WITH UNDERLYING RULES AND RELOCATING HEIGHT PROVISIONS TO SECTION 118-23]

~~The location and height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). However, if a #development# or #enlargement# is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development# or #enlargement# shall be located neither closer to nor further from the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.~~

The height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). In addition, the following provisions shall apply:

(a) The #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply to all #street walls# except that when a #prevailing street wall frontage# exists, the line-up provisions of paragraph (a) of Section 23-431 (Street wall location requirements) shall apply. For the purposes of applying #street wall# location regulations, all streets shall be considered as #wide streets#.

(b) #Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section ~~118-50~~ 118-30 (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

#Street wall# recesses are also permitted below the level of the second #story# ceiling for #building# or store entrances only.

~~A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet.~~

~~No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any~~

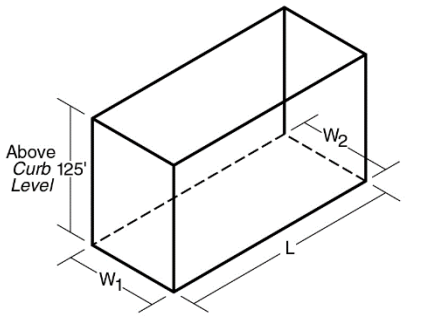
~~portion of a #building# located within 100 feet of a #street line# opposite a #public park#.~~

~~However, #energy infrastructure equipment# and accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.~~

~~118-31~~
~~Modification of Street Wall Requirements~~

~~(a)~~(c) On a #zoning lot# where there is an existing #building# to remain, the requirements governing height and location of #street walls# shall not apply within a volume defined by the rear wall of the existing #building# (W_2), the #front lot line# (W_1), the prolongations of the side walls (L) and a height of 125 feet above #curb level#

If, after January 10, 1985, any demolition or destruction occurs within the volume defined, the requirements governing #street wall# height shall apply.



L - Sidewall and prolongation of existing *building*
W_1 - *Front lot line*
W_2 - Rear wall of existing *building*

EXISTING BUILDING VOLUME FOR
MODIFICATION OF STREET WALL REQUIREMENTS

~~(b)~~(d) The City Planning Commission may authorize modifications in the required #street wall# location if the Commission finds that the 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#, #enlargement# or alteration in a manner prescribed in paragraph ~~(a)~~(c) of this Section.

118-23
Height and Setback Regulations

[RELOCATING FROM SECTION 118-30 AND MODIFYING]

A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet. No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#. In addition, #energy infrastructure equipment# and accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42 (Permitted Obstructions).

For #qualifying affordable housing# or #qualifying senior housing#, the height and setback provisions of Section 35-652 (Maximum height of buildings and setback regulations) may be applied as an alternative as follows:

(a) above a height of 125 feet above #curb level# or 85 feet on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street#, a setback pursuant to the provisions of Section 23-433 (Standard setback regulations) shall apply;

(b) the maximum #building# height provisions of C6-3A District shall apply to #zoning lots# subject to the provisions of paragraph (a) of Section 118-21 (Floor Area Regulations);

(c) the maximum #building# height provisions of C6-4A District shall apply to #zoning lots# subject to the provisions of paragraph (b) of Section 118-21; and

(d) permitted obstructions pursuant to Section 35-61 shall apply.

~~**118-40**~~
118-30
OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

[UPDATING SECTION NUMBER; BASELINE REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

Appendix A
UNION SQUARE DISTRICT PLAN

~~#Street walls# shall be coincident with #street lines#.~~

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Hillsides Preservation District

119-00
GENERAL PURPOSES

The "Special Hillsides Preservation District" (hereinafter also referred to as the "Special 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 special purposes:

(a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;

(b) to preserve hillsides having unique aesthetic value to the public;

(c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and

(d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

119-01
Definitions

[UPDATING FORMAT OF TWO FORMULAS]

* * *

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where:

S - average percent of slope

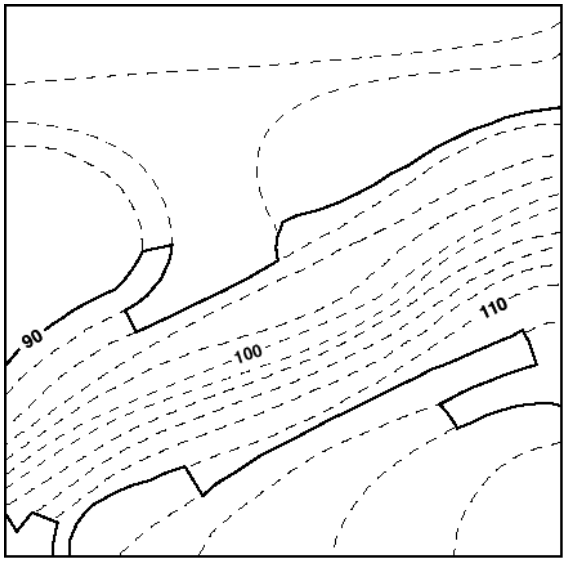
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured above. A 25 percent slope, on a map with two-foot contour intervals, is indicated by

contour lines which are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

* * *

119-20
PROVISIONS REGULATING TIER II SITES

* * *

119-21
Tier II Requirements

119-211
Lot coverage, floor area and density regulations

[UPDATING CROSS REFERENCES]

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable ~~requirements of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) or 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit) and 33-10 (FLOOR AREA REGULATIONS)~~ #floor area ratio# or #lot coverage# regulations of the applicable district. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#						
#Average Percent of Slope#						R6: 1-2	

	R1	R2	R3	R4	R5	Family	R6: Other
10—14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15—19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20—24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a ~~#zoning lot# or~~ portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT OR PORTION OF A ZONING LOT WITH A STEEP SLOPE, BY ZONING DISTRICT AND RESIDENCE TYPE

#Residence District#						
R1	R2	R3	R4	R5	R6: 1-2 Family	R6: Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillsides Preservation District) and is located in a #Commercial District#.

119-212
Height and setback regulations

[ALIGNING WITH PROPOSAL]

The underlying height and setback regulations ~~set forth in Sections 23-63 23-45 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 34-24 (Modification of Height and Setback Regulations), 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent) and 35-63 (Basic Height and Setback Modifications) shall not apply to #buildings or other structures# on #Tier II sites# within the #Special Hillsides Preservation District#. In lieu thereof, the height and setback regulations set forth in this Section shall apply.~~ shall be modified by the provisions of this Section.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10 (DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III
MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District# *	Maximum Height above #Base Plane# (in feet)
R1 R2 R3 ~~R4**~~	36 ~~feet~~
R4	45
R5~~**~~	60 ~~feet~~
R6	70 ~~feet~~

* or #Residence District# equivalent when the #zoning lot# is located within a #Commercial District#

~~**~~ ~~#buildings# that utilize the regulations of Section 23-143, applying to a #predominantly built-up area#, shall not exceed a maximum height of 32 feet above the #base plane#.~~

* * *

119-214
Tier II requirements for driveways and private roads

[UPDATING CROSS REFERENCES]

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after December 11, 1999. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply. However, the provisions of Sections ~~26-31 through 26-34~~ 26-23 (Yards), 26-31 (Entrances, Parking Location and Curb Cuts) and 26-32 (Lighting, Signage and Crosswalks) shall apply for #private roads# in #lower density growth management areas#.

* * *

(b) #Private roads#

(1) the maximum grade of a #private road# shall not exceed 10 percent;

(2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

(3) the paved width of a #private road# shall not exceed 30 feet;

(4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;

(5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;

(6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;

(7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;

(8) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section; and

(9) for the purposes of applying the #yard# regulations of Section ~~26-31~~ 26-23, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety shall be a condition precedent for any modification or waiver.

* * *

119-22
Tier II Submission Requirements

[REFORMATTING CROSS REFERENCE]

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

* * *

(g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:

(1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;

(2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;

(3) construction fences meeting the requirements of paragraph (b) of Section 119-217~~, paragraph (b),~~ shall be erected around all vegetation proposed for retention; and

(4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Garment Center District

* * *

121-10
SPECIAL USE REGULATIONS

* * *

121-11
Transient Hotels and Offices

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section 74-152 (In Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory# #uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

In Subdistrict A-2, any #development# or #enlargement# that includes #uses# listed under Offices in Use Group VII, #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

121-12
C6-4M Districts in Subdistrict A-2

[REMOVING OBSOLETE PROVISIONS PER MODIFICATIONS IN THE UNDERLYING RULES; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

~~(a) For #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section 15-20 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential# #floor area# to #residences#. In lieu thereof, Section 15-10 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and~~

~~(b)~~(a) ~~for~~ For #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential# #floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.

~~(c)~~(b) The following #uses# shall be allowed:

From Use Group IX

All #uses# listed under Use Group IX(A) that are permitted in a C8 District

From Use Group X

All #uses# listed under Use Group X that are permitted in a C8 District.

121-13
M1-6 District in Subdistrict A-1

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In the M1-6 District located within Subdistrict A-1, #uses# listed under Use Groups IV(B), IX and X shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-21 (Modifications to M1 ~~use regulations~~ Use Regulations), inclusive.

* * *

121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

* * *

121-41
Maximum Permitted Floor Area Within Subdistrict A-2

[ALIGNING WITH FLOOR AREA PROVISIONS OF SUBDISTRICTS C AND D IN THE SPECIAL HUDSON YARDS DISTRICT]

The basic maximum #floor area ratio# of a #zoning lot# containing non-#residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5~~, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential# #floor area ratio# shall be 12.0.~~ as follows:

(a) The #residential# #floor area# may be increased to a maximum of 12.0 where the following are met:

(1) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing# ; and

(2) a #floor area# increase or transfer equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 or 93-32.

(b) For the #conversion# to #dwelling units# of non-#residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

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). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or ~~Section 93-23~~ the provisions of paragraph (a) of this Section, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

121-42
Height of Street Walls and Maximum Building Height Within Subdistrict A-2

(a) Height of #street walls#

~~The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to~~

~~remain. Such #street wall# shall rise without setback~~ The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that the #street wall# shall extend to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

(1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#; or

(2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph (a).

(b) Maximum #building# height

[UPDATING CROSS REFERENCE]

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of ~~Sections~~ Section 33-45 (Tower Regulations) or ~~35-64 (Special Tower Regulations for Mixed Buildings)~~ paragraph (d) of Section 35-632 (Maximum height of buildings and setback regulations), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and

(2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure

plane# and the height limit of 250 feet. In addition, a dormer~~, as listed in paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.~~ shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special Grand Concourse Preservation District

* * *

122-30
SPECIAL BULK REGULATIONS

[REMOVING REFERENCES TO ARTICLE II, CHAPTER 8,
PER MODIFICATIONS TO UNDERLYING CHAPTERS]

In order to preserve the scale and character of the Grand Concourse, the #bulk# regulations of the underlying R8 District and the C1 or C2 Districts mapped within such R8 District shall be inapplicable to any #residential# or #community facility# #developments# or #enlargements# located within the Special District.

In lieu thereof, such #developments# or #enlargements# shall comply with the #bulk# regulations of an R8X District, or C1 or C2 District mapped within an R8X District, as applicable~~, including Article II, Chapter 8~~.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the height, #lot coverage# and #floor area# of the #commercial# #development# shall not exceed the height, #lot coverage# and #floor area# of the #building# it replaced. However, if a #residential# or #community facility building# is constructed on any Commercial Infill Site or when such sites become a part of the adjoining #zoning lot#, it shall be subject to the R8X District regulations. No #mixed buildings# or #enlargement# of existing #buildings# shall be permitted on any Commercial Infill Sites.

* * *

~~**122-50**~~
~~**SPECIAL PROVISIONS FOR PLANTING STRIPS**~~

[REDUNDANT WITH UNDERLYING PLANTING RULES IN 23-60]

~~For #developments# or #enlargements#, there shall be a strip of continuous planting at grade of not less than three feet in width along the entire front wall of such #development# or such #building# that is #enlarged#. In the event a #building# is constructed within three feet of the #street line#, the owner of the #building# shall apply to the Bureau of Highway Operations for permission to locate a portion of such planting strips on a public sidewalk within the #street~~

~~line#. A copy of such application shall be submitted with the new building application when filed at the Department of Buildings. Such sidewalk planting requirement may be waived by the Department of Buildings only upon receipt of written disapproval by the Department of Transportation.~~

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use District

* * *

123-30
SUPPLEMENTARY USE REGULATIONS

123-31
Provisions Regulating Location of Uses in Mixed Use Buildings

[UPDATING CROSS REFERENCE; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

(a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;

(b) location of #commercial# or #manufacturing uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to ~~paragraph (a) of Section 123-67 (Residential Conversion), or~~ ~~were previously so #converted# pursuant to~~ Article I, Chapter 5 (Residential Conversion Within Existing Buildings)<u>, as modified in Section 123-67 (Residential Conversion)</u>; or

(c) location of #commercial# or #manufacturing# #uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that:

(1) no access exists between such #uses# at any level containing #dwelling units#; and

(2) the environmental requirements set forth in Section 32-423 shall be met where #commercial# or #manufacturing# #uses# are located above any #story# containing #dwelling units#.

* * *

123-60
SPECIAL BULK REGULATIONS

123-61
General Provisions

[UPDATING CROSS REFERENCES]

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#~~, and the #bulk# regulations set forth in paragraph (a) of Section 24-013 (Special provisions for certain community facility uses) shall apply to #buildings#, or portions thereof, containing #long-term care facilities#~~. The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#.

Exceptions to the applicability of such underlying #bulk# regulations are set forth in ~~Sections 123-60 through 123-66~~ Section 123-60 (SPECIAL BULK REGULATIONS), inclusive. ~~Where, pursuant to paragraph (a) of Section 24-013, #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, the exceptions to the underlying #bulk# regulations set forth in this Chapter applicable to #affordable independent residences for seniors# shall also apply to #long-term care facilities#.~~

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

123-62
Special Floor Area Regulations

~~**123-62**~~
123-621
Maximum Floor Area Ratio for Community Facilities

[RENUMBERING SECTION; REMOVING OBSOLETE PROVISIONS COVERED BY UNDERLYING PROVISIONS; RELOCATING LOT COVERAGE PROVISION TO SECTION 123-63]

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article

IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive. ~~#Lot coverage# requirements shall not apply.~~

On #waterfront blocks#, as defined in Section 62-11, the provisions of 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply.

~~When the designated district is an R7-3 District, the maximum #floor area ratio# for a #community facility use# shall be 5.0.~~

~~When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.~~

~~The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.~~

~~123-63~~
123-622
Maximum Floor Area Ratio ~~and Lot Coverage Requirements~~ for Zoning Lots Containing Only Residential Buildings ~~in R6, R7, R8 and R9 Districts~~

[RENUMBERING SECTION; ALIGNING FLOOR AREA PROVISIONS WITH UNDERLYING]

~~Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.~~

~~Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.~~

~~Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.~~

~~The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-~~

~~11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.~~

~~However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in~~ APPENDIX F ~~of this Resolution.~~

~~#Special Mixed Use District#~~	~~Designated #Residence District#~~
~~MX 1 - Community District 1, The Bronx~~	~~R6A R7D~~
~~MX 2 - Community District 2, Brooklyn~~	~~R7A R8A R8X~~
~~MX 4 - Community District 3, Brooklyn~~	~~R6A~~
~~MX 8 - Community District 1, Brooklyn~~	~~R6 R6A R6B R7A R7D~~
~~MX 11 - Community District 6, Brooklyn~~	~~R7-2~~
~~MX 13 - Community District 1, The Bronx~~	~~R6A R7A R7X R8A~~
~~MX 14 - Community District 6, The Bronx~~	~~R7A R7X~~
~~MX 16 - Community Districts 5 and 16, Brooklyn~~	~~R6A R7A R7D R8A~~
~~MX 18 - Community District 1, The Bronx~~	~~R7X~~
~~MX 19 - Community District 16, Brooklyn~~	~~R6A R7A~~
~~MX 20 - Community District 8, Brooklyn~~	~~R7A~~
~~MX 22 - Community District 4, Brooklyn~~	~~R7D~~
~~MX 23 - Community District 1, Queens~~	~~R6A R7A~~
~~MX 24 - Community District 1, Queens~~	~~R6A R7-3 R7X R9 R9-1~~
~~MX 25 - Community District 6, Brooklyn~~	~~R6B~~

Where the designated #Residence District# is an R3, R4 or R5 District, the #floor area# regulations of Section 23-21 (Floor Area Regulations for R1 Through R5 Districts), inclusive, applicable to such #Residence District# shall apply except that, where located within the #Greater Transit Zone#, the #floor area# regulations for R5 Districts on #qualifying residential sites# shall apply.

Where the designated #Residence District# is an R6 through R12 District, the #floor area# regulations of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts), inclusive, applicable to such #Residence District# shall apply, except that where such designated district is an R6 through R9 District without a letter suffix, #height factor buildings# shall not be permitted.

~~**123-64**~~
123-623
Maximum Floor Area Ratio ~~and Lot Coverage Requirements~~ for Zoning Lots Containing Mixed Use Buildings

[RENUMBERING SECTION;
ALIGNING FLOOR AREA PROVISIONS WITH UNDERLYING REGULATIONS]

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

~~Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 23-14, inclusive, in accordance with the designated #Residence District#.~~

~~Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 123-63, in accordance with the designated #Residence District#.~~

The maximum #floor area ratio# permitted for #residential uses# shall be the maximum #floor area ratio# permitted in Section 123-63 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings).

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever

permits the greatest amount of #floor area#.

However, where the #Residence District# designation is an R3, R4 or R5 District, the maximum total #floor area# in a #mixed use building# shall be the greater of the maximum #floor area ratio# for non-residential #uses# permitted by the designated M1 District, or the following:

(i) 1.50 for R3 Districts;

(ii) 2.00 for R4 Districts; and

(iii) 2.50 for R5 Districts, and all #qualifying residential sites# in the #Greater Transit Zone#.

~~However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing 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, inclusive.~~

~~(b) #Lot coverage# requirements~~

~~#Lot coverage# requirements shall not apply.~~

(b) Floor area bonus for a public plaza or arcade

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section 62-11, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

~~123-641~~
~~Floor area bonus for a public plaza or arcade in connection with mixed use buildings~~

[RELOCATING TO PARAGRAPH (B) OF SECTION 123-64]

~~Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any~~

~~given #public plaza# or #arcade# shall be counted only once in determining a bonus.~~

~~However, on #waterfront blocks#, as defined in Section 62-11, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.~~

~~**123-65**~~
~~**Special Yard Regulations**~~

123-63
Special Yard and Lot Coverage Regulations

[RELOCATING YARD AND LOT COVERAGE PROVISIONS FROM SECTIONS 123-62, 123-64 AND 123-65]

~~**123-651**~~
123-631
Special yard regulations ~~for residential buildings~~

In #Special Mixed Use Districts#, the following yard regulations shall apply:

(a) #Residential buildings#

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of ~~eight~~ five feet.

(b) #Mixed use buildings#

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of five feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than five feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

(c) Special regulations applying on #waterfront blocks#

On #waterfront blocks#, as defined in Section 62-11, the #rear yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of paragraph (b) shall apply.

~~**123-652**~~
~~**Special yard regulations for mixed use buildings**~~

[RELOCATING TO SECTION 123-631 AND MODIFYING]

~~No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.~~

~~**123-653**~~
~~**Special yard regulations applying on waterfront blocks**~~

[RELOCATING TO SECTION 123-631 AND MODIFYING]

~~On #waterfront blocks#, as defined in Section 62-11, the #rear yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section 123-652 shall apply.~~

~~**123-654**~~
~~**Special provisions applying along district boundaries**~~

[RELOCATING TO SECTION 123-631]

~~Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.~~

~~**123-655**~~
~~**Special permitted obstructions in required yards or rear yard equivalents for affordable independent residences for seniors**~~

[REMOVING DUPLICATE PROVISIONS IN UNDERLYING REGULATIONS]

~~A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residents 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 #Special Mixed Use Districts# with R6 through R10 District designations, 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#.~~

123-632
Special lot coverage regulations

[RELOCATING PROVISIONS FROM SECTIONS 123-62 AND 123-64]

Except for #zoning lots# containing only #residential buildings#, no maximum #lot coverage# requirements shall apply.

~~**123-66**~~
123-64
Special Height and Setback Regulations in Special Mixed Use Districts with R3, R4, or R5 District designations

[RELOCATING PROVISIONS TO SECTION 123-642, AND MODIFYING]

~~The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.~~

~~In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 shall apply.~~

~~In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section 123-663 (Special rules for certain districts in certain Special Mixed Use Districts).~~

~~For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, 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 this Chapter.~~

Where the #Residence District# designation is an R3, R4 or R5 District, 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. For all #qualifying residential sites# in the #Greater Transit Zone#, the height and setback provisions applicable to an R5 District shall apply.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R3	20	35	45
R4	20	35	55
R5	20	45	65

Permitted obstructions shall be permitted pursuant to Sections 23-41, 24-51 or 43-42. In addition, for #all buildings or other structures#, a dormer may be provided in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts)

The height of all #buildings or other structures# shall be measured from the #base plane#.

~~**123-661**~~
~~**Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations**~~

[RELOCATING PROVISIONS TO SECTION 123-642 AND MODIFYING]

~~In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections 23-62, 24-51 and 43-42 (Permitted Obstructions) shall apply to any #mixed use building#.~~

~~**123-662**~~
~~**All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**~~

[RELOCATING PROVISIONS TO SECTION 123-642 AND MODIFYING]

~~In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.~~

~~(a) Medium and high density non-contextual districts~~

~~In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.~~

~~TABLE A~~
~~HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS~~

~~District~~	~~Maximum Base Height (in feet)~~	~~Maximum #Building# Height (in feet)~~
~~R6~~	~~60~~	~~110~~
~~R7-1 R7-2~~	~~60~~	~~135~~
~~R7-3~~	~~85~~	~~185~~
~~R8~~	~~85~~	~~210~~
~~R9~~	~~85~~	~~225~~
~~R9-1~~	~~90~~	~~280~~
~~R10~~	~~110~~	~~350~~

~~(b) Medium and high density contextual districts~~

~~In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall~~

~~be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. 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 within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#.~~

~~(c) Permitted obstructions and dormer provisions~~

~~Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section 23-621.~~

~~However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.~~

123-65
Special Height and Setback Regulations in Special Mixed Use Districts with R6 through R12 District designations

[INSERTING NEW]

Where the designated #Residence District# is an R6 through R12 District, the #street wall# location of a #building# shall be as set forth in 123-651, and the height and setback regulations of a #building or other structure# shall be as set forth in Section 123-652.

Permitted obstructions shall be permitted pursuant to Sections 23-41, 24-51 or 43-42. In addition, for #all buildings or other structures#, a dormer may be provided in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts)

The height of all #buildings or other structures# shall be measured from the #base plane#.

123-651
Street wall location for all buildings

[ADDING NEW SECTION;

ALIGNING STREET WALL PROVISIONS WITH OTHER DISTRICTS]

Where the designated #Residence District# is an R6 through R12 District, 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 Section 123-642 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. The provisions of this Section may be modified pursuant to Section 23-437 (Additional height and setback provisions).

(a) Percentage-based rules

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 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#;

(b) Modifications along certain frontages

Notwithstanding the provisions of paragraphs (a) 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 that occupy an entire #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, or the height of the #building#, whichever is less;

(c) 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) or (b) of this Section, provided that 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.

123-652
Special base and building heights

[RELOCATING HEIGHT PROVISIONS FROM SECTIONS 123-661 AND 123-662 AND MODIFYING]

Where the designated #Residence District# is an R6 through R12 District, the following shall apply.

(a) Districts with a letter suffix

Where the designated #Residence District# is an R6 through R12 District with a letter suffix, the minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section 23-432 (Basic height and setback requirements) 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 (Standard setback regulations).

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 (Height and setback modifications for affordable or senior housing) for the applicable #Residence District#.

(b) Districts without a letter suffix

Where the designated #Residence District# is an R6 through R12 District without a letter suffix, 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.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
R6-2	30	55	95

R6 R6-1	40	65	125
R7-1 R7-2	40	85	155
R7-3	60	105	185
R8	60	105	215
R8[1]	60	125	255
R9	60	135	285
R9-1	60	155	315
R10	60	155	355
R11	60	155	405
R12	60	115	495

[1] for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

In addition, the maximum #building# heights pursuant to Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts) may be increased by 25 percent, provided that the gross area of each #story# located above the maximum #building# height does not exceed 90 percent of the gross area of that #story# directly below it.

~~**123-663**~~
123-66
Special rules for certain districts in certain Special Mixed Use Districts

[RENUMBERING SECTION AND UPDATING CROSS-REFERENCE;
REMOVING DUPLICATE PROVISIONS COVERED BY UNDERLYING REGULATIONS]

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height

and setback regulations of ~~paragraphs (a) and (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations)~~ Sections 123-63 or 123-64 shall be modified as follows:

~~(a) In R8X Districts within #Special Mixed Use District# 2:~~,

~~(1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#; and~~.

~~(2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.~~

~~(b)~~(a) In R7-2 Districts within #Special Mixed Use District# 15~~:~~ the #street wall# location provisions of Section 123-641 shall be modified as follows:

~~(1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;~~

~~(2)~~ at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and

(3) ~~existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.~~

~~(c)~~(b) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.

(c) On #waterfront blocks#, as defined in Section 62-11, the height and setback regulations

of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply.

123-67
Residential Conversion

[RENUMBERING SECTION;
REMOVING TO ALIGN WITH MODIFIED PROVISIONS OF ARTICLE I, CHAPTER 5]

~~(a) The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.~~

~~In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections 15-11, 15-12 and 15-30, paragraph (b).~~

~~#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential uses#, shall not be subject to the provisions of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings).~~

~~For the purposes of applying paragraph (a) of Section 15-111 to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.~~

~~(b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential# #development#.~~

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall apply to #conversions# in #buildings# existing on December 10, 1997.

123-70
PARKING AND LOADING

* * *

123-72
Residential and Community Facility Uses

[UPDATING CROSS-REFERENCE]

For #residences# and #community facility# #uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5,

shall apply, except that:

(a) the provisions of Section 25-50 (RESTRICTIONS ON ~~LOCATION OF~~ ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and

(b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages), 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and 44-48 (Parking Lot Landscaping) shall apply.

* * *

Article XII - Special Purpose Districts

Chapter 4
Special Willets Point District

* * *

124-20
BULK REGULATIONS

* * *

124-21
Floor Area Regulations

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE HOUSING OR QUALIFYING SENIOR HOUSING]

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential floor area ratio# shall be 2.4.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

(a) Within Area A, as shown on Map 1 in the Appendix of this Chapter:

(1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.

(2) For #zoning lots# less than 28 acres:

(i) north of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.

(ii) south of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.

(b) Within Area B, as shown on Map 1:

(1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum

#commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.

(2) For #zoning lots# less than 33 acres:

(i) north of the centerline of the present or former 34th Avenue, the #floor area ratio# shall not exceed 2.0.

(ii) south of the centerline of the present or former 34th Avenue, and north and west of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.

(iii) south and east of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.

(c) Within Areas A and B, the maximum #residential floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be a #floor area ratio# equal to 120 percent of the maximum total #floor area ratios# established in paragraph (a) or (b) of this Section.

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special Southern Hunters Point District

* * *

125-20
FLOOR AREA REGULATIONS

125-21
East River Subdistrict

[ALIGNING WITH PROPOSAL]

In the East River Subdistrict, the basic maximum #residential# #floor area ratio# shall be as set forth in the following table~~, and no #floor area# bonuses shall apply~~. On Parcels B, C, and F, the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in Section 23-222 (Floor area regulations for affordable or senior housing) for 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).

Parcel	Maximum #Floor Area#
A	12.0
B	10.0
C	10.5
D	12.0
E	12.0
F	10.0
G	12.0

125-22
Newtown Creek Subdistrict

[ALIGNING WITH PROPOSAL]

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be ~~2.75~~ 3.15, and may

be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from ~~2.75~~ 3.15 to a maximum permitted #floor area ratio# of ~~3.75~~ 4.15, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Sections 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for ~~Inclusionary Housing~~ #qualifying affordable housing # or #qualifying senior housing#

~~(1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.~~

~~(2)~~ In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from ~~3.75~~ 4.15 to a maximum #floor area ratio# of 5.0 through the provision of ~~#affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING),~~ #qualifying affordable housing# or #qualifying senior housing#. ~~except that:~~

~~(i) the height and setback regulations of Section 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) or Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and~~

~~(ii) the provisions of Section 23-96 (Requirements for Generating Sites or MIH Sites) shall be modified to require that in the event the #affordable housing# is not located within the same Community District as the #compensated zoning lot#, it shall be located within a one-half mile radius of the #compensated zoning lot# in an adjacent Community District in the Borough of Queens.~~

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall ~~not apply, except as set forth in this Section. In lieu thereof, the height and setback regulations of~~ be modified by the provisions of this Section, inclusive~~, shall apply~~. All heights shall be measured from the #base plane#.

125-31
~~Rooftop Regulations~~
Permitted Obstructions

[REVISING TITLE; ALIGNING WITH PROPOSAL]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers ~~may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623 (Permitted obstructions in certain districts)~~ provided in accordance with paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall be a permitted obstruction in a required setback.

125-32
Balconies

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies ~~are~~ shall be permitted ~~provided that at least 50 percent of the perimeter of the balcony is bounded by #building# walls, exclusive of parapet walls.~~ in accordance with the provisions of Section 23-62.

125-33
Required Street Walls

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

(a) #Street wall# location

~~All #street walls# of #buildings# shall be located on #street lines# of #zoning lots# as shown on Map 3 (Street Wall Location) in Appendix A of this Chapter. For the purposes of applying the height and setback regulations of this Section, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered to be a #wide street line#.~~ The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that the #street walls# shall extend up to the minimum base height specified in paragraph (b), as applicable, or the height of the #building#, whichever is

less. For the purposes of applying such #street wall# location provisions, all #streets# shall be considered #wide streets#.

Additionally, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered a #wide# #street line#.

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 Feet) in Appendix A of this Chapter.

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights Other Than 70 Feet) in Appendix A of this Chapter.

~~(d) Recesses~~

~~Recesses, not to exceed three feet in depth, shall be permitted on the ground floor where required to provide access to the #building#, and recesses, not to exceed five feet in depth, shall be permitted on the ground floor where required to provide access to utilities. Above the height of the second #story# or 30 feet above adjoining grade, whichever is greater, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#.~~

~~(e)~~(d) Required setbacks and maximum #building# heights

* * *

125-34
Towers

[MODIFYING TOWER REGS TO ALIGN WITH PROPOSAL]

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

(a) Tower location and maximum tower height

All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas), in Appendix A of this Chapter. The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the #stories# entirely within 40 feet of the highest roof level of the #building# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of ~~80 percent~~ 90 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, 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# facing each tower face. Required setback areas may overlap.~~

(b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be ~~95~~ 100 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

(c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section 125-33, up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback. The underlying dormer provisions of Section 23-413(b)(1) (Permitted obstructions in certain districts) shall be superseded by this Section for tower portions of buildings.

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Flushing Waterfront District

127-00
GENERAL PURPOSES

* * *

127-05
Applicability of District Regulations

~~**127-051**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING TO ALIGN WITH UNDERLYING RULES]

~~Within Subdistrict A and Subdistrict B, any #building# containing #residences#, or any #building# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (Quality Housing) shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**127-052**~~
127-051
Applicability of the Mandatory Inclusionary Housing Program

[REMOVING REFERENCES TO
INCLUSIONARY HOUSING DESIGNATED AREAS PER PROPOSAL]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Flushing Waterfront District# are shown in APPENDIX F (~~Inclusionary Housing Designated Areas and~~ Mandatory Inclusionary Housing Areas) of this Resolution.

~~**127-053**~~
127-052

Applicability of Article VI, Chapter 1

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

~~**127-054**~~
127-053
Applicability of Article VI, Chapter 2

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

~~**127-055**~~
127-054
Applicability of Article VI, Chapter 4

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

~~**127-056**~~
127-055
Applicability of Article XII, Chapter 3

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

127-20
SPECIAL BULK REGULATIONS

* * *

127-21
Special Floor Area Regulations

[UPDATING CROSS REFERENCES AND ALIGNING RESIDENTIAL FLOOR AREA PROVISIONS WITH UNDERLYING REGULATIONS]

The #floor area# provisions of Section 62-32 ~~(Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks)~~ (Floor Area Regulations on Waterfront Blocks) and applicable regulations shall apply except as modified in this Section, inclusive.

(a) Floor space for accessory off-street parking

The #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(b) Special floor area regulations for mixed use districts

For M1 Districts paired with a #Residence District#, located inside a #Mandatory Inclusionary Housing area#, ~~the applicable maximum #floor area ratio# provisions of paragraph (d) of Section 23-154 (Inclusionary Housing) or Section 23-155 (Affordable independent residences for seniors) shall apply to all #residential uses#. In addition~~, the maximum #floor area ratio# shall be 4.8 for #community facility# #uses#, 3.0 for #commercial# #uses# and 3.0 for #manufacturing# #uses#.

127-22
Special Yard Regulations

[UPDATING CROSS-REFERENCES; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

On #waterfront zoning lots#, the #waterfront yard# provisions of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks) ~~and grading requirements of paragraph (a) of Section 64-82 (Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor)~~ shall apply, except as modified as follows:

(a) for all #waterfront zoning lots#, as defined in Section 62-11 (Definitions), whose #developments# are comprised #predominantly#, as defined in Section 62-11, of #uses# in listed under Use Groups IV(B), IX or X, a #waterfront yard#, as also defined in Section 62-11, shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards); and

(b) the grading requirements of ~~paragraph (a) of Section 64-82~~ paragraph (b) of Section 62-332 (Rear yards and waterfront yards) may be modified pursuant to a certification by the Chairperson of the City Planning Commission as set forth in Section 127-61 (Certification for Interim Grading Conditions).

On #zoning lots# that are not #waterfront zoning lots#, no #yard# regulations shall apply.

127-23
Special Height and Setback Regulations

[UPDATING CROSS REFERENCE]

The height and setback provisions of ~~paragraphs (a)(4) of Section 62-341 (Developments on land and platforms) shall apply except as modified in Section 127-231 (Permitted obstructions). The remaining provisions of Section 62-341 shall be superseded~~ Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified by the provisions of this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#, except where modified by specific provisions of this Section, inclusive, or by the provisions of Article VI, Chapter 4.

Sidewalk widenings shall be provided along specified #street# frontages and at specified depths as set forth on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter. Such sidewalk widening shall be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining sidewalk.

127-231
Permitted obstructions

[UPDATING CROSS REFERENCES]

The permitted obstruction provisions of ~~paragraph (a)(4) of Section 62-341 (Developments on land and platforms)~~ paragraph (c) of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified as follows:

(a) the applicable dormer provisions ~~of paragraph (a)(4)(i) of Section 62-341~~ shall be modified pursuant to the provisions of paragraph (c)(1) of Section 127-233 (Base heights and setback regulations);

(b) the penthouse regulations of ~~paragraph (a)(4)(ii) of Section 62-341~~ paragraph (c)(1) of Section 62-34 shall not apply; and

(c) the maximum height of any permitted obstructions shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section 127-236 (Certification to modify maximum height of building or other structure).

127-232
Street wall location regulations

[MODIFYING TO ALIGN STREET WALLS WITH PROPOSAL]

Along #street# frontages where a sidewalk widening is required pursuant to Map 3 in the Appendix to this Chapter, the #street wall# location requirements of this Section shall apply from the interior boundary of such sidewalk widening.

(a) Along primary #street# frontages

The #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the #street wall# shall ~~Along primary #street# frontages, as shown on Map 3, at least 60 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and~~ rise to at least the minimum base height as specified in Section 127-233 (Base heights and setback regulations), or the height of the building, whichever is lower. ~~The remaining #aggregate width of street walls# may be located either within eight feet of the #street line# or beyond eight feet of the #street line#.~~ The requirements of this paragraph shall not apply to the portion of a #building# adjacent to the major portion of a publicly accessible area, as specified in Section 127-43 (Publicly Accessible Area).

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, #street walls# may be located at any distance from the #street line#.

~~(c) Along all #street# frontages~~

~~Along both primary and secondary #street# frontages, recesses shall be permitted at the ground floor level as follows:~~

~~(1) recesses up to three feet in depth from the #street wall# shall be permitted at any distance from the #street line# to provide access to the #building#; and~~

~~(2) recesses that exceed a depth of three feet from the #street wall# shall be permitted, provided that such recesses are not deeper than 10 feet and have a height of at least 15 feet, as measured from the adjacent sidewalk level to the ceiling of such ground floor recess.~~

127-233
Base heights and setback regulations

[UPDATING CROSS-REFERENCES;
ALIGNING DORMER PROVISIONS WITH UNDERLYING RULES]

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter, the following shall apply:

(1) The minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 105 feet along College Point Boulevard and 75 feet along all other primary #street# frontages.

(2) Along Type 1 primary #street# frontages, at a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of ~~paragraph (c)(2) of Section 23-662 (Maximum height of buildings and setback regulations)~~ paragraph (a) of Section 23-433 (Standard setback regulations). However, where a sidewalk widening is required pursuant to this Section, as indicated on Map 4 (Waterfront Access Plan: Parcel Designation), the minimum depth of the required setback above the maximum base height may be reduced to five feet, as measured from the #street wall# ; and

(ii) 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 of less than seven feet, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level.

(3) Along Type 2 primary #street# frontages, a #building# may rise without any setback above the maximum base height.

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, the following shall apply:

* * *

(2) Along other secondary #street# frontages, the minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 75 feet. However, along secondary #street# frontages facing an #upland connection# with a width of less than 30 feet pursuant to the applicable provisions of paragraph (a) of Section 127-532 (Upland connections), the minimum base height shall be 15 feet. At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of ~~paragraph (c)(2) of Section 23-662 (Maximum height of buildings and setback regulations)~~ paragraph (a) of Section 23-433 (Standard setback regulations). However, where a sidewalk widening is required pursuant to this Section, as specified on Map 3, the portion of a #building# located above the maximum base height need not set back more than 10 feet from the #street line#, provided such #building# portion

meets the requirements of paragraph (d) of Section 127-234 (Tower regulations), as applicable; and

* * *

(c) Additional allowances along all #street# frontages

(1) Within a required setback area, dormers ~~and projections~~ provided in accordance with the provisions of paragraph (b)(1) of Section 23-413, shall be considered permitted obstructions, ~~and shall be permitted as follows:~~ provided that:

(i) ~~The aggregate #street wall# width of all dormers and projections combined shall not exceed 50 percent of the #aggregate width of street wall# of the #story# below the required setback. Any projection deeper than five feet shall be considered a dormer.~~ the height of such dormers does not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#; and

(ii) ~~The aggregate #street wall# width of dormers shall not exceed 30 percent of the #aggregate width of street wall# of the #story# below the required setback. The height of such dormers shall not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#. No~~ no dormers shall be permitted along #street walls# fronting on the #shore public walkway#.

* * *

127-234
Tower regulations

[MODIFYING TOWER REGULATIONS TO ALIGN WITH PROPOSAL]

For the purposes of applying the provisions of this Section, a "tower" shall be any portion of a #building or other structure# that is located above the maximum base height. Such portion of a #building or other structure# shall be subject to the following requirements:

(a) Maximum tower widths

* * *

(b) Tower top regulations

For all #zoning lots# in Subdistrict A, and for each portion of a #zoning lot# in Subdistrict B, bounded entirely by #streets#, as such term is defined in Section 127-20, the following requirements shall apply:

(1) Where two or more towers are provided and any portion of such towers exceeds 175 feet, ~~the following shall apply:~~

~~(i) the gross area of the highest two #stories# of at least one tower shall not exceed 80 percent of the gross area of the #story# immediately below such #stories#; or~~

~~(ii)~~ a height difference of at least 20 feet, or two #stories#, whichever is less, shall be provided between such towers.

(2) Where ~~only one tower is provided and the aggregate portions of such~~ any portion of a tower exceeds ~~above~~ 175 feet ~~exceeds a gross area of 15,000 square feet, the gross area of~~ the highest two #stories# shall not exceed ~~80~~ 90 percent of the gross area of the #story# immediately below such #stories#.

* * *

127-30
SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

[UPDATING CROSSREFERENCES]

Within the #Special Flushing Waterfront District#, the applicable parking and loading regulations set forth in Article III, Chapter 6, Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), Article VI, Chapter 4 ~~(Special Regulations Applicable to Certain Areas)~~(Special Regulations Applying in Flood Zones), and Article XII, Chapter 3 (Special Mixed Use District) shall apply, inclusive, except as modified in this Section. For the purpose of applying the provisions of this Section, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, as specified in Section 127-42 (Publicly Accessible Private Streets), shall be considered #streets# and their boundaries shall be considered a #street line#.

127-31
Accessory Off-street Parking Regulations

[REMOVING REFERENCE TO RESIDENTIAL PARKING REQUIREMENT; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The underlying parking regulations shall be modified as follows:

(a) In M1 Districts paired with a #Residence District# in Subdistrict A, the following shall apply:

(1) #Commercial# and #manufacturing uses# shall provide either one parking space for every 1,000 square feet of #floor area#, or shall provide parking spaces at the rate required for M1-2 Districts pursuant to Section 44-21 (General Provisions), whichever requires a smaller number of spaces.

In addition, the provisions of Sections 44-232 (Waiver of Requirements for Spaces Below Minimum Number) and 44-231 (Exceptions to application of waiver provisions) shall not apply to #manufacturing uses#. In lieu thereof, #accessory# off-street parking spaces may be waived for #manufacturing# and #commercial# #uses# if the number of spaces for all applicable uses is at or below 40 spaces.

(2) ~~#Residential# and #community facility uses#~~ <u>#Community facility uses#</u> shall be subject to the parking requirements of R7-1 Districts, as set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations).

(b) In C4-2 Districts within Subdistricts B and C, the parking requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

* * *

Article XII - Special Purpose Districts

Chapter 8
Special St. George District

128-00
GENERAL PURPOSES

* * *

128-05
Applicability of District Regulations

* * *

~~**128-052**~~
~~**Applicability of Article I, Chapter 5**~~

[REMOVING TO ALIGN WITH UNDERLYING CONVERSION PROVISIONS]

~~The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special St. George District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings).~~

~~**128-053**~~
128-052
Applicability of Article III, Chapter 6

[UPDATING SECTION NUMBER]

* * *

~~**128-054**~~
128-053
Applicability of Article VI, Chapter 2

[UPDATING SECTION NUMBER]

* * *

~~**128-055**~~
128-054
Applicability of Article VII, Chapter 4

[UPDATING SECTION NUMBER AND CROSS-REFERENCES]

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

Section 74-512 (In other Districts)

~~Section 74-68 (Development Within or Over a Right-of-way or Yards)~~

Section ~~74-86~~ 74-84 (Certain large retail establishments).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on the maps in the Appendix to this Chapter, under application numbers C130317ZSR or C130318ZSR, as applicable, has been approved:

C000012ZSR

C000013ZSR

C000014ZSR

C000016(A)ZSR

128-055
Applicability of Article VII, Chapter 5

[ADDING REFERENCE TO SECTIONS 75-22 AND 75-41 PER RESTRICTIONS IN SECTION 128-054 AND CHANGES TO ARTICLE VII, CHAPTER 4]

Within the North Waterfront Subdistrict of the #Special St. George District#, the following authorization by the City Planning Commission and certification shall not apply:

Section 75-22 (Developments on Lots Over Four Acres that include Railroad Right-of-Ways)

Section 75-41 (Developments On or Over Railroad Right-of-Ways and on Lots Under Four Acres that Include Certain Railroad Right-of-Ways)

~~**128-056**~~

~~**Applicability of the Quality Housing Program**~~

[REMOVING REFERENCES TO QUALITY HOUSING PROGRAM, PER PROPOSAL]

~~In C4-2 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 (Quality Housing Program) shall not apply. In lieu thereof, the #bulk# regulations of this Chapter shall apply. However, where any of the Quality Housing Program elements set forth in Article II, Chapter 8 (The Quality Housing Program) are provided, the associated #floor area# exemption shall apply.~~

~~In C2-4 Districts mapped within R6 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 shall apply.~~

~~In R7-3 Districts, the Quality Housing Program shall apply. For the purposes of applying such regulations, #buildings# constructed pursuant to the #bulk# regulations of this Chapter shall be considered #Quality Housing buildings#, and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8.~~

~~For the purposes of applying the Quality Housing Program elements set forth in Article II, Chapter 8 to C2-4 Districts mapped within R6 Districts and to R7-3 Districts, the elements set forth in Sections 28-23 (Planting Areas) and 28-40 (Parking for Quality Housing) shall be superseded by the planting and parking location provisions of this Chapter.~~

* * *

128-20
FLOOR AREA~~, LOT COVERAGE~~ AND YARD REGULATIONS

[REVISING TITLE; ADDING REFERENCE TO UNDERLYING FLOOR AREA REGS]

The underlying #floor area ratio# and #yard# regulations shall apply, except as modified pursuant to the provisions of this Section, inclusive.

128-21
Maximum Floor Area Ratio

[REORGANIZING PROVISION AND APPLYING FLOOR AREA RULES FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING;
BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a ##street# designated on Map 2 in~~

~~the Appendix to this Chapter, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.~~

~~In R7-3 Districts, the maximum #floor area ratio# for any #use# within a #Mandatory Inclusionary Housing area# shall be 6.0.~~

In C4-2 Districts within the Upland Subdistrict, the maximum #floor area ratio# shall be modified as follows:

(a) for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 2.64. No #floor area# bonuses shall apply; or

(b) for all other #zoning lots#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 4.08. No #floor area# bonuses shall apply.

~~128-22~~
~~Maximum Lot Coverage~~

[REMOVING TO ALIGN WITH UNDERLYING LOT COVERAGE PROVISIONS]

~~In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential# #building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 100 percent for a #corner lot#.~~

~~128-23~~ 128-22
Rear Yard Equivalents

[UPDATING SECTION NUMBER]

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots#, or the #through lot# portion of a #zoning lot#, are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged#, pursuant to Section 128-35.

128-30

HEIGHT AND SETBACK REGULATIONS

[CLARIFYING APPLICABILITY OF UNDERLYING PROVISIONS]

~~The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict, except in C2-4 Districts mapped within R6 Districts, where the underlying height and setback regulations shall apply.~~

~~In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.~~

~~The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. In R7-3 Districts, all #buildings or other structures# shall comply with the height and setback regulations of this Section, inclusive.~~

In the Upland Subdistrict, underlying height and setback regulations shall apply, except as modified except as modified pursuant to the provisions of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

(a) in the South Waterfront Subdistrict, ~~rooftop regulations shall be as modified in Section 128-31 (Rooftop Regulations)~~ permitted obstructions shall be allowed pursuant to Section 128-31 (Permitted Obstructions); and

(b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street# frontages, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

128-31
~~Rooftop Regulations~~
Permitted Obstructions

[UPDATING CROSS-REFERENCE]

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that

dormers may penetrate a maximum base height in accordance with the provisions of ~~paragraph (c) of Section 23-623 (Permitted obstructions in certain districts)~~ paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts). However, where towers are provided in accordance with Section 128-35 (Towers), the allowance in paragraph .

128-32
Street Wall Location

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT; ALIGNING STREET WALLS WITH PROPOSAL]

~~The following #street wall# regulations shall apply in C1-2 Districts mapped within R3-2 Districts and in C4-2 Districts within the Upland Subdistrict. In R7-3 Districts, no #street wall# location provisions shall apply.~~

The following #street wall# location provisions shall apply:

(a) #Street walls# along designated #streets#

For #street walls# fronting #streets# designated on Map 2 in the Appendix to this Chapter, ~~the #street wall# shall extend along at least 70 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #street#, or sidewalk widening line, whichever is applicable.~~ the #street wall# location provisions of paragraph (b) Section 35-631 shall apply.

(b) #Street walls# along other #streets#

For #street walls# fronting other #streets#, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

~~In C4-2 Districts within the Upland Subdistrict, such~~ Such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

128-33
Maximum Base Height

[CONDOLIDATING BASE AND BUILDING HEIGHT PROVISIONS FROM SECTIONS 128-32, 128-33 AND 128-34]

~~In C4-2 Districts within the Upland Subdistrict, the~~ The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. ~~Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35.~~ When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. At a height not lower than the minimum base height, and not higher than the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

~~In R7-3 Districts, the maximum base height shall be 75 feet.~~

~~In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.~~

~~In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.~~

128-34
Maximum Building Height

[RELOCATING AND CONSOLIDATING WITH PROVISIONS IN SECTION 138-33]

~~In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 128-35 (Towers), the maximum height of a #building or other structure# and the maximum number of #stories#, as applicable, shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for a residential equivalent of an R6 District. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However, on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.~~

After the required setback, a #building# may rise to the maximum #building# height set forth in Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, for the applicable #residential equivalent#. However, in C4-2 Districts, towers shall be permitted as an alternative to such maximum #building# height, where provided in accordance with the provisions of Section 128-35 (Towers).

~~In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 128-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the~~

~~applicable maximum base height. Where a maximum base height of 65 feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots# #developed# or #enlarged# pursuant to the tower provisions of Section 128-35.~~

~~In R7-3 Districts, the maximum height of a #building or other structure# shall be 185 feet or 18 #stories#, whichever is lower. The tower provisions of Section 128-35 shall not apply.~~

128-35
Towers

[MODIFYING TOWER REGULATIONS TO ALIGN WITH PROPOSAL]

~~The~~ In C4-2 Districts, tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building# #developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall comply with the following ~~be constructed as either a point tower or a broad tower, as follows~~:

~~(a) Point tower~~

~~(1) Tower #lot coverage# and maximum length~~

~~Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.~~

~~(2) Tower top articulation~~

~~The highest three #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 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 (a)(2), 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# facing each tower face. Required setback areas may overlap.~~

(a) Maximum footprint

Each #story# located entirely above the maximum base height shall not exceed a gross area of 10,000 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet.

~~(b)~~ ~~Broad tower~~

~~Each #story# located entirely above a height of 75 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 75 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 75 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.~~

(b) Tower top articulation

The highest three #stories# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 90 percent of the #story# immediately below such #stories#.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a ~~#building#~~ tower facing the #shoreline# ~~that is entirely above a height of 75 feet~~ shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a ~~#building# that exceeds a height of 70 feet~~ tower shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 ~~fet~~ feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

~~All portions of a #building# that exceed the applicable maximum base height set forth in Section 128-33 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up~~ The underlying setback provisions may be modified as follows: up to 50 percent of the #street wall# of the tower portion of the #building# ~~located above a height of 75 feet~~ need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide# #street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow# #street line# or sidewalk widening line, where applicable. On frontages where such allowance is taken, no dormers shall be permitted.

(g) Tower exclusion areas

No ~~#building or other structure# may exceed a height of 75 feet~~ towers shall be permitted within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

128-40
MANDATORY IMPROVEMENTS

* * *

~~**128-42**~~
~~**Planting Areas**~~

[REMOVING TO ALIGN WITH UNDERLYING RULES]

~~The entire area of the #zoning lot# between the #street line# or sidewalk widening line, where applicable, 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 #commercial# #uses# 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.~~

~~**128-43**~~
128-42
Visual Corridors in the North Waterfront Subdistrict

[UPDATING SECTION NUMBER; TEXT UNCHANGED]

* * *

128-50
PARKING REGULATIONS

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

128-51
Required Off-street Parking and Loading

[REMOVING PARKING REQUIREMENTS FOR DWELLING UNITS PER PROPOSAL; BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In the #Special St. George District#, the following modifications to underlying parking and loading regulations shall apply:

~~(a) In C4-2 Districts, the following special regulations shall apply~~:

~~(1) #Residential uses#~~

~~One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings# #converted# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), except that 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) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.~~

~~(2) #Commercial# #uses#~~

~~For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that grocery and convenience retailers listed under Use Group VI with 2,500 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for #uses# subject to PRC-B or PRC-F off-street parking requirements, the requirements of a C4-2 District shall apply.~~

~~(3) #Community facility use#~~

~~For ambulatory diagnostic or treatment health care facilities listed under Use Group III, the off-street parking requirements of a C4-3 District shall apply.~~

~~(b) In R7-3 Districts, the parking and loading regulations of an R7-2 District shall apply, except as modified by Sections 128-52 (Special Floor Area Regulations) through 128-56 (Curb Cuts on Commercial Streets).~~

~~(c) In C2-4 Districts mapped within R6 Districts, the underlying regulations shall apply, except as modified by Sections 128-52 through 128-56.~~

In C4-2 Districts:

(a) For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that grocery and convenience retailers listed under Use Group VI with 2,500 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for #uses# subject to PRC-B or PRC-F off-street parking requirements, the requirements of a C4-2 District shall apply.

(b) For ambulatory diagnostic or treatment health care facilities listed under Use Group III, the off-street parking requirements of a C4-3 District shall apply.

* * *

128-61
Special Permit for North Waterfront Sites

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the "Proposed Plans"). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #use# modifications:

(1) #commercial# #uses# listed under Use Group VI, with a size limitation, as denoted in the Use Group table with an "S", may be permitted without size limitation;

(2) #outdoor amusement parks# listed under Use Group VIII may be permitted without size limitation;

(3) #public parking garages# with more than 150 spaces may be permitted;

(4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, may be permitted, provided that:

(i) the applicable findings of Section ~~74-193 (Public parking garages or public parking lots outside high density central areas)~~ 74-51 Public Parking Garages of Public Parking Lots Outside High Density Central Areas) are met by each such temporary public parking facility;

(ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and

(iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;

(b) where such #development# is located partially or entirely ~~within~~ on or over a railroad ~~or transit~~ right-of-way ~~or yard~~ or ~~in #railroad or transit air space#~~ #former railroad right-of-way#:

(1) permit that portion of the ~~railroad or transit right-of-way or yard~~ #railroad right-of-way# which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development#; and

(2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area# and #yards#;

(c) permit #signs# pursuant to a signage plan, subject to the following conditions:

(1) the #sign# regulations of a C4 District, as set forth in Section 32-60, shall apply, except as specifically modified by the conditions set forth in paragraphs (c)(2) through (c)(7), inclusive, of this Section;

(2) #flashing signs# shall not be permitted;

(3) the height of #signs# shall be measured from the #base plane# ;

(4) flags, banners or pennants, other than those that are #advertising signs#, shall be permitted without limitation;

(5) on Parcel 1:

(i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and

(ii) #signs# shall be permitted to be located on the deck of the #railroad right-of-way#, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs# ;

(6) on Parcel 2:

(i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;

(ii) #signs# shall not extend to a height greater than 60 feet above the #base plane# ; and

(iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District, pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

(i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings# ; or

(ii) 250 square feet for #signs# located below the level of the first #story# ceiling

of #buildings#;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

Section 128-11 (Streetscape Regulations);

~~Section 128-42 (Planting Areas);~~

Section 128-54 (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

(1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and

(2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning# #lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

(1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George District# ;

(2) provide a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas, that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;

(3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks# ;

(4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in

a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;

(5) improve public access to the waterfront;

(6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments# ;

(7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on October 30, 2013;

(8) provide adequate parking and loading to meet the demand for all users during peak utilization;

(9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;

(10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;

(11) for a #public parking garage# with more than 150 parking spaces, will ensure that:

(i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;

(ii) adequate reservoir space has been provided at the vehicular entrances; and

(iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(12) for a #development# located partially or entirely on or over ~~within~~ a ~~railroad or transit right-of-way or yard~~ #railroad right-of-way# ~~and/~~or ~~in #railroad or transit air space#, that~~ #former railroad right-of-way#:

(i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such ~~railroad or transit right-of-way or yard~~ #railroad right-of-way#; and

(ii) if such ~~railroad or transit right-of-way or yard~~ #railroad right-of-way# 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#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely ~~within~~ on or over a ~~railroad or transit right-of-way or yard~~ #former railroad right-of-way#, ~~or in #railroad or transit air space#,~~ the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any ~~#railroad or transit air space# or railroad or transit right-of-way or yard~~ #former railroad right-of-way# 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 to indicate whether said agency has any plan to use that portion of any ~~#railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued~~ #former railroad right-of-way#.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Coney Island District

131-00
GENERAL PURPOSES

* * *

131-04
Applicability

~~**131-041**~~
~~**Applicability of Article I, Chapter 5**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS,
AS MODIFIED PER PROPOSAL]

~~The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The change of non-#residential# #floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location Within Buildings)~~.

~~**131-042**~~
131-041
Applicability of Article VI, Chapter 2

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

~~**131-043**~~
131-042
Applicability of Article VII, Chapter 4

[UPDATING SECTION NUMBER;

BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

~~**131-044**~~
131-043
Modification of use and bulk regulations

[UPDATING SECTION NUMBER, TEXT UNCHANGED]

* * *

131-30
FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

* * *

131-32
Coney West, Coney North and Mermaid Avenue Subdistricts

131-321
Special floor area regulations for residential uses

[ADJUSTING PROVISIONS TO ALIGN WITH PROPOSED QUALIFYING AFFORDABLE AND SENIOR HOUSING REGULATIONS]

R7A R7D R7X

~~(a)~~ ~~Applicability of Inclusionary Housing Program~~

~~R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

~~(b)~~(a) Maximum #floor area ratio#

~~The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the table in this Section. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #affordable housing#, pursuant to the provisions for #Inclusionary Housing designated areas#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.~~ The basic #floor area ratios# for #residences# and maximum #floor area ratios# for #qualifying affordable housing# or #qualifying senior housing# are set forth in the table in this

Section. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict/Parcels	Zoning District	~~Base~~ Basic #floor area ratio#	Maximum #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#
Coney West Parcels: A, B, C, D	R7D	~~4.35~~ 4.8	5.8
Coney West Parcels: E, F	R7D	~~4.12~~ 4.6	5.5
Coney North	R7X	~~3.75~~ 4.0	5.0
Mermaid Avenue	R7A	~~3.45~~ 3.8	4.6

~~(c)~~(b) Coney West #floor area# distribution

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

In addition, #floor area# attributable to #block# 7071, lot 130, within Parcel B may be distributed anywhere within Parcels C or D.

~~(d) Height and setback~~

~~For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

* * *

131-40
HEIGHT AND SETBACK REGULATIONS

~~The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply.~~ The underlying height and setback regulations shall apply except as modified in this Section, inclusive. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41
~~Rooftop Regulations~~ Permitted Obstructions

~~The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict~~.

Within the #Special Coney Island District#, 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).

* * *

131-43
Coney West Subdistrict

* * *

131-431
Coney West District, Surf Avenue

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

~~The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.~~

(a) #Street wall# location

~~The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:~~

~~(1) to allow for corner articulation, the #street wall# may be located anywhere~~

~~within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and~~

The #street wall# location provisions of paragraph (a) Section 35-631 shall apply and extend up to minimum base heights as defined in this Section. For the purposes of applying #street wall# location provisions, the Riegelmann Boardwalk shall be considered as a #wide street# and Ocean Way shall be considered a #narrow street#.

~~(2) to~~ To allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section~~.

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least 10 feet. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

Along all other streets, other than Riegelmann Boardwalk

[ALIGNING SECTION WITH UNDERLYING STREET WALL PROVISIONS]

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

(a) #Street wall# location

~~The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#.~~ The #street wall# location provisions of paragraph (b) Section 35-631 shall apply and extend up to base heights as defined in this Section. ~~except that, to~~ To allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire 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 #commercial# #uses# 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.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. ~~Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.~~ All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet~~, except such setback distance may include the depth of any permitted recesses~~. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

* * *

131-44
Coney North Subdistrict

* * *

131-441
Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

~~The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:~~

~~(1) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and~~

The #street wall# location provisions of paragraph (a) Section 35-631 shall apply and extend up to minimum base heights as defined in this Section.

~~(2) to~~ To allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# fronting on Surf Avenue shall rise without setback to a height of 85 feet.

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.~~

All portions of a #building or other structure# that exceed a height of 85 feet shall be set back from the #street line# at least 10 feet, and shall comply with the tower provisions of Section 131-444 (Coney North ~~Towers~~ Subdistrict towers). Such setback

may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-442
Along all other streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

~~The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#.~~ The #street wall# location provisions of paragraph (b) Section 35-631 shall apply and extend up to base heights as defined in the Section. ~~except that, to~~ To allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be recessed 10 feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

* * *

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. ~~Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.~~

All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least 10 feet~~, except such setback distance may include the depth of any permitted recesses~~. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback

regulations).

131-443
Mermaid and Stillwell Avenues

Within 100 feet of Mermaid Avenue and within 100 feet of Stillwell Avenue, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of ~~a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and~~ the underlying district and the #street wall# location provisions of paragraph (a) Section 35-631 shall apply. Except that, the #street wall# shall rise ~~without setback~~ to a minimum height of 40 feet or the height of the #building#, whichever is less.~~, except that:~~

~~(a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and~~

~~(b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.~~

* * *

131-45
Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of ~~a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback~~ of the underlying district and the #street wall# location provisions of paragraph (a) Section 35-631 shall apply. However, the #street wall# shall rise to a minimum base height of 40 feet or the height of the #building#, whichever is less.~~, except that:~~

~~(a) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines# ; and~~

~~(b) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.~~

* * *

131-50
OFF-STREET PARKING AND LOADING REGULATIONS

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

131-51
Amount of Required and Permitted Parking

~~(a)~~ ~~#Residential# and #community facility# parking~~

[REMOVING PARKING REQUIREMENTS FOR RESIDENCES PER PROPOSAL]

~~The underlying regulations shall apply, except that the number of #accessory# off-street parking spaces required pursuant to Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require off-street parking spaces for at least 60 percent of #dwelling units# or #rooming units developed#, under single ownership or control, where group parking facilities are provided.~~

~~(b)~~(a) #Commercial# parking

The underlying regulations shall apply, except that:

(1) For Use Group A #uses#

One off-street parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-street parking spaces per 1,000 square feet of #floor area# shall be provided.

(2) For #transient hotels#

One off-street parking space shall be provided for every six guest rooms or suites.

~~(c)~~(b) Public parking facilities

In accordance with the provisions of Section ~~131-043~~ 131-041 (Applicability of Article VII, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52
Use and Location of Parking Facilities

[REMOVING SPECIAL PROVISIONS FOR PUBLIC USE OF ACCESSORY OFF STREET PARKING SPACES TO ALIGN WITH PROPOSED UNDERLYING RULES]

The following provisions shall apply to all parking facilities:

~~(a)~~ ~~All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupants of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.~~

~~(b)~~(a) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

* * *

~~(c)~~(b) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:

* * *

131-53
Curb Cuts

[UPDATING CROSS REFERENCE]

No curb cuts shall be permitted on Surf Avenue, Wonder Wheel Way or Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section ~~36-58~~ 36-57 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

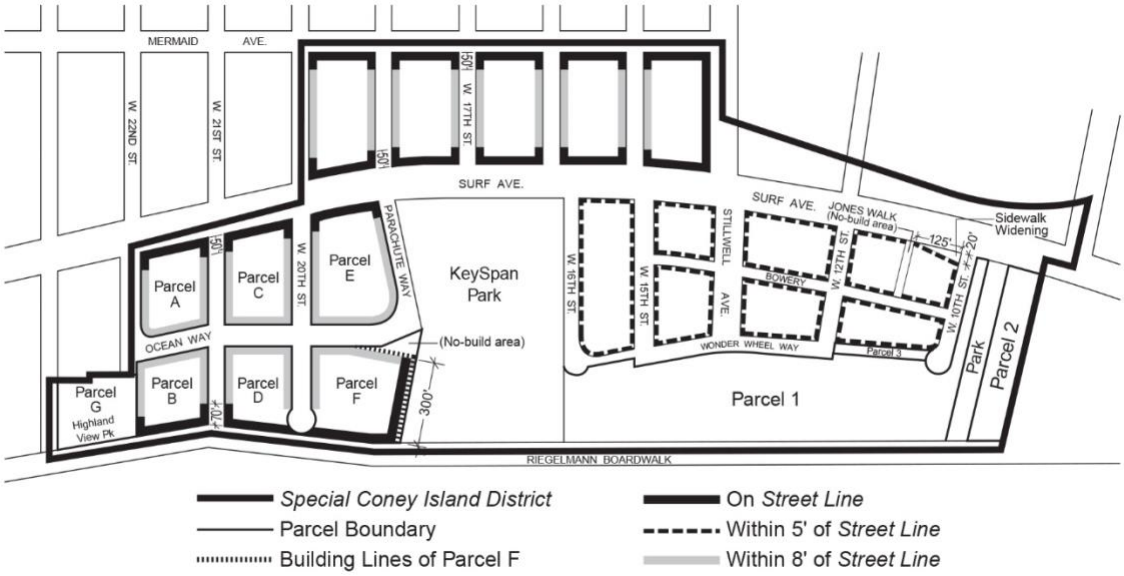
* * *

Appendix A
Coney Island District Plan

* * *

Map 4 - Street Wall Location

[EXISTING MAP SHOWN;
PROPOSED MAP REFLECTING UPDATED STREET WALL REGULATIONS TO COME]


MERMAID AVE.
W 22ND ST.
W 21ST ST.
150'
W 17TH ST.
SURF AVE.
SURF AVE.
JONES WALK (No-build area)
Sidewalk Widening
125'
20'
Parcel A
Parcel C
Parcel E
W 20TH ST.
PARACHUTE WAY
KeySpan Park
OCEAN WAY
(No-build area)
Parcel G
Highland View Pk
Parcel B
Parcel D
Parcel F
70'
300'
W 16TH ST.
W 15TH ST.
STILLWELL AVE.
W 12TH ST.
BOWERY
W 10TH ST.
WONDER WHEEL WAY
Parcel 3
Parcel 1
Park
Parcel 2
RIEGELMANN BOARDWALK
Special Coney Island District
Parcel Boundary
Building Lines of Parcel F
On Street Line
Within 5' of Street Line
Within 8' of Street Line

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Southern Roosevelt Island District

* * *

133-20
SPECIAL BULK REGULATIONS

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

133-21
Floor Area Ratio

[APPLYING UNDERLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE AND SENIOR HOUSING;
BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

~~The #floor area# provisions of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) shall be modified to permit a maximum #residential# #floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for laboratories listed under Use Group VII shall be 3.40.~~

The underlying #floor area# provisions shall apply except that:

(a) the provisions applicable to #height factor buildings#, set forth in Section 23-71 (Special Open Space and Floor Area Ratios for Height Factor Buildings), shall not apply; and

(b) the maximum permitted #floor area ratio# for laboratories listed under Use Group VII shall be 3.40.

133-22
Lot Coverage

[UPDATING CROSS REFERENCES]

~~The #open space ratio# requirements of Section 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts) and the~~ The maximum #lot coverage# requirements of ~~Sections 23-15~~ Section 23-36 (Maximum Lot Coverage) ~~and 24-11 (Maximum Floor Area Ratio and~~

~~Percentage of Lot Coverage)~~ shall not apply. In lieu thereof, all #buildings# shall comply with the following ~~the~~ aggregate #lot coverage# ~~for all #buildings# shall comply with the following~~ requirements:

(a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.

(b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.

(c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.

(d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly accessible areas and #streets#.

133-23
Height and Setback

[CLARIFYING EDIT]

The underlying height and setback regulations ~~of Sections 23-60, 24-50 and 33-40~~ shall apply, except as modified by this Section. All heights shall be measured from the #base plane#.

* * *

133-234
Permitted obstructions

[UPDATING CROSS-REFERENCE]

The underlying permitted obstructions to height and setback allowances as set forth in Sections ~~23-62~~ 23-41, 24-51 and 33-42 (Permitted Obstructions) shall be modified to allow #energy infrastructure equipment# and #accessory# mechanical equipment on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

133-24
Distance Between Buildings

[UPDATING CROSS-REFERENCE]

The requirements of ~~Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-82 (Building Walls Regulated by Minimum Spacing Requirements)~~ Section 23-371 (Distance between buildings) shall not apply, provided that if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings#, shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

* * *

Article XIII - Special Purpose Districts

Chapter 4
Special Governors Island District

134-00
GENERAL PURPOSES

* * *

134-20
SPECIAL BULK REGULATIONS

* * *

134-26
Orientation and Maximum Widths of Upper Portions of Buildings

* * *

134-27
Minimum Distance Between Buildings

[CROSS-REFERENCE UPDATED]

Within the Southern Subdistrict, the requirements of this Section shall apply to all #buildings#.

(a) No separation shall be required between portions of #buildings# that are less than or equal to a height of 75 feet, except as set forth in paragraph (d) of this Section.

However, in the Eastern Subarea, where the total #street wall# width of all #buildings# along a single #street line# exceeds 400 feet along such #street line#, such #buildings# shall be at least 30 feet apart.

(b) Portions of #buildings# located above a height of 75 feet and below 125 feet shall at no point be located less than 60 feet apart.

(c) Portions of #buildings# located at or above a height of 125 feet shall at no point be located less than 90 feet apart.

(d) The regulations of ~~Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS)~~ Section 23-37 (Other Open Area Regulations), inclusive, shall apply to any portion of a #building# containing #residences# or #community facility uses# containing living accommodations with required windows, except where more stringent requirements apply pursuant to paragraphs (a) through (c) of this Section.

* * *

Article XIII - Special Purpose Districts

Chapter 5
Special Bay Street Corridor District

135-00
GENERAL PURPOSES

* * *

135-04
Applicability

* * *

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

[REMOVING OBSOLETE SECTION]

~~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 (The Quality Housing Program).~~

~~**135-043**~~ **135-042**
Applicability of the Mandatory Inclusionary Housing Program

For the purposes of applying the Mandatory Inclusionary Housing Program set forth in ~~Section 23-90~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

~~**135-044**~~ **135-043**
Applicability of Article VI, Chapter 4

[UPDATING SECTION NUMBER]

* * *

~~**135-045**~~ **135-044**
Applicability of Article VI, Chapter 6

[UPDATING SECTION NUMBER]

* * *

~~135-046~~ 135-045
Applicability of this Chapter to certain zoning lots in Subdistrict D

[UPDATING SECTION NUMBER; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

135-10
SPECIAL USE REGULATIONS

* * *

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.~~

The #bulk# regulations of the underlying district shall apply, except as modified by the provisions of this Section, inclusive. #Height factor buildings# shall not be permitted.

135-21
Special Floor Area Regulations

[UPDATING CROSS REFERENCES]

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~~ 27-11.

~~The table 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# listed in Use Group VI, and Column 2 sets forth the maximum #floor area ratio# for offices listed under Use Group VII. 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#.~~

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict as follows.

(a) Column 1 sets forth the maximum #floor area ratio# for #commercial# #uses# listed in Use Group VI;

(b) Column 2 sets forth the maximum #floor area ratio# for offices listed under Use Group VII;

(c) Column 3 sets forth the basic maximum #floor area ratio# for #residences#;

(d) Column 4 sets forth the maximum #residential# #floor area ratio# for #qualifying affordable housing# and #community facility uses#; and

(e) Column 5 sets forth the maximum #floor area ratio# for #qualifying senior housing#.

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#.

MAXIMUM #FLOOR AREA RATIO#

	Column 1	**Column 2**	**Column 3**	**Column 4**	**Column 5**
Subdistrict, or Subarea, as applicable	**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	4.0	3.6	4.0	4.6
B	2.0	3.6	3.0	3.6	3.9
C	2.0	3.0	2.5	3.0	3.25
D1	2.0	2.0	2.5	3.0	3.25
D2	2.0	2.0	2.25	2.75	3.0

E	2.0	2.0	2.0	2.2	2.2
F	2.0	2.0	3.0	3.6	3.9

~~**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**~~ **135-22**
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**~~ **135-23**
Special Street Wall Location Regulations

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

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

(a) Along Bay Street or Prospect Street

Along Bay Street or Prospect 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~~ the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street walls# shall extend up to at least the minimum base height specified in Section ~~135-25~~132-24 (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.

(2) 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~~135-24, such #street wall# shall rise without setback to at least the minimum base height specified in Section ~~135-25~~135-24,.

The underlying allowances for #street wall# articulation set forth in paragraph (d) of Section ~~23-661~~23-431 or paragraph (d) of Section ~~35-651~~ 35-631~~, as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.~~ shall apply.

~~135-25~~ 135-24
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

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

MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS

Subdistrict or Subarea, as applicable	**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	125	~~12~~
B1	40	65	85	125	~~12~~
B2	40	65	N/A	125	~~12~~
C	40	65	N/A	85	~~8~~
D1	40	65	N/A	75	~~7~~
D2	40	65	N/A	65	~~6~~
E	30	45	N/A	55	~~5~~
F	40	65	N/A	85	~~8~~

(b) Required setbacks

[UPDATING REFERENCES]

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), 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#.~~ shall be provided in accordance with Section 23-433 (Standard setback regulations).

~~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 the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict A and Subarea 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~~

[DORMERS PERMITTED IN 23-433]

~~The underlying dormer provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts) 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

[UPDATING TERMINOLOGY]

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant 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.

* * *

(b) Required improvements

All required visual corridors shall be improved as follows:

(1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.

(2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:

* * *

(c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a ~~railroad right-of-way~~ railroad or transit tracks.

135-40
SPECIAL PARKING AND LOADING REGULATIONS

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

* * *

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

~~The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on June 26, 2019, and on the date of application for a building permit.~~

* * *

Article XIII - Special Purpose Districts

Chapter 6
Special Downtown Far Rockaway District

136-00
GENERAL PURPOSES

* * *

~~**136-05**~~
~~**Applicability of District Regulations**~~

~~**136-051**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING OBSOLETE PROVISIONS]

~~R6 R7-1~~

~~In the districts indicated, and in C2 Districts mapped within these districts, 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 (The Quality Housing Program) of this Resolution.~~

~~**136-052**~~ **136-05**
Applicability of the Mandatory Inclusionary Housing Program

[UPDATING SECTION NUMBER]

* * *

136-20
SPECIAL BULK REGULATIONS

[UPDATING FOR TEXT CLARIFICATION]

The ~~#bulk#~~ height and setback regulations of the underlying district shall apply except as modified by the provisions of this Section, inclusive.

~~as modified in Section 136-20, inclusive~~.

~~**136-21**~~
~~**Lot Coverage**~~

[REMOVING TO ALIGN WITH UNDERLYING LOT COVERAGE PROVISIONS]

~~The #residential# portion of a #building# shall comply with the maximum #lot coverage# provisions of the underlying district applicable to #Quality Housing buildings#.~~

~~**136-22**~~
~~**Height and Setback Regulations**~~

~~For #residential buildings#, #mixed buildings# and #commercial buildings#, the height and setback regulations of the underlying district shall be modified by the regulations of Section 136-22, inclusive. The provisions of Sections 23-952 (Height and setback in Mandatory Inclusionary Housing areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply within the #Special Downtown Far Rockaway District#.~~

~~All heights shall be measured from the #base plane#.~~

~~**136-221**~~ **136-21**
Street wall location

[ALIGNING WITH UNDERLYING STREET WALL PROVISIONS]

In C2 Districts, the #street wall# location regulations of the underlying district shall apply except as modified in this Section.

(a) In C2 Districts mapped within R6 and R7-1 Districts, ~~at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and~~ the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street wall# shall extend to at least the minimum base height specified in Section 136-22~~2~~ (Minimum and maximum base height), 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#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.~~

(b) In C2 Districts mapped within R5 Districts, ~~at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and~~ the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street

wall# shall extend to a height of 30 feet, 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#. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall be mandatory on only one #street line#.~~

(c) Below a height of 15 feet or the height of the second #story# floor, whichever is lower, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except recesses that do not exceed a depth of 12 inches.

~~The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a) and (b) of this Section~~.

~~Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.~~

~~136-222~~ 136-22
Minimum and maximum base height

[UPDATING CROSS REFERENCES]

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the minimum and maximum heights before setback of a #street wall# required pursuant to Section ~~136-221~~ 136-21 (Street wall location) shall be as set forth in the following table:

District	Minimum Base Height (feet)	Maximum Base Height (feet)
R6	30	55
R7-1	40	55

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district in 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#. 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.~~ shall be provided in accordance with the provisions of Section 23-443 (Standard setback regulations).

~~136-223~~ 136-23
Maximum building height

[REMOVING UNNECESSARY TEXT]

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the height of a #building or other structure# shall not exceed the maximum height ~~or the maximum number of #stories#, whichever is less, as~~ shown on Map 4 (Maximum Building Height) in the Appendix to this Chapter.

136-30
SPECIAL REGULATIONS WITHIN SUBDISTRICT A

The regulations of Section 136-30, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter. The regulations of the #Special Downtown Far Rockaway District# shall apply, except as modified by the regulations of Section 136-30, inclusive.

136-31
Special Height and Setback Regulations Within Subdistrict A

136-311
Street wall location

[ALIGNING WITH UNDERLYING STREET WALL PROVISIONS]

The provisions of Section ~~136-221~~136-21 (Street wall location) shall apply within Subdistrict A, except as provided in this Section.

(a) For portions of #buildings# or #building segments# with frontage on Redfern Avenue located between the prolongation of the northerly #street line# of Dix Avenue and a line 150 feet south of and parallel to Nameoke Street, the #street wall# location ~~rules of Section 136-221 shall not apply. In lieu thereof, paragraph (b) of Section 23-661 (Street wall location)~~ paragraph (a) Section 23-431 shall apply.

(b) For Street Wall A and Street Wall B, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter, the provisions of Section ~~136-221~~ 136-21 shall not apply. In lieu thereof, the provisions of this Section shall apply.

(1) Street Wall A

#Buildings# on the west side of #Open Space A# shall have a #street wall# located along the required sidewalk widening on Mott Avenue, shown as a line

designated A1 on Map 7, except that #street wall# articulation set forth in paragraph (ed) of Section ~~35-651~~ 35-631 ~~(Street wall location)~~ shall be permitted. Beyond 112 feet of Redfern Avenue, the #street wall# shall be located no closer to Central Avenue than the line designated A2 as shown on Map 7.

(2) Street Wall B

#Street walls# fronting #Open Space A# shall be located no closer to Redfern Avenue than as shown as a line designated B1 on Map 7. The #street walls# of #buildings# on the east side of #Open Space A# with frontage on Mott Avenue shall be located no closer to Mott Avenue than as shown as lines designated B2 and B3 on Map 7. Portions of #street walls# with frontage on Mott Avenue, located so that a line drawn perpendicular to the line designated B3 intersects such #street walls#, shall be located no further than 30 feet from B3. #Street walls# fronting Central Avenue shall be located no closer to Central Avenue than as shown for the line designated B4 on Map 7, and shall be located no further than 30 feet from B4.

(c) For #blocks# with a dimension of less than 100 feet between #streets# or private streets that are parallel or do not intersect, the provisions of Section 136-221 shall be modified to require a minimum of 40 percent of the #aggregate width of street walls# to be located within eight feet of the #street line# and to extend to at least the minimum base height specified in Section 136-22~~2~~ (Minimum and maximum base height), or the height of the #building#, whichever is less.

All #street walls# governed by this Section shall extend to the minimum base height specified in Section 136-313 (Minimum and maximum base height), or the height of the #building#, whichever is less.

* * *

136-313
Minimum and maximum base height

[UPDATING CROSS REFERENCES]

Within Subdistrict A, the provisions of Section ~~136-222~~ 136-22 (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

(a) The minimum and maximum heights before setback of a #street wall# required pursuant to Section ~~136-221~~ 136-21 (Street wall location), shall be as set forth in the following table:

Condition	Minimum Base Height (feet)	Maximum Base Height (feet)	Minimum Setback Depth (feet)
Fronting on, or within 100 feet of, a #street#, other than a private street or publicly accessible open space	40[1]	65	10
Fronting on a private street or a publicly accessible open space and beyond 100 feet of a #street# that is not a private street or publicly accessible open space	40[1]	85	7
Fronting on Redfern Avenue	30[1]	45[2]	10

[1] Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet

[2] The maximum base height for the portion of a #building# subject to the 65 foot or six story maximum height provisions of Section 136-314 shall be 65 feet

(b) Dormers

~~The provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:~~ A dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts), except as follows:

(1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.

(2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to ~~paragraph (c) of Section 23-623~~ paragraph (b)(1)(i) of Section 23-413, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.

(3) Beyond 75 feet of intersecting #streets#, the provisions of ~~paragraph (c) of Section 23-623~~ paragraph (b)(1) of Section 23-413 shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

* * *

136-315
Maximum building height and horizontal dimension for tall buildings

[REMOVING AS NO LONGER NEEDED]

Within the Tower Location Area shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter, the height of a #building# may exceed the height limits specified in Section 136-314 (Maximum building height) only as set forth in this Section. Any portion of a #building# above a height of 125 feet shall hereinafter be referred to as a "tower."

(a) Towers shall be located within portions of #zoning lots# bounded by intersecting #street lines# and lines parallel to and 200 feet from each intersecting #street line#.

(b) Towers shall be separated from one another by a minimum distance of 60 feet, measured in all horizontal directions.

(c) The outermost walls of each #story# of a #building# located entirely above a height of 125 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of such rectangle shall be 170 feet. The maximum length of any other side of such rectangle shall be 100 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 125 feet shall be considered a single tower.

(d) To permit portions of a #building# to rise from grade to a tower portion without setback, the setback provisions of Section 136-313 (Minimum and maximum base height) shall not apply to any portion of a #building# located within 100 feet of intersecting #street lines#.

(e) The maximum height of a tower shall be 155 feet ~~or 15 #stories#, whichever is lower~~.

(f) No more than two towers shall be permitted within Subdistrict A.

* * *

136-322
Sidewalk widening

For #buildings# #developed# or #enlarged# after September 7, 2017, where the #development# or horizontal #enlargement# fronts upon designated #streets# as shown on Map 8 (Sidewalk

Widenings) in the Appendix to this Chapter, the provisions of this Section shall apply.

A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot#, located within the #zoning lot#. A sidewalk widening shall be provided along #streets# as shown on Map 8, to the extent necessary, so that a minimum sidewalk width of 13 feet or 18 feet, as applicable, is achieved, including portions within and beyond the #zoning lot#. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and shall be directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk widening to less than such minimum required depth.

Lighting shall be provided with a minimum level of illumination of not less than two horizontal foot candles throughout the entire mandatory sidewalk widening. Lighting fixtures installed by the Department of Transportation within the #street# adjacent to such sidewalk widening shall be included in the calculation of the required level of illumination.

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 within the #zoning lot# shall be considered to be the #street line# for the purposes of Sections ~~136-22 (Height and Setback Regulations)~~ 136-20 (SPECIAL BULK REGULATIONS), inclusive, and 136-31 (Special Height and Setback Regulations Within Subdistrict A).

* * *

136-40
SPECIAL OFF-STREET PARKING REGULATIONS

136-41
Parking Regulations

[REMOVING OBSOLETE PROVISIONS;
THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The off-street parking regulations shall be modified, as follows:

~~(a) The regulations of Section 25-027 (Applicability of regulations in Community District 14, Queens) shall not apply. In lieu thereof, the regulations of the applicable underlying district shall apply, as modified by the provisions of this Section.~~

~~(b) In a C2 District mapped within an R7-1 District, the regulations of Section 25-251 (Income-restricted housing units) shall be modified to require an #accessory# off-street parking requirement of 25 percent per #income-restricted housing unit#.~~

~~(c)~~(a) For #commercial# #uses# in Parking Requirement Categories PRC-A, PRC-B, PRC-B1 and PRC-C, the provisions of Section 36-21 (General Provisions) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

For ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), the provisions of Sections 25-31 (General Provisions) and 36-21 shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

~~(d)~~(b) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of #accessory# off-street parking spaces required by the provisions of Sections 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS). ~~For such parking spaces located within private streets, the provisions of Section 28-40 (PARKING FOR QUALITY HOUSING) shall not apply.~~

136-50
AUTHORIZATIONS

* * *

136-52
Authorization to Modify Bulk Regulations for Income-Restricted Housing Units

For #developments# or #enlargements# containing only #qualifying affordable housing# or #qualifying senior housing# ~~#income-restricted housing units#, #affordable independent residences for seniors#, or other government-assisted #dwelling units#~~, the City Planning Commission may authorize modifications of:

(a) #yard# regulations;

(b) regulations governing the minimum required distance between #buildings# on the same #zoning lot#, provided that no waiver shall authorize a minimum distance of less than 40 feet; and

(c) regulations governing the minimum required distance between #legally required windows# and walls or #lot lines#~~, provided that no waiver shall authorize a minimum of less than 20 feet between #legally required windows# and walls or #lot lines#~~.

The Commission shall find that such modifications:

(1) will aid in achieving the general purposes and intent of this Chapter as set forth in Section 136-00 (GENERAL PURPOSES);

(2) will provide a better distribution of #bulk# on the #zoning lot#, resulting in a superior site plan, in which the #buildings# subject to this authorization and any associated open areas will relate harmoniously with one another and with adjacent #buildings# and open areas; and

(3) will not unduly increase the #bulk# of any #building# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces.

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

* * *

Article XIII - Special Purpose Districts

Chapter 7
Special Coastal Risk District

137-00
GENERAL PURPOSES

* * *

137-20
SPECIAL USE REGULATIONS

The special #use# regulations of this Section 137-20, inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21
Residential Use

[TEXT ADDED TO MAINTAIN SPECIAL DISTRICT OBJECTIVES]

In #Special Coastal Risk Districts#, #residential uses# shall be permitted as follows:

(a) In #Special Coastal Risk Districts# 1 and 3, #residential uses# shall be limited to #single-family# #detached residences#.

(b) In #Special Coastal Risk District# 2, #residential uses# shall be limited to #single-# or #two-family# #detached residences#.

(c) In #Special Coastal Risk District# 4, #residential uses# shall be permitted as follows:

(1) for #zoning lots# with a #lot area# of less than 3,000 square feet, #residential uses# shall be limited to #detached# or #semi-detached# #single-family residences#; and

(2) for #zoning lots# with a #lot area# of 3,000 square feet or more, #residential uses# shall be limited to #detached# or #semi-detached# #single-# or #two-family residences#.

(d) In #Special Coastal Risk District# 5, #residential uses# shall be permitted as follows:

(1) in R3A and C3A Districts, #residential uses# shall be limited to #single-family detached residences#; and

(2) in R4-1 Districts:

(i) for #zoning lots# with a #lot width# of less than 25 feet, #residential uses# shall be limited to #single-family detached residences#; and

(ii) for #zoning lots# with a #lot width# of 25 feet or more, #residential uses# shall be limited to #single-# or #two-family detached residences#.

(e) In all #Special Coastal Risk Districts#, there shall be no #qualifying residential sites#, #qualifying senior housing# or #ancillary dwelling units#.

The inclusion of #accessory# #residential uses# shall not be precluded by the provisions of this Section.

* * *

137-30
SPECIAL BULK REGULATIONS

The special #bulk# regulations of this Section 137-30, inclusive, shall apply to #buildings# in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-31
Minimum Lot Width

[CROSS-REFERENCE UPDATED]

In #Special Coastal Risk District# 2, the regulations of Section ~~23-32 (Minimum Lot Area or Lot Width for Residences)~~ 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts) are modified such that the minimum #lot width# for a #two-family detached residence# in an R3A District shall be 40 feet.

137-32
Height and Setback Regulations

[CROSS-REFERENCE UPDATED]

In #Special Coastal Risk District# 4, all #detached# or #semi-detached# #single-# or #two-family residences# shall be subject to the height and setback provisions set forth in Section ~~64-333~~ 64-332 (Height and setback regulations for cottage envelope buildings).

* * *

137-50
SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS

[CROSS-REFERENCE UPDATED]

In #Special Coastal Risk District# 3, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) shall not apply.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on April 24, 2017.

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of Section 137-50, inclusive, shall not apply to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section ~~73-71~~ 73-81 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

* * *

Article XIII - Special Purpose Districts

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

* * *

138-04
Applicability

* * *

~~**138-043**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING OBSOLETE PROVISIONS]

~~In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**138-044**~~ **138-043**
Applicability of the Mandatory Inclusionary Housing Program

For the purposes of applying the Mandatory Inclusionary Housing Program set forth in ~~Section 23-90 (INCLUSIONARY HOUSING)~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

* * *

138-20
SPECIAL BULK REGULATIONS

* * *

138-21
Floor Area Regulations

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations

shall apply as modified in this Section, inclusive.

138-211
Special floor area regulations

(a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:

(1) for #zoning lots# providing #qualfiying affordable housing# or #qualifying senior housing#, ~~complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#,~~ the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;

(2) for other #zoning lots#, ~~#zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154,~~ the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

(3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

(4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

* * *

138-22
Street Wall Regulations

[ALIGNING WITH THE UNDERLYING STREET WALL PROVISIONS]

All #developments# and #enlargements# within the #Special East Harlem Corridors District#

shall comply with the #street wall# regulations of Section ~~35-651~~ 35-631 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, ~~and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply~~ the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, ~~the provisions of paragraph (a) of Section 35-651 shall apply~~ the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph ~~(a) of Section 35-651~~ (b) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

(1) for #developments# or horizontal #enlargements#, 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 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#; and

(2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section 37-362 (Mitigation elements) for at least 70 percent of the linear footage, shall 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. In addition, such area shall provide visual mitigation elements in accordance with

the provisions of Section 37-362 for at least 70 percent of the linear footage of such area per 50 feet of frontage.

138-23
Height and Setback Regulations in Commercial Districts

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in ~~Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors)~~ Section 35-632 (Maximum height of buildings and setback regulations), as applicable, except that:

(1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);

(2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of ~~Section 35-654~~ paragraph (b) of Section 35-632 shall be modified to 215 feet~~, and the maximum number of #stories# permitted pursuant to such Section shall be 21~~;

(3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of ~~Sections 35-652 or 35-654~~ paragraphs (a) or (b) of Section 35-632 for R9 Districts shall apply, except that the minimum base height set forth in Section 138-22 shall apply, the maximum #building# height for #buildings# utilizing the provisions of ~~Section 35-654~~ paragraphs (b) of Section 35-632 shall be modified to 215 feet~~, and the maximum number of #stories# permitted pursuant to Section 35-654 shall be 21~~;

(4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions ~~of Section 35-654~~ paragraph (b) of Section 35-632 shall be modified to 125 feet ~~and the maximum number of stories permitted pursuant to such Section shall be 12~~; and

(5) where applicable, in lieu of the provisions of this paragraph, the provisions of

paragraph (b) of this Section may be applied.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# ~~meeting the applicable 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)~~ providing #qualifying affordable housing# or #qualifying senior housing#, or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with ~~paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations)~~ Section 23-433 (Standard setback regulations). Above such required setback, any portion of such #building# shall be considered a "tower."

(2) #Lot coverage# requirements for towers

~~Each #story# of a tower containing #residential# #floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential# #floor area#~~ Each #story# of a tower shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

(i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.

(ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easement at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

138-24
Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

[UPDATING CROSS REFERENCES]

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section 138-22 (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations), inclusive, shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph ~~(c) of Section 23-662 (Maximum height of buildings and setback regulations)~~ Section 23-433 (Standard setback regulations). The maximum #building# height shall be 215 feet;

(b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with ~~paragraph (c) of Section 23-662~~ Section 23-433 (Standard setback regulations). The maximum #building# height shall be 275 feet; and

(c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with ~~paragraph (c) of Section 23-662~~ Section 23-433 (Standard setback regulations). The maximum #building# height shall be 295 feet.

* * *

138-40
OFF-STREET ~~PARKING AND~~ LOADING REGULATIONS

[REMOVING REFERENCE TO REQUIRED RESIDENTIAL PARKING]

The applicable ~~parking and~~ loading regulations of ~~Article II, Chapter 5,~~ Article III, Chapter 6~~, Article IV, Chapter 4~~ (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) ~~or Section 123-70 (PARKING AND LOADING), inclusive~~, shall be modified in this Section, inclusive.

~~**138-41**~~
~~**Accessory Off-street Parking Spaces for Residences**~~

[REMOVING OBSOLETE PROVISION]

~~In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.~~

~~**138-42**~~ **138-41**
Special Permit for Accessory Off-street Commercial Loading Spaces

[UPDATING SECTION NUMBER]

* * *

Article XIII - Special Purpose Districts

Chapter 9
Special Gowanus Mixed Use District

139-00
GENERAL PURPOSES

* * *

General Provisions

* * *

139-022
Applicability of the Mandatory Inclusionary Housing Program

[UPDATING CROSS REFERENCES]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90 (INCLUSIONARY HOUSING)~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Gowanus Mixed Use District# are shown on the maps in APPENDIX F (Inclusionary Housing Areas and Mandatory Inclusionary Housing Areas) of this Resolution. Such provisions are modified by the provisions of this Chapter.

~~**139-023**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING REFERENCES TO QUALITY HOUSING PROGRAM TO ALIGN WITH NEW UNDERLYING PROVISIONS]

~~In the #Special Gowanus Mixed Use District#, all #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 (The Quality Housing Program) shall apply. Such #buildings# shall be considered #Quality Housing buildings#~~

~~**139-024**~~ **138-023**
Applicability of Article VI, Chapter 4

[UPDATING SECTION NUMBER]

* * *

~~**139-025**~~ **138-024**
Applicability of Article VI, Chapter 6

[UPDATING SECTION NUMBER]

* * *

~~**139-026**~~ **138-025**
Applicability of Article XII, Chapter 3

[UPDATING SECTION NUMBER]

* * *

139-20
SPECIAL BULK REGULATIONS

[UPDATING CROSS REFERENCE]

In Subdistricts A, B, C and D, the #bulk# regulations of the applicable underlying districts shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying regulations shall apply.

In Subdistrict A, the provisions of Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) ~~and paragraph (b) of Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5, or C6 Districts)~~ shall be modified so that, in C4-4D Districts, the applicable ~~#Residence District#~~ #residential equivalent# shall be an R9A District, as modified by the provisions of this Chapter.

139-21
Floor Area Regulations

* * *

139-211
Basic floor area regulations

[UPDATING CROSS REFERENCES]

The maximum #floor area# regulations for each district in the #Special Gowanus Mixed Use District# shall be as set forth in the table in this Section.

~~Row A establishes the maximum #residential# #floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of , or where a contribution~~

~~to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. For #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154, the maximum #floor area ratio# shall be as set forth in Section 23-153 (For Quality Housing buildings).~~

Row A establishes the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#.

* * *

139-22
Special Yard Regulations

* * *

139-224
Waterfront yards

[UPDATING CROSS REFERENCE]

The provisions of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks) shall be modified such that a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards) on all #waterfront zoning lots#, as that term is defined in Section 62-11, regardless of #use#.

The depth of the #waterfront yard# shall be measured from the #zoning lot line# adjoining the Gowanus Canal, or where the provisions of paragraph (f) of Section 139-51 (Area-wide Modifications) are utilized, from the bulkhead. The depth of the #waterfront yard# may be reduced as set forth in Section 62-332.

139-23
Special Height and Setback Regulations

* * *

139-232
Permitted obstructions

[UPDATING TO ALGIN WITH UNDERLYING]

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

(a) Balconies

~~Unenclosed balconies complying with the provisions of Section 23-132 (Balconies in R6~~

~~through R10 Districts)~~ Balconies provided in accordance with the provisions of Section 23-62 may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

(b) Dormers

~~Above the maximum base height, dormers shall be permitted to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:~~

~~(1) the aggregate width of all dormers does not exceed 50 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height;~~

~~(2) the aggregate width of all dormers with a depth exceeding seven feet does not exceed 30 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 any #building or structure#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstruction in certain districts), except that dormers shall not be permitted in setback areas adjoining tower portions of #buildings# or setback areas facing #shore public walkways#.

139-233
Special height and setback regulations in Subdistrict A

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

The #street wall# location requirements of paragraph ~~(b)~~ (a) of Section ~~35-651~~ 35-631 (Street wall location) shall apply to all #buildings#.

(b) Base heights and setback requirements

~~The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable.~~

~~In addition, for all non-#residential# #buildings#, the provisions of paragraph (b)(1) of~~

~~Section 35-652 shall be modified such that the minimum and maximum base height, maximum #building# height, and maximum number of #stories# for #Quality Housing buildings# with #qualifying ground floors# shall be as 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).~~

For all #buildings or other structures#, the height and setback provisions of Section 35-632 (Maximum height of buildings and setback regulations) shall apply.

139-234
Special height and setback regulations in Subdistrict B

In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, t~~he #street wall# location provisions of paragraph (a) of Section 123-663 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section.~~ ~~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 paragraph (b) of this Section or the height of the #building#, whichever is lower. 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#.~~

* * *

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of ~~paragraph (c) of Section 23-662~~ Section 23-433 (Standard setback regulations).

139-235
Special height and setback regulations in Subdistrict C

(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-663 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. ~~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 paragraph (b) of this Section, or the height of the #building#, whichever is lower. 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#.~~ However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

* * *

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of ~~paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations)~~ Section 23-433 (Standard setback regulations).

* * *

139-236
Special height and setback regulations in Subdistrict D

(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-663 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. ~~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 paragraph (b) of this Section, or the height of the #building#, whichever is lower. 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#.~~ However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

* * *

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

Such setbacks shall also comply with the provisions of ~~paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations)~~ Section 23-433 (Standard setback regulations).

* * *

139-237
Special street wall articulation requirements

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of ~~paragraph (c) of Section 23-623~~ paragraph (b)(1) of Section 23-413 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

* * *

139-30
SPECIAL PARKING REGULATIONS

* * *

139-31
Special Accessory Off-street Parking Regulations

~~**139-311**~~
~~**Reduction of parking requirements for residences**~~

[REMOVING REDUCTION PROVISIONS TO REFLECT REMOVAL OF RESIDENTIAL PARKING REQUIREMENTS IN UNDERLYING PROVISIONS]

~~In all districts, for the purposes of applying the provisions of Sections 36-33 (Requirements Where Group Parking Facilities Are Provided) and 123-72 (Residential and Community Facility Uses), the provisions of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require that #accessory# off-street parking spaces be provided for at least 20 percent of #residences# on a #zoning lot#.~~

~~For the purposes of applying waivers, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) shall be modified so that the maximum number of #accessory# off-~~

~~street parking spaces for which requirements are waived is 20 spaces.~~

~~Notwithstanding the above, in Subarea D4, and in Subarea D5 north of the mid-#block# line, no #accessory# off-street parking spaces for #residences# shall be required.~~

~~139-312~~ 139-311
Elimination of parking requirements for non-residential uses

[UPDATING SECTION NUMBER]

* * *

~~139-313~~ 139-312
Off-site parking facilities

[UPDATING SECTION NUMBER]

* * *

~~139-314~~ 139-313
Joint facilities

[UPDATING SECTION NUMBER]

* * *

~~139-315~~
~~Use of parking facilities for public parking~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISION]

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

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139-40
DISTRICT PLAN ELEMENTS

* * *

139-46
Certification for Transit Improvements

[UPDATING CROSS REFERENCE]

(a) In #Commercial Districts# with a residential equivalent of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

(1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section 139-211 (Basic floor area regulations); and

(2) further modify additional height permitted pursuant to paragraph ~~(c)~~(b) of Section 66-234 (Special height and setback modifications) provided the total combined modification does not exceed 30 feet;

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Jerome Corridor District

141-00
GENERAL PURPOSES

* * *

141-04
Applicability of the Mandatory Inclusionary Housing Program

[UPDATING CROSS REFERENCE]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90,~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Jerome Corridor District# are shown on the maps in APPENDIX F of this Resolution.

* * *

141-20
SPECIAL BULK REGULATIONS

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

* * *

141-22
Special Floor Area Regulations in R8A Districts

[APPLYING FLOOR AREA PROVISIONS FOR QUALIFYING AFFORDABLE HOUSING AND QUALIFYING SENIOR HOUSING]

For #zoning lots# in R8A Districts, or ~~C1 or C2 Districts mapped within R8A Districts, or in #Commercial Districts# with an R8A residential equivalent~~ #Commercial Districts# mapped within, or with a #residential equivalent# of an R8A District, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, ~~the maximum #residential# #floor~~

~~area ratio# shall be 7.2.~~ the underlying #floor area# provisions applicable to an R8 District within 100 feet of a #wide street# shall apply.

141-23
Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A

[ALIGNING SECTION WITH UNDERLYING HEIGHT AND SETBACK PROVISIONS]

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

The #street wall# location provisions of paragraph (c)(1) of Section 35-631 shall apply. ~~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 a minimum base height of 15 feet, or the height of the #building#, whichever is lower. The remaining #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#.~~

~~The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.~~

Any open space between a #street wall# and a #street line# along the elevated rail structure on Jerome or River Avenues shall comply with the special open space provisions of paragraph (a) of Section 141-33.

(b) Base heights, maximum #building# heights ~~and maximum number of #stories#~~

[REORGANIZING PROVISIONS TO CLARIFY APPLICABILITY OF UNDERLYING PROVISIONS]

~~The table in this Section sets forth, by zoning district, the minimum and maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For #zoning lots# in a #Commercial~~

~~District# the applicable district shall be 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).~~

~~Separate maximum base heights are established in the table in this Section for #street walls# of #buildings# facing #streets# intersecting Jerome or River Avenues, and for #street walls# facing the elevated rail structure. The maximum base heights along intersecting #streets# shall also apply to #street walls# facing the elevated rail structure on Jerome or River Avenues within 75 feet of the corner.~~

~~A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. 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.~~

The underlying height and setback provisions of Section 35-63, inclusive, shall apply, as modified by the provisions of paragraph (a) of Section 35-644. However, for #street walls# facing the elevated rail structure, beyond 75 feet of the corner of #streets# intersecting Jerome or River Avenues, the maximum base height shall be 30 feet.

~~BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES~~

~~District~~	~~Maximum Base Height Along Elevated Rail Structure, beyond 75 feet of the corner (in feet)~~	~~Maximum Base Height on Intersecting Streets, and within 75 feet of the corner (in feet)~~	~~Maximum Height of #Buildings or Other Structures# (in feet)~~	~~Maximum Number of #Stories#~~
~~R7A~~	~~30~~	~~75~~	~~115~~	~~11~~
~~R7D~~	~~30~~	~~95~~	~~135~~	~~13~~
~~R8A~~	~~30~~	~~105~~	~~165~~	~~16~~

~~R9A~~	~~30~~	~~125~~	~~195~~	~~19~~

(c) Required and permitted articulation

For #street walls# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of ~~paragraph (c) of Section 23-623~~ paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

141-24
Special Height and Setback Regulations in Subdistrict A

In Subdistrict A, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

[UPDATING TO ALIGN WITH UNDERLYING STREET WALL PROVISIONS]

(1) Along the elevated rail structure

For #street walls#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, ~~the provisions of paragraph (a) of Section 141-23 shall apply.~~ the #street wall# location provisions of paragraph (c)(1) of Section 35-631 shall apply.

(2) Along designated #streets#

In Subareas A1 through A3, along the #streets# designated on Maps 2 through 4 in the Appendix to this Chapter, the following shall apply:

(i) In #Commercial Districts#

~~For #street walls#, or portions thereof, located in~~ In #Commercial Districts#, ~~at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and~~ the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the #street wall# shall extend to at least a height of 30 feet, or the height of the #building#, whichever is lower. In addition, above a height of 30 feet, at least 50 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is lower.

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 along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

~~The underlying allowances for #street wall# articulation, set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.~~

In the corner locations designated on Maps 2 and 3, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(ii) In #Residence Districts#

For #street walls#, or portions thereof, located in #Residence Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

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 along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in ~~paragraph (e) of Section 35-651~~ paragraph (d) of Section 23-431 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Map 4, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(3) Along other #streets#

In Subareas A1 through A3, along #streets# that are not designated on Maps 2 through 4, and in Subarea A4, along all #streets#, no #street wall# location provisions shall apply, and no minimum base heights shall apply.

(b) Base heights~~,~~ and maximum #building# heights, ~~and maximum number of #stories#~~

[REORGANIZING PROVISIONS TO CLARIFY APPLICABILITY OF UNDERLYING PROVISIONS]

~~The table in this Section sets forth, by zoning district, the maximum base height, the maximum transition height, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings#.~~

~~However, for #street walls# facing the elevated rail structure along Jerome or River Avenues beyond 75 feet of the corner, the maximum base height shall be 30 feet.~~

~~A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district, and shall be provided at a height not lower than the minimum base height, where applicable, or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, for portions of #buildings or other structures# along Cromwell Avenue located beyond 200 feet from a corner, a minimum setback with a depth of at least 30 feet shall be provided. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to all such setbacks.~~

The underlying height and setback regulations shall apply, except as modified below:

(1) for #street walls# facing the elevated rail structure, beyond 75 feet of the corner of #streets# intersecting Jerome or River Avenues, the maximum base height shall be 30 feet;

(2) the setback provisions of Section 23-433 (Standard setback regulations) shall apply except that for portions of #buildings or other structures# along Cromwell Avenue located beyond 200 feet from a corner, a minimum setback with a depth of at least 30 feet shall be provided;

(3) In R9A Districts, or in #Commercial Districts# mapped within R9A Districts,

(i) the maximum base height shall be 125 feet;

(ii) above the required setback, the height of a #building# shall not exceed a maximum transition height of 175 feet; ~~the maximum transition height set forth in the table in this Section, except that~~

(iii) where the #lot coverage# of all #buildings# on the #zoning lot# above the maximum transition height has been reduced to 50 percent on #zoning lots# with a #lot area# less than or equal to 15,000 square feet, 40 percent on #zoning lots# with a #lot area# greater than 15,000 square feet but less than 30,000 square feet, and 30 percent for all other #zoning lots#, a #building# may rise to ~~the maximum height of the #building or other structure# set forth in the table in this Section~~ a maximum #building# height of 225 feet. The maximum #street wall# width of any #story# above the maximum transition height shall not exceed 165 feet and, where two or more non-contiguous portions of a #building# exist at the same level above the maximum transition height, such portions shall provide a minimum distance of 60 feet between facing walls at any point.

~~BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES~~

~~District~~	~~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#~~

~~R8A~~	~~105~~	~~N/A~~	~~145~~	~~14~~
~~R9A~~	~~125~~	~~175~~	~~225~~	~~22~~

(c) Required and permitted articulation

In Subareas A1 through A3, along #streets# designated in Maps 2, 3 and 4 in the Appendix to this Chapter, for #street wall# widths exceeding 100 feet, a minimum of 20 percent of the surface area of #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, provided that any projections with a depth greater than five feet shall be considered a dormer.

In addition, the underlying dormer provisions of ~~paragraph (c) of Section 23-623~~ paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

Any dormers or projections provided in accordance with this paragraph need not be included in the maximum #lot coverage# permitted above the maximum transition height, nor be included in the maximum #street wall# width of a #story#.

141-25
Special Height and Setback Regulations in R8A Districts

[UPDATING CROSS REFERENCES]

For #zoning lots# in R8A Districts, or in ~~C1 or C2 Districts mapped within R8A Districts, or in #Commercial Districts# with an R8A residential equivalent,~~ #Commercial Districts# mapped within, or with a #residential equivalent# of an R8A District, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, ~~the height and setback provisions of Sections 23-662 (Maximum height of buildings and setback regulations) or 35-652 (Maximum height of buildings and setback regulations), respectively, shall be modified as follows: the~~

~~maximum base height shall be 105 feet, the maximum height of a #building or other structure# without a #qualifying ground floor# shall be 140 feet, the maximum height of a #building or other structure# with a #qualifying ground floor# shall be 145 feet, and the maximum number of #stories# shall be 14.~~ the underlying height and setback provisions applicable to an R8 District within 100 feet of a #wide street# shall apply. However, #height factor buildings# shall not be permitted, and the additional height allowances for eligible sites set forth in Section 23-435 shall not apply.

141-30
SPECIAL STREETSCAPE REGULATIONS

* * *

141-32
Special Open Space Provisions

[UPDATING CROSS REFERENCE; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

Along the elevated rail structure on Jerome or River Avenues, where open space is provided between the #street line# of the #zoning lot# and the #street wall# of a #building# facing the elevated rail structure, or in Subdistrict A, for Subareas A1 through A3, where open space is provided between the #street wall# and the corner at a location designated on Maps 2, 3 or 4 in the Appendix to this Chapter, the provisions of ~~Section 28-23 (Planting Areas)~~ Section 23-613 (Front yard planting requirements) shall apply to all #buildings#, whether the ground floor is occupied by #residential uses# or non- #residential uses#, subject to the modifications of this Section.

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special Inwood District

* * *

142-00
GENERAL PURPOSES

* * *

142-04
Definitions

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions) and in this Section.

Shoreline adjacent lot

For the purposes of this Chapter, a "shoreline adjacent lot" shall refer to a #waterfront zoning lot# with a #shoreline# length of more than 100 feet, or any #zoning lot# that has entered into a binding agreement to improve and maintain a #waterfront public access area# for an adjoining #waterfront zoning lot#.

142-05
Applicability

~~**142-051**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING PER PROPOSAL]

~~In the #Special Inwood District#, except within Subdistrict F, any #building# containing #residences#, or any #building# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~Within Subdistrict F, the provisions of Section 23-011 shall apply. Where the optional regulations for #Quality Housing buildings# are utilized, the regulations of Article II, Chapter 8 shall apply, and the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**142-052**~~
142-051
Applicability of ~~the Inclusionary Housing Program~~ Mandatory Inclusionary Housing

[RE-NUMBERING; REMOVING INCLUSIONARY PER PROPOSAL]

~~For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 and 23-90,~~ #Mandatory Inclusionary Housing areas# within the #Special Inwood District# are shown in APPENDIX F of this Resolution.

~~**142-053**~~
142-052
Applicability of Article XII, Chapter 3

[RE-NUMBERING; TEXT UNCHANGED]

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the

provisions of the designated #Residence# or M1 District, as applicable.

* * *

142-11
Permitted Uses

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, including #accessory# motor fuel pumps, listed under Use Group IX(C) shall be a permitted #use#, open or enclosed.

In Subareas B2 and B3, as shown on Map 1, #uses# listed under Use Group III, shall be permitted, and #uses# listed under Food and Beverage Retailers in Use Group VI shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# listed under Use Group IX(A), shall be permitted as-of-right in C6-2A Districts.

142-111
Regulations for manufacturing uses in Subareas B2 and B3

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In Subareas B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.

142-12
Location of Uses

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In C2 Districts mapped within R7 or R8 Districts, provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified for #buildings# containing #residences# as follows. The limitations set forth in paragraph (a) of such Section shall be modified to apply to #buildings# constructed before August 8, 2018.

Within the portion of the C2-4 District mapped within an R8A District and the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue and north of West 206th Street, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be inapplicable. In lieu thereof, Section 32-422 (Location of floors occupied by commercial uses) shall apply.

In C4 or C6 Districts, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

In Subareas A1, B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, no #uses# listed under Use Group VI shall be permitted above the ground floor level.

142-13
Enclosure Requirements in Subdistrict E

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In Subdistrict E, #commercial# and #manufacturing# activities and storage #uses# shall not be subject to the provisions of Section 42-51 (Enclosure of Commercial and Manufacturing Activities) or Section 42-52 (Enclosure or Screening of Storage).

142-14
Streetscape Requirements

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

142-20
SPECIAL FLOOR AREA REGULATIONS

* * *

142-22
Floor Area Regulations in Subareas A2, A3 and B1

[ADDING QUALIFYING AFFORDABLE AND SENIOR HOUSING PER PROPOSAL]

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #floor area# regulations shall be modified as follows:

For #zoning lots# other than #shoreline adjacent lots# the maximum #residential# #floor area ratio# shall be 4.6. For #shoreline adjacent lots#, the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in ~~paragraph (d) of Section 23-154 (Inclusionary Housing)~~ Section 23-222 (Floor area regulations for affordable or senior housing) for the particular district.

For #zoning lots# that are divided by zoning district boundary lines, #floor area# may be distributed within a #zoning lot# without regard to zoning district boundary lines.

#Accessory# parking located below a height of 33 feet shall be exempt from the definition of #floor area#.

* * *

142-40
SPECIAL HEIGHT AND SETBACK REGULATIONS

* * *

142-41
Permitted Obstructions in Subareas A2, A3, B1, B3 and B4

[ALIGNING DORMER PROVISIONS WITH PROPOSAL]

In Subareas A2, A3, B1, B3 and B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, ~~along all #street# frontages, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-623 (Permitted obstructions in certain districts)~~ a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts), and balconies shall be permitted in conjunction with #residential uses# as set forth in Section ~~23-132 (Balconies in R6 through R10 Districts).~~ Section 23-62 (Balconies).

142-42
Height and Setback for Non-Shoreline Adjacent Lots in Subareas A2, A3 and B1

[REMOVING INCLUSIONARY, REPLACING WITH UAP PER PROPOSAL; UPDATING STREET WALLS]

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #zoning lots# other than #shoreline adjacent lots#, the height and setback regulations for R7A Districts set forth in ~~Sections 23-662 (Maximum height of buildings and setback regulations) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors)~~ the

applicable provisions of Section 23-43, inclusive, ~~as applicable,~~ shall apply.

~~The #street wall# location requirements of paragraph (b) of Section 35-651 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraphs (a)(1) and (2) of Section 35-651 shall apply along all other #street# frontages of the #zoning lot#. The #street wall# articulation provisions of paragraph € of Section 35-651 shall apply along all #street# frontages.~~ Additionally, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply.

142-43
Height and Setback for Shoreline Adjacent Lots in Subarea A2

[UPDATING STREET WALLS AND HEIGHTS PER PROPOSAL]

(b) In Subarea A2, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the following height and setback regulations shall applya) #Street wall# location

~~The #street wall# location requirements of paragraph (b) of Section 35-651 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraphs (a)(1) and (2) of Section 35-651 shall apply along all other #street# frontages of the #zoning lot#.~~The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply except that, the ~~For the purposes of applying such regulations, all~~ #street walls# shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less. ~~The #street wall# articulation provisions of paragraph (e) of Section 35-651 shall apply along all #street# frontages.~~

(b) Base height and setbacks

The minimum base height shall be 60 feet on all #street# frontages. Within R9A Districts, or C1 or C2 Districts mapped within R9A Districts, the maximum base height shall be 105 feet. Within R8 Districts, or C1 or C2 Districts mapped within R8 Districts, the maximum base height before setback shall be 105 feet if the #building's# maximum overall height does not exceed 155 feet, or 85 feet if a #building# is developed with a tower in accordance with the regulations of paragraph (e) of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. ~~The provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.~~ Such setbacks may be modified in accordance with the provisions of Section 23-433.

(c) Within ~~70 feet~~ 50 feet of the #shoreline#

Within ~~70 feet~~ 50 feet of the #shoreline#, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured parallel to Ninth Avenue, shall be limited to a maximum height of 30 feet, and the height along the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum ~~#building#~~ transition height

After the required setback, ~~The maximum #building# height shall be~~ #buildings# may rise to a maximum transition height of 155 feet~~, except where towers are provided in accordance with paragraph (e) of this Section~~. 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 any point above 125 feet to achieve a footprint reduction of 10 percent from #stories# below 125 feet. Any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the provisions of paragraph (e) of this Section.

(e) ~~Optional~~ tower regulations

~~For #zoning lots# that have a #lot area# of more than one acre, a "tower" shall be permitted above a height of 125 feet, provided that:~~

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) the gross area of any #story# shall not exceed ~~9,000~~ 10,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# above 205 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below a height of 205 feet;

(3) no portion of such tower shall be located within 80 feet of the #shoreline#;

(4) the width of such tower shall not exceed 100 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet; and

(5) The maximum height of such tower shall not exceed 245 feet.

#Zoning lots# with a #lot area# in excess of 1.5 acres may contain a second tower, provided that the heights of the two towers differ by at least 50 feet from each other, and provided that the combined width of the towers does not exceed 140 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet.

142-44
Height and Setback for Shoreline Adjacent Lots in Subarea A3

[UPDATING HEIGHTS PER PROPOSAL]

In Subarea A3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of this Section shall apply:

(a) Base along West 207th Street and Ninth Avenue

Along the West 207th Street and Ninth Avenue frontages, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply except that, the #street wall# shall extend up to ~~all #buildings# shall have~~ a minimum base height of 60 feet, or the height of the #building#, whichever is less, and a maximum base height of 105 feet. ~~The #street wall# location requirements of paragraph (a)(1) and (2) of Section 35-651 shall apply along both #streets#~~. The boundary of any easement required for a #street# or sidewalk widening pursuant to Section 142-64 shall be considered the #street line# for the purpose of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. ~~The provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.~~ Such setbacks may be modified in accordance with the provisions of Section 23-433.

(b) Within ~~70 feet~~ 50 feet of the #shoreline#

Within ~~70 feet~~ 50 feet of the #shoreline#, the maximum #building# height shall be 85 feet.

(c) Within 30 feet of former West 208th Street

Within 30 feet of Former West 208th Street, as shown on Map 1 in the Appendix to this Chapter, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured along the former extent of West 208th Street, shall not exceed 30 feet, and the height of the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum ~~#building#~~transition height

Within the portion of the #zoning lot# that is beyond 100 feet of West 207th Street, after the required setback, #buildings# may rise to a maximum transition height of ~~the maximum #building# height shall be limited to~~ 145 feet. No towers shall be permitted above such maximum transition height.

Within the portion of the #zoning lot# that is within 100 feet of West 207th Street, after the required setback, #buildings# may rise to a maximum transition height of ~~the maximum #building# height shall be~~ 175 feet~~, except where towers are provided in accordance with paragraph (e) of this Section~~. Any portion of a #building# that exceeds such maximum transition height shall be considered a tower and subject to the provisions of paragraph (e) of this Section.

(e) ~~Optional~~ tower regulations

~~For #zoning lots# that have a #lot area# of more than one acre, a "tower" shall be permitted above a height of 175 feet within the portion of the #zoning lot# that is within 100 feet of West 207th Street, provided that:~~
Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) the gross area of any #story# shall not exceed 10,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# above 255 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below a height of 255 feet; and

(3) The maximum height of such tower shall not exceed 295 feet.

142-45
Height and Setback for Shoreline Adjacent Lots in Subarea B1

[UPDATING HEIGHTS PER PROPOSAL]

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of Section 142-43 (Height and Setback for Sites in Subarea A2 With More Than 100 Feet of Shoreline) shall apply, except that paragraph ~~(e)~~ (d) of such Section shall be modified to allow ~~the gross area of any #story# in~~ a tower ~~to be up to 10,000 square feet and~~ to rise to a height of 265 feet, provided that the gross area of any #story# above 225 feet shall not exceed 90 percent of the gross area of the highest #story# that is located entirely below 225 feet. The #visual corridor# located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline established by Section 142-60 (INWOOD WATERFRONT ACCESS PLAN) shall be treated as a narrow #street line# for the purposes of applying all height and setback regulations.

* * *

142-48
Special Regulations for Certain Sites in Subdistricts C and F

[UPDATING CROSS REFERENCES; ALIGNING PER PROPOSAL]

In Subdistrict C, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, and in Subdistrict F, ~~for #buildings# #developed# pursuant to the #bulk# regulations for #Quality Housing buildings#,~~ the underlying height and setback provisions shall be modified for #zoning lots# that share a #side lot line# with an adjacent #zoning lot# that is #developed# with a #building# constructed prior to December 15, 1961 that

contain #residences# with #legally required windows# facing and located within 15 feet of the shared #side lot line#.

The #street wall# location provisions of ~~paragraph (b)(1) of Section 35-651~~ paragraph (a)(1) of Section 35-631 shall apply except that where an adjoining #zoning lot# contains #residences# with #legally required windows# facing and within 15 feet of a shared #side lot line#, the #street wall# of a #building# need not extend along the entire #street# frontage of such a #zoning lot# if an open area is provided above the level of the first #story# or a height of 15 feet, whichever is lower, along the entire shared #side lot line#. Where such an open area is provided, the #street# frontage of such open area may be excluded for the purpose of applying the #street wall# location provisions of ~~paragraph (b)(2) of Section 35-651~~ paragraph (a)(2) of Section 35-631.

In addition, where an open area with a depth of at least 15 feet, as measured perpendicular from the shared #side lot line#, and is provided in the form of a recess, #court# or other open area is provided along shared #side lot line#, and such open area is provided adjacent to all portions of a #building# on an adjoining #zoning lot# that contain #legally required windows# facing and located within 15 feet of the shared #side lot line#, ~~the maximum height for the #building# set forth in Section 23-662, 23-664, 35-652 or 35-654, as applicable~~ the applicable maximum #building# height set forth in Section 35-63, inclusive, may be increased by 10 feet; and the maximum number of #stories#, if applicable, may be increased by one.

#Zoning lots# may apply the regulations of this Section along multiple #side lot lines# where applicable, but in no case shall the permitted #building# height be increased by more than one #story# or 10 feet, whichever is lower.

142-49
Height and Setback for Certain Zoning Lots in Subdistricts C and D

[UPDATING CROSS REFERENCES; REVISING HEIGHTS PER PROPOSAL]

In Subdistricts C and D, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, all non-#residential# #buildings# in C4 and C6 Districts shall follow the height and setback regulations of ~~paragraph (b) of~~ Section ~~23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors)~~ 23-434 (Height and setback modifications for affordable or senior housing) for the applicable #residential equivalent#.

In Subdistrict D, all #developments# or #enlargements# on #zoning lots# within M1-4/R7A and M1-4/R9A Districts shall follow the height and setback regulations of ~~paragraph (b) of Section 23-664~~ Section 23-434, for the applicable #Residence District#, except portions of #zoning lots# that are located within 30 feet of West 201st Street shall be limited to a maximum #building# height to 85 feet.

In Subdistrict D, ~~for portions of #zoning lots# located within 100 feet of a #street# that contains an elevated rail line~~ for #street walls# with a #transportation infrastructure adjacent frontage#, the underlying height and setback regulations, or those set forth in Section 142-491, shall be modified ~~as follows, and as set forth in Section 142-491:~~ pursuant to the provisions of paragraph (c)(1) of Section 35-631 (Street wall location) and paragraph (a) of Section 35-644 (Special provisions in other geographies).

(a) the ~~minimum required base height shall be 25 feet~~

~~(b) the maximum permitted #building# height shall be 165 feet and the maximum number of #stories# shall be 16 in C6-2A, C4-4D, and in C2 Districts mapped within R8A Districts;~~

~~(c) the maximum permitted #building# height shall be 135 feet and the maximum number of stories shall be 13 in C4-5D Districts; and~~

~~(d) along the frontage of a #street# that contains an elevated rail line, the #street wall# location regulations of paragraph (a)(1) of Section 35-651 shall apply.~~

* * *

142-50
SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

The underlying off-street parking and loading regulations are modified by the provisions of this Section, inclusive.

~~**142-51**~~
~~**Required Accessory Parking Spaces for Residences**~~

[REMOVING TO ALIGN WITH PROPOSAL]

~~Except for within Subdistrict F, as shown on Map 1 (Special Inwood District-Subdistricts and Subareas) in the Appendix to this Chapter, the requirements of Sections 25-23 (Requirements Where Group Parking Facilities Are Provided) are modified to require #accessory# #residential# off-street parking spaces for a minimum of 20 percent of new #residences#. The number of #accessory# off-street parking spaces required may be reduced or waived as set forth in the underlying district regulations, including as set forth in Sections 25-251 through 25-253.~~

~~Within Subdistrict F, for #buildings developed# pursuant to the Quality Housing #bulk regulations#, if at least 20 percent of the #residential# #floor area# of the #development# consists of #income-restricted housing units#, the requirements of Sections 25-23 are modified to require #accessory# #residential# off-street parking spaces for a minimum of 20 percent of new #residences#. For purposes of this Section, the definition of #income-restricted housing units# shall be modified such that the #income-restricted housing units# must be affordable to households with incomes at or below 60 percent of the #income index#. The number of #accessory# off-street parking spaces required may be reduced or waived as set forth in the underlying district regulations, including as set forth in Sections 25-251 through 25-253. Prior to issuance of a building permit for such #development#, the Department of Housing Preservation and Development shall certify to the Department of Buildings that such #development# complies with the affordability provisions of this Section.~~

~~**142-52**~~
~~**Required Accessory Parking Spaces for Commercial or Community Facility Uses in Certain Districts**~~

[REMOVING PER PROPOSAL]

~~In Subdistricts A, B, C, D, and E, no #accessory# parking is required for new #commercial# or #community facility uses# in #mixed buildings# in C2-4 and C4 Districts.~~

~~In Subdistrict F, no #accessory# parking is required for #commercial# or #community facility~~

~~uses# in #mixed buildings# #developed# after August 8, 2018, pursuant to the Quality Housing #bulk# regulations in C2-4 and C4 Districts.~~

~~**142-53**~~
142-51
Public Use of Accessory Parking

[RE-NUMBERING; MODIFYING PER PROPOSAL]

~~All required or permitted #accessory# off-street parking spaces may be made available for public use.~~ In addition to the underlying allowances for #residences# to make available #accessory# off-street parking spaces for public use, parking spaces #accessory# to non-#residential uses# 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 written request for such space is made to the landlord.

~~**142-54**~~
142-52
Accessory Parking on a Roof in Subarea A1

[RE-NUMBERING; TEXT UNCHANGED]

In Subarea A1, the underlying off-street parking regulations of Section 44-11 (General Provisions) are modified to permit #accessory# parking to be located on the roof of any #story# of a #building#.

142-60
INWOOD WATERFRONT ACCESS PLAN

* * *

142-62
Tip of Manhattan, Subdistrict B

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

In Tip of Manhattan Subdistrict B, for Parcels 1 and 2/3, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, the following regulations shall apply.

(a) Applicability of #waterfront public access area# requirements to Use Group IX

In Subarea B1, as shown on Map 1, #developments# of #buildings# containing exclusively commercial or public utility vehicle storage, including #accessory# fuel pumps, as listed in Use Group IX(C), shall be exempted from #waterfront public access area# requirements.

(b) #Shore public walkways#

On Parcel 1, no #shore public walkway# shall be required.

(c) #Upland connections#

On Parcel 2/3, #upland connections# shall be provided along the shared boundary between Parcels 1 and 2/3, and within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline.

(d) #Supplemental public access areas#

(1) on Parcel 1, #supplemental public access area# shall be bounded by Ninth Avenue to the west, the shared boundary of Parcels 1 and 2/3 to the south, and the stabilized shore to the east. Section 62-571 (Location and area requirements for supplemental public access areas) shall not apply to such #supplemental public access area#;

(2) on Parcel 2/3, #supplemental public access area#, if required, shall be located at the intersection of the #upland connection# and the #shore public walkway#. Section 62-571 shall be modified to allow the longest side of such #supplemental public access area# to adjoin the #upland connection# provided that the maximum depth measured perpendicular to the #upland connection# does not exceed 1.5 times the width measured parallel to the #upland connection#.

(e) #Visual corridors#

#Visual corridors# shall be provided at three locations as shown on Map 6 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter:

(1) within the prolongation of the #street lines# of West 220th Street;

(2) within the prolongation of the #street lines# of Ninth Avenue;

(3) within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline. In the event that such #visual corridor# #abuts# an open area with a minimum depth of 20 feet along the entire length of such #visual corridor#, and an easement for such open area has been recorded against the property, the minimum dimension of a #visual corridor# set forth in Section 62-512 (Dimensions of visual corridors) may be reduced to 30 feet.

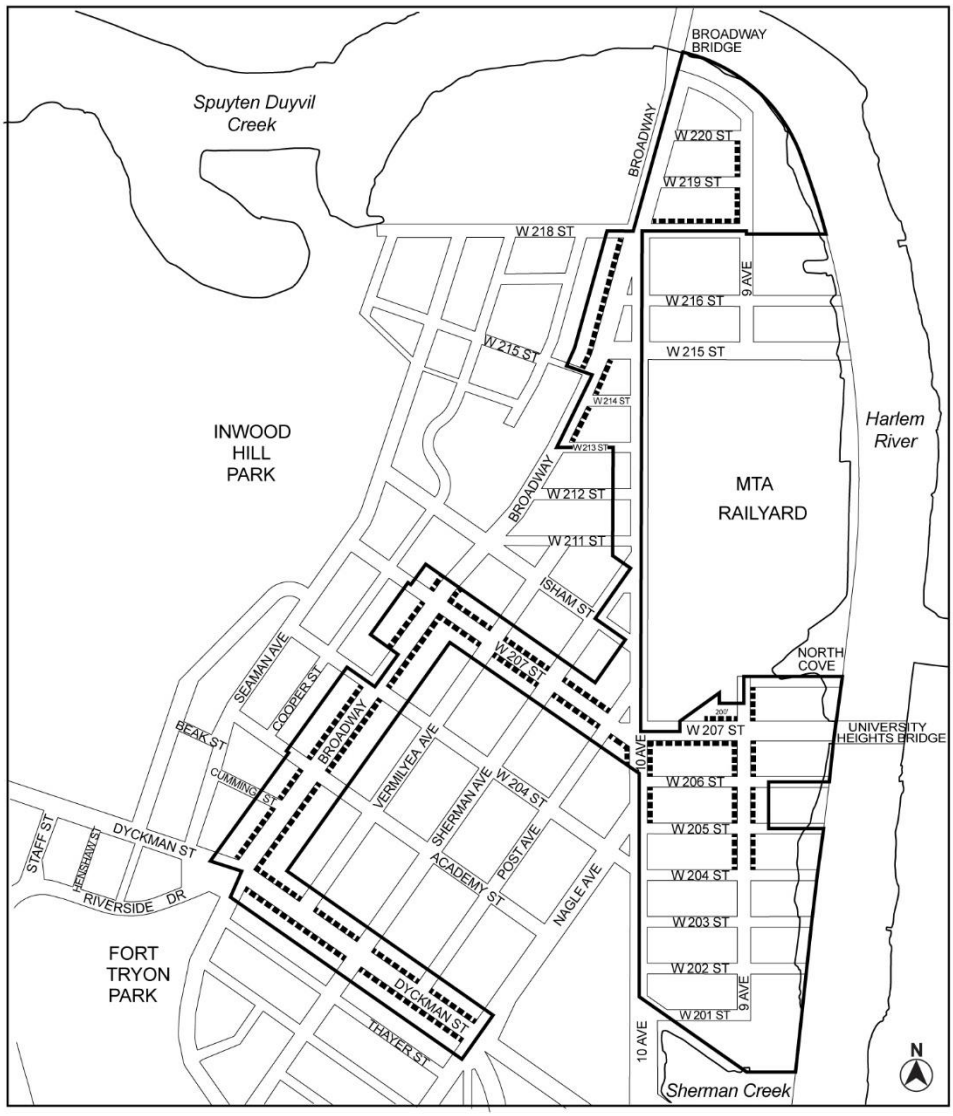
* * *

APPENDIX
Special Inwood District Plan

[THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations



Special Inwood District
Tier C street frontages

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special SoHo-NoHo Mixed Use District

143-00
GENERAL PURPOSES

* * *

143-04
Applicability of the Mandatory Inclusionary Housing Program

[UPDATING CROSS REFERENCES; THE BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90, inclusive,~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

(a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section 143-12 (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of ~~paragraph (d)(1) of Section 23-154~~ paragraph (a)(1) of Section 27-131 (Mandatory Inclusionary Housing).

(b) The provisions of paragraph ~~(d)(4)(i) of Section 23-154~~ paragraph (a)(4)(i) of Section 27-131 shall apply:

(1) in M1 districts paired with R7D districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less #floor area# equivalent to a #floor area ratio# of 0.6, does not exceed 12,500 square feet; and

(2) in all other districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet.

(c) For #conversions# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to ~~paragraph (d)(3)(v) of Section 23-154~~ paragraph (a)(3)(v) of Section 27-131, the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section ~~73-625~~ 73-623 (Modification of

Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District).

* * *

~~**143-07**~~
~~**Applicability of Quality Housing Regulations**~~

[REMOVING TO ALIGN WITH UNDERLYING PROVISIONS]

~~All #buildings# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**143-08**~~
143-07
Applicability of Article I, Chapter 5

[UPDATING SECTION NUMBER AND CROSS REFERENCE]

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences# or #community facilities# with sleeping accommodations, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section ~~15-23~~ 15-112 (Light and air provisions), and #conversion# provisions of Section 143-13 (Joint Living-Work Quarters for Artists) are met.

* * *

143-20
SPECIAL BULK REGULATIONS

* * *

~~**143-22**~~
~~**Density**~~

[REMOVING DENSITY PROVISION TO ALIGN UNDERLYING REGULATIONS]

~~For all #residential buildings#, or portions thereof, including those existing on December 15, 1961, the factor to determine the maximum number of #dwelling units# shall be 680.~~

~~Where a #joint living-work quarters for artists# has utilized the provisions of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) as alternative density provisions, such provisions shall remain in effect~~

~~for any subsequent #conversion# to #dwelling units#. However, in applying such provisions, the #dwelling unit# factor provisions of this Section shall apply in lieu of Section 15-111 (Number of permitted dwelling units).~~

~~**143-23**~~
143-22
Special Yard Regulations

[UPDATING YARD REGULATIONS TO ALIGN WITH UNDERLYING PROVISIONS]

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 43-23 shall be permitted above such modified height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, except as follows:

(1) 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;

(2) 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#~~ with the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#; and

(3) ~~for #interior lots# where the depth of such #zoning lot#, or a portion thereof, is less than 90 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a #building# permit, the required #rear yard# for~~

~~such #interior lot#, or portion thereof, 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.~~ For shallow interior lots, the provisions of paragraph (b) of Section 23-342 (Rear yard requirements) may be applied.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential uses#, 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 40 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# where the depth of such #zoning lot#, or a portion thereof, is less than 180 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a building permit, the required #rear yard equivalent# for such #through lot#, or portion thereof, 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 yard#, or portion thereof, be reduced to less than 20 feet.~~ For shallow #through lots#, the provisions of paragraph (b)(2) of Section 23-344 (Rear yard equivalent requirements) may be applied.

(d) Along district boundaries

The provisions of 43-30 (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

~~**143-24**~~
143-23
Special Height and Setback Regulations

[UPDATING VARIOUS STREET WALL AND HEIGHT PROVISIONS TO ALIGN WITH UNDERLYING PROVISIONS]

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

~~Along all #street# frontages, the #street wall# regulations applicable to #Quality Housing buildings# on a #wide street# in a C6 District, as set forth in Section 35-651 (Street wall location), shall apply. On #through lots#, the additional regulations set forth in paragraph (b) of Section 35-655 shall not apply. for the purposes of applying such regulations, the minimum base height a the #street wall# shall rise to, without setback, shall be those set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less.~~ The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply except that, the #street wall# shall extend to at least the minimum base height as set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less. On #through lots#, the additional regulations set forth in paragraph (e) of Section 35-632 shall not apply.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buidings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district and shall be provided in accordance with paragraph (c) of this Section.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	Minimum base height (in feet)	Maximum base height (in feet)	Maximum #building# height (in feet)
M1-5/R7D	60	105	115
M1-5/R7X	60	105	145
M1-5/R9A	60	125	175
M1-5/R9X, north of East Houston Street	60	125	195
M1-5/R9X, south of East Houston Street	85	145	205
M1-5/R10 and M1-6/R10	125	155	275

~~However, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum and maximum base heights may be modified as follows:~~

~~(1) the minimum base height of a #street wall# may vary between the minimum height set forth in the table above, 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 base height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.~~

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with ~~paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations)~~ paragraphs (a) through (c) of Section 23-433 (Standard setback regulations) shall apply to such setbacks.

(d) Dormers

~~As an alternative to the dormer 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 all #buildings or other structures#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

~~143-25~~
143-24
Additional Bulk Modifications

[REMOVING PROVISIONS FOR DISTANCE BETWEEN BUILDINGS TO APPLY PROPOSED UNDERLYING PROVISIONS]

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

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 20 feet.

~~(c) Distance between #legally required windows# and #lot lines#~~

~~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.~~

~~(d) Distance between #buildings#~~

~~The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall be 40 feet below a height of 125 feet. Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.~~

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Brooklyn Navy Yard District

* * *

144-10
SPECIAL USE REGULATIONS

[BASELINE TEXT REFLECTS MODIFICATIONS PROPOSED BY THE CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT]

* * *

144-12
Additional Uses Permitted in M2-1 Districts

The provisions of Section 42-10 (USE ALLOWANCES) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section ~~144-212~~ 144-213 (Floor area limitations on additional uses):

(a) all #uses# listed under Use Group III(B) shall be permitted; and

(b) all #uses# listed under Use Group VI shall be permitted, and where such #uses# have a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), such size limitation shall not apply.

* * *

144-14
Special Sign Regulations

In the #Special Brooklyn Navy Yard District#, the underlying #sign# regulations of Section ~~42-50~~ 42-60 (SIGN REGULATIONS) shall apply, except as modified by the provisions of Section 144-141 (Illuminated non-flashing signage) through Section 144-143 (Special provisions near certain parks).

144-141
Illuminated non-flashing signage

The provisions of Section ~~42-533~~ 42-633 (Illuminated or flashing signs) shall be modified to allow one #accessory# non-#flashing# #illuminated sign# to have a #surface area# of 750 square feet in each of the following Subareas: the Navy Street Central Subarea, the Flushing East Subarea, between Clinton Avenue and Washington Avenue, the Barge Basin East Subarea, and the Barge Basin West Subarea. All other #illuminated signs# shall comply with the requirements of Section ~~42-533~~ 42-633 ~~(Illuminated or flashing signs)~~.

144-142
Special provisions along district boundaries

The provisions of Section ~~42-56~~ 42-66 (Special Provisions Applying Along District Boundaries) shall be modified as follows:

(a) within the Flushing East Subarea, the provisions of Section ~~42-561~~ 42-661 (Restrictions along the district boundary located in a street) shall not apply to any #sign# provided in accordance with Section 144-141 (Illuminated non-flashing signage); and

(b) within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict, the orientation provisions of Section ~~42-562~~ 42-662 (Restriction on angle and height above curb level) shall not apply to #signs# provided in accordance with Section 144-141.

144-143
Special provisions near certain parks

The provisions of ~~Section 42-55~~ 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) shall not apply to any #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage) within the Barge Basin East Subarea.

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 5
Special Eastchester – East Tremont Corridor District

[THE PROVISIONS OF THIS CHAPTER ARE PROPOSED BY
THE BRONX METRO-NORTH STATION AREA STUDY TEXT AMENDMENT
(N 240016 ZRX), CURRENTLY IN PUBLIC REVIEW]

145-00
GENERAL PURPOSES

* * *

145-05
Applicability

~~**145-051**~~
~~**Applicability of the Quality Housing Program**~~

[REMOVING PER CHANGES TO UNDERLYING REGULATIONS]

~~Within the #Special Eastchester – East Tremont Corridor District#, any #building# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.~~

~~**145-052**~~ **145-051**
Applicability of the Mandatory Inclusionary Housing Program

[UPDATING CROSS-REFERENCE]

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in ~~Sections 23-154 and 23-90 (Inclusionary Housing)~~ Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Eastchester – East Tremont Corridor District# are shown in APPENDIX F of this Resolution.

~~**145-053**~~ **145-052**
Applicability of Article VI, Chapter 4

[UPDATING SECTION NUMBER]

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

~~145-054~~ 145-053
Applicability of Article XII, Chapter 3

[UPDATING SECTION NUMBER]

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

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145-20
SPECIAL BULK REGULATIONS

* * *

145-21
Floor Area Regulations

* * *

145-211
Basic floor area regulations

[REMOVING PROVISIONS PROPOSED AS PART OF UNDERLYING REGULATIONS]

~~(a)~~ ~~#Residential# #floor area ratio#~~

~~In R6A, R6-1 or R7-2 #Residence Districts#, and #Commercial Districts# mapped within or with a residential equivalent of such Districts, the maximum #residential# #floor area ratio# for #zoning lots# in a #Mandatory Inclusionary Housing area# set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) shall be modified as follows:~~

~~(1) in R6A or R6-1 Districts, the maximum #floor area ratio# for #residential uses# shall be 3.9; and~~

~~(2) in R7-2 Districts, the maximum #floor area ratio# for #residential uses# shall be 5.0.~~

~~(b)~~(a) #Commercial # #floor area ratio#

In C4-3 or C4-4 Districts, the maximum #floor area ratio# for #commercial uses# shall be 4.0.

~~(c)~~(b) #Community Facility# #floor area ratio#

In M1 Districts with an A suffix paired with an R7-3 District, the maximum #floor area ratio# for #community facility uses# shall be 6.5.

~~(d)~~(c) #Manufacturing Districts#

In M1-1A Districts, the maximum #floor area ratio# for all permitted #uses# shall be 2.0.

* * *

145-23
Height and Setback Regulations

* * *

145-231
Basic height and street wall regulations

[UPDATING CROSS-REFERENCES]

In all districts, except in C8-2 Districts or in M1 Districts with an A suffix, all #developments# and #enlargements# shall comply with the height and setback provisions of this Section.

(a) #Street wall# location rules

For #zoning lots#, or portions thereof, along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter, the #street wall# location provisions ~~applicable to a C2 District mapped within an R7A District, as set forth in Section 35-651 (Street wall location),~~ of paragraphs (b) of Section 35-631 (Street wall location) shall apply except that the #street walls# shall extend to minimum base heights as specified in paragraph (b) of this Section. ~~For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be set forth in paragraph (b) of this Section.~~

Along other #streets#, no #street wall# location rules shall apply.

(b) Maximum base and building heights

[UPDATING CROSS REFERENCES AND REMOVING PROVISIONS PROPOSED TO BE INCORPORATED IN UNDERLYING HEIGHT REGULATIONS]

In R6A and R8X Districts, the underlying height regulations shall apply. For all other districts, ~~The~~ the table in this Section sets forth the maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For the purposes of this Section, in a #Commercial District#, the applicable height and setback provisions are the regulations for the #Residence District# within which such #Commercial District# is mapped, the equivalent #Residence District#, or the designated #Residence District# where such district is paired with an M1 District with an A suffix.

A setback, pursuant to the provisions of Section 23-433 (Standard setback regulations), is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. ~~Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. 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.~~

BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or Other Structures# (in feet)	~~Maximum Number of #Stories#~~
~~R6A~~	~~65~~	~~95~~	~~9~~
R6-1	65	125	~~12~~
R7-2	85	155	~~15~~
R7-3	95	185	~~18~~
~~R8X~~	~~105~~	~~175~~	~~17~~
R8	105	215	~~21~~

(c) Modifications in certain areas

In Subdistricts A and B, the provisions of Section 145-231 (Basic height and street wall regulations) shall apply, except as modified in this Section.

(1) Modifications in Subdistrict A

In Subdistrict A, for #zoning lots# containing #schools# regulated by Section 145-212 (Floor area provisions for zoning lots containing schools in Subdistrict A), the maximum height specified in paragraph (b) of this Section may be increased as-of-right by 40 feet.

(2) Modifications in Subdistrict B

In Subarea B1, portions of #buildings or other structures# located adjacent to an open space, as designated on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, may rise without setback, provided that such open space has a minimum depth of 30 feet from the point of intersection of two #street lines#. For the purposes of applying the #street wall# location rules of paragraph (a) of this Section, the interior boundary of such publicly accessible area shall be considered a #street line#.

(d) Dormers

[UPDATING CROSS-REFERENCES]

For all #buildings <u>or other structures</u>#, dormers shall be a permitted obstruction in a required setback, and may be provided in accordance with the provisions of ~~paragraph (c) of Section 23-623. However, as an alternative to such provisions, 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.~~ <u>paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).</u>

* * *

145-30
SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The #accessory# off-street parking and loading regulations of the underlying districts are modified by the provisions of this Section, inclusive.

~~**145-31**~~
~~**Accessory Off-street Parking Spaces for Residences**~~

[REMOVING PROVISIONS PROPOSED
TO BE INCORPORATED IN UNDERLYING HEIGHT REGULATIONS]

~~In the #Special Eastchester – East Tremont Corridor District#, no #accessory# off-street parking shall be required for #residences#.~~

~~**145-32**~~ **145-31**
Accessory Off-street Parking Spaces for Non-residential Uses

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED
MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT*,
CURRENTLY IN PUBLIC REVIEW]

The following modifications for #manufacturing#, #commercial# or #community facility# #uses# shall apply:

(a) In all #Commercial Districts#, the #accessory# off-street parking requirements applicable to a C4-4 District shall apply; and

(b) In M1 Districts with an A suffix, the #accessory# off-street parking requirements applicable to an M1-4 District shall apply.

~~**145-33**~~
~~**Public Use of Accessory Parking**~~

[REMOVING PROVISIONS PROPOSED
TO BE INCORPORATED IN UNDERLYING HEIGHT REGULATIONS]

~~All required or permitted #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 of a written request for such space made to the landlord.~~

~~**145-34**~~ **145-32**
Loading Regulations

[UPDATING SECTION NUMBER; THE LANGUAGE IN THIS SECTION REFLECTS THEB
PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

The following modifications for #manufacturing#, #commercial# or #community facility# #uses# shall apply:

(a) For the purposes of applying the provisions of Section 36-60 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of C4-4 Districts shall apply in all #Commercial Districts#.

(b) For the purposes of applying the provisions of Section 44-50 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of M1-5 Districts shall apply in M1 Districts with an A suffix or in M1 Districts with an A suffix paired with a #Residence District#.

145-40
SPECIAL APPROVALS

* * *

145-41
Special Approvals in Subdistrict A

* * *

145-411
Certification for public realm improvements in Subdistrict A

[REMOVING OBSOLETE CROSS-REFERENCE]

* * *

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

(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#; and

(2) For #MIH developments#~~, as defined in Section 23-911 (General definitions), the requirements of Section 23-154~~ shall not apply to the bonus #floor area# granted under the provisions of this Section.

* * *

145-42
Special Approvals in Subdistrict B

* * *

145-422
Authorization for qualifying public realm improvement sites

[REMOVING OBSOLETE CROSS-REFERENCE]

* * *

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

(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#; and

(2) For #MIH developments#~~, as defined in Section 23-911 (General definitions), the requirements of Section 23-154~~ shall not apply to the bonus #floor area# granted under the provisions of this Section.

* * *