



## Legislation Details (With Text)

<b>File #:</b>	Res 0416-2006	<b>Version:</b>	*	<b>Name:</b>	LU 165 - Zoning Reso., RD5 Text Amendment, Citywide (N060338(A)ZRY)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Adopted:</b>	Adopted
		<b>In control:</b>		<b>Committee on Land Use:</b>	Committee on Land Use
<b>On agenda:</b>	6/29/2006				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving the decision of the City Planning Commission on Application No. N 060338 (A) ZRY, an amendment to the text of the Zoning Resolution of the City of New York relating to various sections concerning the creation of an R5D Zoning District (L.U. No. 165).				
<b>Sponsors:</b>	Melinda R. Katz, Tony Avella				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 6/29/06				

Date	Ver.	Action By	Action	Result
6/29/2006	*	Committee on Land Use	Approved by Committee	
6/29/2006	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 416

Resolution approving the decision of the City Planning Commission on Application No. N 060338 (A) ZRY, an amendment to the text of the Zoning Resolution of the City of New York relating to various sections concerning the creation of an R5D Zoning District (L.U. No. 165).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on June 9, 2006 its decision dated June 7, 2006 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060338 (A) ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 060337 ZMQ (L.U. No. 106), an amendment of the Zoning Map to address issues of out-of-character residential development in the Jamaica Hill and Hillcrest areas of Queens Community District 8.

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 20, 2006;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on February 21, 2006 (CEQR No. 06DCP072Q);

A technical memorandum, dated June 6, 2006, was prepared in connection with the submission of the modified application N 060338 (A) ZRY. The technical memorandum concluded that the revisions incorporated in the modified application were minor in nature and that the Negative Declaration issued on February 21, 2006 remained valid.

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article 1**

**General Provisions**

**Chapter 1**

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

\* \* \*

**11-12**

**Establishment of Districts**

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

**Residence Districts**

\* \* \*

R5 General Residence District

R5A Detached Residence District

R5B General Residence District

R5D General Residence District

\* \* \*

**12-10**

**Definitions**

\* \* \*

Predominantly built-up area

A "predominantly built-up area" is a #block# entirely within R4 or R5 Districts including #Commercial District# mapped within such #Residential Districts# having a maximum area of 4 acres which is #developed# 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 a R4A, R4-1, R4B, ~~or~~ R5B or R5D District.

\* \* \*

### Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

#### 23-00 APPLICABILITY AND GENERAL PURPOSES

\* \* \*

#### 23-011 Quality Housing Program

(a) In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II Chapter 8 shall apply as set forth in Section 28-01 (Applicability or this Chapter).

\* \* \*

#### 23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

\* \* \*

#### 23-141 Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

\* \* \*

(b)

District	Maximum #Lot Coverage# (in percent)	Maximum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R3A R3X	governed by #yard# requirements		.50
R4A R4-1	governed by #yard# requirements		.75
R2X	governed by #yard# requirements		.85
R2A	30	70	.50
R3-1			
R3-2	35	65	.50

R4	45	55	.75
R4B	55	45	.90
R5	55	45	1.25
R5A	governed by #yard# requirements		1.10
R5B	55	45	1.35
<u>R5D</u>	<u>60*</u>	<u>40*</u>	<u>2.0</u>
7			

\* 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:

\* \* \*

- (3) In R3-2, R4 and R5 Districts, except R4A, R4B, R4-1, R5A, and R5B and R5D 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 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to paragraph (f) of Section 23-12 (Permitted Obstructions in Open Space), Section 23-441 (Location of garages in side yards of corner lots) or Section 23-442 (Location of garages in side yards of other zoning lots).

\* \* \*

- (e) In R4 and R5 Districts, except for #zoning lots developed# with #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, open area between the #streetline# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

## 23-144

**For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts**

R3 R4 R5 R6 R7

In the districts indicated, except R5D Districts, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

<u>Districts</u>	<u>Maximum #Floor Area Ratio#</u>	<u>Minimum #Open Space Ratio#</u>
R3	0.95	66.5
R4	1.29	39.4
R5	1.95	23.1
R6	3.90	17.7
R7	5.01	12.8

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-141 shall apply to #non-profit residences for the elderly#.

\* \* \*

## 23-22

**Maximum Number of Dwelling Units or Rooming Units**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# or #rooming 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# or #rooming unit#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Sections 23-142 or 23-143, notwithstanding the #height factor# of the #building#, 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 Sections 23-142 or 23-143, or 2.2, whichever is greater.

FACTOR FOR DETERMINING MAXIMUM NUMBER  
OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, R2A	1,900	
R2X	2,900	
R3-1 R3-2*	625	
R3A	710	
R3-2 R4 R4-1 R4B	870	
R3X	1,000	
R4A	1,280	
R5 R5D	760	
R4** R5** R5B	900	
R5A	1,560	
R5B***	1,350	
R6 R7 R8B	680	500
R8 R8A R8X R9 R9A	740	530
R9-1 R9X R10	790	600

\* for #single-# and #two-family detached# and #semi-detached residences#

\*\* for #residences# in a #predominantly built-up area#

\*\*\* for #buildings# subject to the provisions of Section 25-633 (Prohibition of curb cuts in certain districts)

## 23-221

### Maximum number of dwelling units or rooming units for non-profit residences for the elderly

R3-2 R4 R5 R6 R7

In the districts indicated, except R4-1, R4A, R4B and R5A Districts, the maximum number of #dwelling units# or, where permitted, #rooming units# for #non-profit residences for the elderly#, shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. No #rooming units# shall be permitted in R3-2, R4 or R5 Districts. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

FACTOR FOR DETERMINING MAXIMUM NUMBER  
OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R3-2	680	
R4 R5B	680	
R5 R5D	700	
R6 R7	710	570

\* \* \*

**23-32****Minimum Lot Area or Lot Width for Residences**

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 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 feet)	District
#Single-family detached	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	<u>2,850</u>	<u>30</u>	<u>R2X</u>
#Single-# or #two-family detached#	3,800	40	R3-1 R3-2 R4-R10
#-zero lot line# where permitted	3,325	35	R3X
	2,850	30	R4A* R5A
	2,375	25	R3A* R4B R4-1* R5B <u>R5D</u>
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, R4A and R4-1 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.

\* \* \*

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

\* \* \*

**23-44****Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

\* \* \*

Overhangs in R4 and R5 Districts, except R4A, R4-1, R4B, R5A, or R5B or R5D Districts, which are that portion of a

#building# above the first #story# including the #basement# which projects 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;

Parking spaces, off-street, open, #accessory#, within a #side# or #rear yard#;

Parking spaces, off-street, open, within a #front yard# that are #accessory# to a #residential building# where:

- (1) in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;
- (2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts) and the screening requirements of Section 25-66.

However, no such parking spaces shall be permitted in any #front yard# within a R4B, or R5B or R5D District, and no such required spaces shall be permitted in any #front yard# within any R1, R2, R3, R4A or R4-1 District within a #lower density growth management area#.

\* \* \*

## 23-45

### Minimum Required Front Yards

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.

<u>Front Yard</u>	<u>District</u>
20 feet	R1
15 feet	R2 R3-1 R3-2
15 feet	R2A
10 feet*	R3A R3X R4A R4-1 R5A
10 feet**	R4 R5
5 feet*	R4B R5B <u>R5D</u>

\* Except as provided in paragraphs (b) and (c) of this Section.

\*\* If the depth of a #front yard# exceeds 10 feet or the #zoning lot# is #developed# pursuant to the optional regulations applicable in a #predominantly built-up area#, the depth of a #front yard# shall be 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 #residential building#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth, except this provision shall not apply in R5D Districts.

R2A R3A R3X R4A R4-1 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 #residential buildings# 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 R2A, R3A, R3X, R4A, R4-1 or R5A Districts is at least as deep as an adjacent #front yard#; and
- (2) in R4B, ~~or~~ R5B and 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.

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 aggregate width of the #building#, shall be disregarded.

For new #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 33 percent of the aggregate 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#.

\* \* \*

## 23-461

### Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, for #single-family detached residences# or, where permitted, for #two-family detached residences#, #side yards# shall be provided as set forth in the table in this paragraph, except that on #corner lots# in #lower density growth management areas#, and on #corner lots# in R2A Districts, one #side yard# shall be at least 20 feet in width:



## MINIMUM REQUIRED SIDE YARDS

Number Required	Width (in feet)	Required Minimum		District
		Required Total	Width of any #Side Yard# (in feet)	
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

- \* An open area with a minimum width of eight feet, parallel to the #side lot line#, is required along a common #side lot line# between a new #development#, #enlargement# or alteration and a #residential building# on an adjacent #zoning lot#, except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet, with both #side yards# at least five feet wide. However, where an adjacent #zoning lot# has an existing #detached residence# with #side yards# totaling 13 feet in width with one #side yard# at least five feet wide, or an existing #semi-detached residence# with a #side yard# at least eight feet wide, the open area shall have a minimum width of ten feet except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet, with both #side yards# at least five feet wide. Only chimneys, eaves, gutters, downspouts, open #accessory# off-street parking spaces, steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

R3-1 R3-2 R4 R4-1 R4B R5

(b) In the districts indicated, for #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# in #lower density growth management areas#, 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

- \* An open area with a minimum width of eight feet parallel to the #side lot line#, is required along a common #side lot line# between a new #development#, #enlargement# or alteration and a #residential building# on an adjacent #zoning lot#. However, where an adjacent #zoning lot# has an existing #detached residence# with #side yards# totaling 13 feet in width with one #side yard# at least five feet wide, or an existing #semi-detached residence# with a #side yard# at least eight feet wide, the open area shall have a minimum width of ten feet. Only chimneys, eaves, gutters, downspouts, open #accessory# off-street parking spaces, steps, and ramps for access by the handicapped are permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

## 23-462

## Side yards for all other residential buildings

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all other #residential buildings#, #side yards# shall be provided as follows:

R3-2 R4 R5

- (a) In the districts indicated, except R4B, ~~or~~ R5B and R5D Districts, two #side yards#, each with a minimum required width of eight feet, shall be provided. However, if a #detached residential building# has an #aggregate width of street walls# of more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of such #aggregate width of street walls#. For #residential buildings# not exceeding two #stories# and a #basement# in height, no such #side yard# need be more than 15 feet wide. However, on #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 #residential building# 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 the new #development#, #enlargement# or alteration and the #residential building# on the adjacent #zoning lot#.

\* \* \*

**23-463**

Maximum aggregate width of street walls

R3-2 R4 R5

In the districts indicated, except R4B, ~~or~~ R5B or R5D Districts, the #aggregate width of street walls# of a #residential building#, or a number of #residential buildings# separated by party walls, shall not exceed the length set forth in the following table:

MAXIMUM  
AGGREGATE WIDTH OF STREET WALLS

Feet	District
125	R3-2
185	R4 R5

\* \* \*

**23-48**

Special Provisions for Existing Narrow Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R2X, R3A, R3X, R4A, R4-1, R4B, R5A, ~~or~~ 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# consists entirely of a tract of land which:

- (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#.

\* \* \*

**23-533**

## Required rear yard equivalents

R4 R5 R6 R7 R8 R9 R10

In the districts indicated, and in R1, R2 and R3 Districts within #lower density growth management areas#, 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, linking adjoining #rear yards# or, if no such #rear yards# exist, 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; or
- (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 that in R6, R7, R8, R9 or R10 Districts, the depth of such required open area along one #street line# may be decreased, provided that:
  - (1) a corresponding increase of the depth of the open area along the other #street line# is made; and
  - (2) any required 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, R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 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.

\* \* \*

## 23-541

Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, R2A, ~~and~~ R5A and R5D Districts, 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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas# R2A, ~~and~~ R5A and R5D Districts, 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#.

\* \* \*

## 23-60

### HEIGHT AND SETBACK REGULATIONS

\* \* \*

## 23-621

Permitted obstructions in certain districts

\* \* \*

R5D

- (d) In R5D Districts, permitted obstructions shall be as set forth in Section 23-62, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage.

\* \* \*

**23-631**

Height and setback in R1, R2, R3, R4 and R5 Districts

\* \* \*

R2A R2X R3 R4 R4A R4-1 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 ~~(g)~~(h) and ~~(h)~~(i) of this Section.

\* \* \*

R5

- (d) In the district indicated, except R5A, ~~and~~ R5B and R5D Districts, ...

\* \* \*

R5D

- (f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane 40 feet above the #base plane#.

R3A R4A R4B R4-1 R5B

~~(f)~~(g)

\* \* \*

- ~~(g)~~(h) The height and setback regulations of this Section are modified as follows:

\* \* \*

- (3) In R5 Districts, except R5A and R5D Districts, as an alternative front setback regulation for #non-profit residences for the elderly#, no portion of the #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 27 feet above an #initial setback distance# of 10 feet and rises over the #zoning lot# at a slope of one foot of vertical distance for each foot of horizontal distance to a maximum height of 40 feet above the #base plane#. On #corner lots#, the #sky exposure plane# shall apply to only one #street# frontage. The provisions of this subparagraph may be modified pursuant to Section 23-62 and paragraph ~~(h)~~(i) of this Section.
- (4) 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 developed# or #enlarged# pursuant 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 #residential building# 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 Section 23-62 and paragraph ~~(h)~~(i) of this Section.

\* \* \*

R3-2 R4 R5

~~(h)~~(i) In the districts indicated, except R4A, R4B, R4-1, R5A, and 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) and (d) above except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations the Commission shall find that:

\* \* \*

### 23-661

#### Required side and rear setbacks for tall residential buildings in low bulk districts

R1 R2 R5

In R1 and R2 Districts, any portion of a #residential building# 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 #residential building# which is higher than 30 feet above the mean level of adjacent natural grade.

In an R5 District, except R5A and R5D Districts, any portion of a #residential building# 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 #residential building# which is higher than 33 feet above the level of the #base plane#.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls not more than four feet high; and
- (b) chimneys or flues with a total width not exceeding 10 percent of the width of the building's walls facing such open area.

\* \* \*

### 23-662

#### 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#.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls not more than four feet high; and
- (b) chimneys or flues with a total width not exceeding 10 percent of the width of the building's walls facing such open area.

\* \* \*

## Chapter 4

### Bulk Regulations for Community Facility Buildings in Residence Districts

\* \* \*

## 24-011

### Quality Housing Program

In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In R5D Districts, certain provisions of Article II Chapter 8 shall apply as set forth in Section 28-01 (Applicability of this Chapter).

\* \* \*

## 24-10

### FLOOR AREA AND LOT COVERAGE REGULATIONS

## 24-11

### Maximum Floor Area Ratio and Percentage of Lot Coverage

\* \* \*

#### MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE #Lot coverage# (percent of #lot area#)

#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#	District
		* * *	
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	<u>R5D</u> R6B
4.80	70	65	R7-1

\* \* \*

## 24-111

### Maximum floor area ratio for certain community facility uses

\* \* \*

R3 R4 R5 R6 R7 R8 R9

- (b) In the districts indicated, for any #zoning lot# containing nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the allowable #floor area ratio# shall not exceed the maximum #floor area ratio# as set forth in the following table, except where the permissible #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

The provisions of paragraph (b) of this Section are not applicable in R8B Districts in Community Board 8 in the Borough of Manhattan.

#### MAXIMUM FLOOR AREA RATIO FOR

## CERTAIN COMMUNITY FACILITIES

<u>District</u>	<u>Maximum #Floor Area Ratio# Permitted</u>
	* * *
R5	1.27
<u>R5D</u> R6B	2.00
R6	2.43
R6A R7B	3.00

\* \* \*

\* \* \*

### 24-13

#### Floor Area Bonus for Deep Front and Wide Side Yards

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the following table, if #yards# are provided as follows:

\* \* \*

### 24-16

#### Special Provisions for Zoning Lots Containing Both 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 R7-2 R7A R7B R7X R8 R9 R10

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#.

The following rules shall apply in the designated areas set forth in Section 23-922  
(Community District 1, Borough of Brooklyn):

\* \* \*

### 24-162

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

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4A, R4B, R4-1, R5D, R6A and R6B Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#.

\* \* \*

### 24-30

## YARD REGULATIONS

\* \* \*

### 24-34

#### Minimum Required Front Yards

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet.

<u>#Front Yard# (in feet)</u>	<u>District</u>
20	R1
15	R2 R3 R4
10	R5
<u>5*</u>	<u>R5D</u>

\* In R5D Districts, the provisions set forth in Section 23-45 (Minimum Required Front Yards) shall apply.

### 24-35

#### Minimum Required Side Yards

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# used for #community facility use# has an #aggregate width of street walls# equal to 80 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 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 Section 23-45 shall apply.

\* \* \*

### 24-381

#### Excepted through lots

\* \* \*

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

(b) In the districts indicated, and in other R6, R7, R8, R9 and R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, 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#.

### 24-382

#### Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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:

(a) an open area with a minimum depth of 60 feet linking adjoining #rear yards# or, if no such #rear yards# exist, 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; 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 R5D, R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and in other R6 through R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, 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.

\* \* \*

#### 24-391

##### Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R5D Districts for #buildings# containing #residences#, 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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R5D Districts for #buildings# containing #residences#, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 220 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

\* \* \*

#### 24-50

##### HEIGHT AND SETBACK REGULATIONS

\* \* \*

#### 24-521

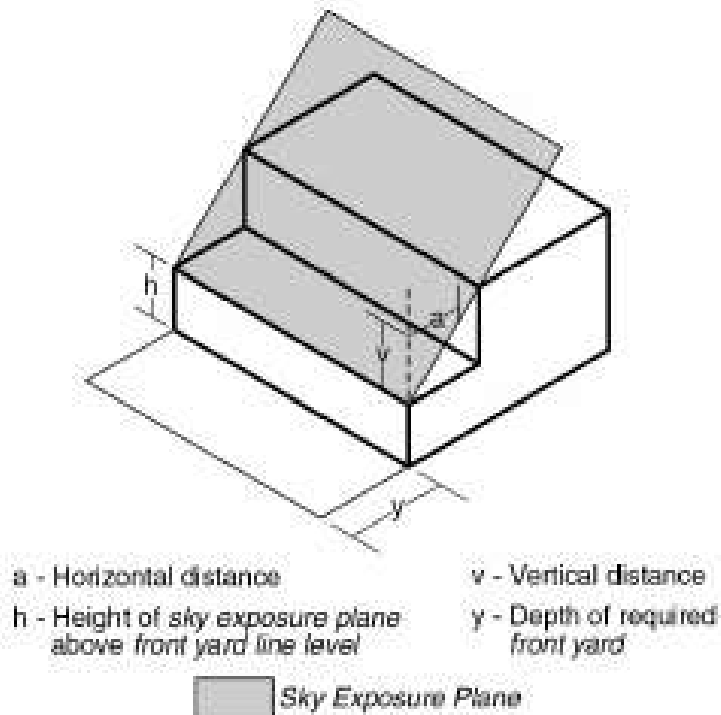
##### Front setbacks in districts where front yards are required

R1 R2 R3 R4 R5 R5A R5B

In the districts indicated, where #front yards# are required, 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

					#Sky Exposure Plane#		
Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)							
Height above #Front Yard		On #Narrow Street#			On #Wide Street#		
Line#	Vertical	Horizontal	Vertical	Horizontal			
(in feet)	Distance	Distance	Distance	Distance	District		
25	1 to 1			1 to 1		R1	R2 R3
35	1 to 1			1 to 1		R4	R5
						R5A	R5B



## 24-523

### Special height and setback regulations within ~~Community District 7, Borough of Manhattan~~

#### (a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634.

#### (b) R5D Districts

In R5D Districts, all #developments# or #enlargements# shall comply with the height and setback requirements set forth in Section 23-60.

\* \* \*

## 24-551

### Required side setbacks for tall buildings in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# that is more than 35 feet or more

than three #stories# above the level of a #side yard#, whichever is lower, shall be nearer to a #side lot line# bounding such #yard# than a distance equal to one-half the height above yard level of such portion of the #building#.

\* \* \*

**Chapter 5**  
**Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**25-20**  
**REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES**

\* \* \*

**25-23**  
**Requirements Where Group Parking Facilities Are Provided**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all new #residences developed# under single ownership or control where #group parking facilities# are provided, #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# or #development#, 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**

<u>Percent of Total</u> <u>#Dwelling Units#</u>	<u>District</u>
100*	R1 R2 R3 R4A R4-1
100	R4 R4B
85	R5
70	R6
66	R5B <u>R5D</u>
60	R7-1
50	R6A R6B R7-2 R7A R7B R7X R8B***
40	R8 R9 R10

\*\* In R6 or R7 Districts, for #residences developed# or #enlarged# pursuant to the Quality Housing

Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of #dwelling units#.

\* \* \*

## 25-25

### Modification of Requirements for Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

#### PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY-ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY

Publicly Assisted Housing Programs	Federal Rent Subsidy for Low Income	Public Housing #Development# or #Dwelling Units# the Elderly# Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for Assisted Housing District	Gov't	
80	65	50.0	***	80	R1 R2
80	65	50.0	35.0	80	R3 R4
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B
					R7B
45	38	30.0	20.0	45	R7-1**
30	23	15.0	12.5	25	R7-2 R7A
					R7X R8B*
30	21	12.0	10.0	25	R8 R8A
					R8X R9 R10

\* \* \*

## 25-26

### Waiver of Requirements for Small Number of Spaces

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, except that the requirements shall not be waived for #non-profit residences for the elderly#.

However, in R5D Districts, the provisions of this Section 25-26, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

## 25-261

For new developments or enlargements

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, for all new #developments# or #enlargements#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is as set forth in the following table:

Maximum number of spaces waived	District
1	R4B R5B <u>R5D</u>
5	R6 R7-1 R7B
15	R7-2 R7A R7X R8 R9 R10

\* \* \*

## 25-621

### Location of parking spaces in certain districts

All #accessory# off-street parking spaces 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).

- (a) For #zoning lots# with #residential buildings# where no more than two #accessory# parking spaces are required:

\* \* \*

R4B R5B R5D R6B R7B R8B

- (3) In the districts indicated, #accessory# off-street parking spaces shall be located only within a #building#, or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# of the #building# or its prolongation. Access to such parking spaces shall be provided only through the #side lot ribbon# or through the #rear yard#.

- (b) For #zoning lots# with #residential buildings# where more than two #accessory# parking spaces are required:

\* \* \*

R4B R5B R5D R6B R7B R8B

- (3) In the districts indicated, #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. Access to such parking spaces shall be provided only through the #side lot ribbon# or through the #rear yard#.

\* \* \*

## 28-01

### Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

## 28-23

### Refuse Storage and Disposal

In R6 through R10 Districts, ~~#Developments#~~, ~~#enlargements#~~, ~~#extensions#~~ and conversions with nine or more ~~#dwelling units#~~ or ~~#rooming units#~~ per ~~#vertical circulation core#~~ shall comply with the provisions of this Section.

In R5D Districts, ~~#developments#~~, ~~#enlargements#~~, ~~#extensions#~~ and conversions with 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#~~ is part of a ~~#development#~~ or ~~#enlargement#~~ on adjacent ~~#zoning lots#~~ with a total of nine or more ~~#dwelling units#~~.

The storage 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#~~ and at least one for ~~#community facility#~~ and ~~#commercial uses#~~. ~~#Residential#~~ storage and removal locations shall be provided at the rate of 2.9 cubic feet per ~~#dwelling unit#~~ or 1.15 cubic feet per ~~#rooming unit#~~.

A refuse disposal room of not less than twelve square feet with no dimension less than three feet shall be provided on each ~~#story#~~ that has entrances to ~~#dwelling units#~~ or ~~#rooming units#~~. Twelve square feet or such refuse storage room shall be excluded from the definition of ~~#floor area#~~.

## Chapter 3

### Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

\* \* \*

## 33-10

### FLOOR AREA REGULATIONS

\* \* \*

## 33-12

### Maximum Floor Area Ratio

\* \* \*

## 33-121

### In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum ~~#floor area ratio#~~ for a ~~#commercial#~~ or ~~#community facility building#~~ 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	For #Commercial Buildings#	#Community Buildings#	For #Community Facility Buildings#	For #Buildings# Used Both #Commercial# and
				Uses#
R4 R5	1.00		2.00	2.00
<del>R5D</del> R6B	2.00		2.00	2.00
R6A R7B	2.00		3.00	3.00

\* \* \*

\* \* \*

### 33-16

#### Floor Area Bonus for Front Yards

### 33-161

#### In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, except R5D Districts, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #community facility building# or a #building# used partly for #commercial use# and partly for #community facility use#, may be increased to the #floor area ratio# set forth in the following table provided that:

\* \* \*

### 33-283

#### Required rear yard equivalents

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

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 linking adjoining #rear yards#, or if no such #rear yards# exist, then midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

\* \* \*

### 33-40

#### HEIGHT AND SETBACK REGULATIONS

\* \* \*

### 33-43

#### Maximum Height of Walls and Required Setbacks

\* \* \*

### 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

- (a) In the districts indicated, 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

Maximum  
Height of a  
Front Wall or  
Other portion

#Sky Exposure Plane#

		of a #Building# within the	Slope over #Zoning Lot # (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
#Initial Setback Distance# (in feet)	#Initial Setback Distance#	Height above	On #Narrow Street#		On #Wide Street#	
On #Narrow#Wide Street#	On Street#	#Street Line# (in feet)	Vertical	Horizontal	Vertical	Horizontal
			Distance	Distance	Distance	Distance

When mapped within R1, R2, R3, R4 or R5 R5A or R5B Districts

20	15	30 feet or two #stories#, whichever is less	30	1 to 1	1	to 1
----	----	---	----	--------	---	------

When mapped within R6 or R7 Districts

20	15	60 feet or four #stories#, whichever is less	60	2.7 to 1	5.6	to 1
----	----	--	----	----------	-----	------

When mapped within R8, R9 or R10 Districts

20	15	85 feet or six #stories#, whichever is less	85	2.7 to 1	5.6	to 1
----	----	--	----	----------	-----	------

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building# or portion thereof occupied by non- #residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, or R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

\* \* \*

### 33-433

#### Special height and setback regulations in ~~R10 Districts within Community District 7, Borough of Manhattan~~

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# located in R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634.
- (b) In C1 or C2 Districts mapped within R5D Districts, all #developments# or #enlargements# shall comply with the height and setback requirements of Section 23-60.

\* \* \*



**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

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**

						Alternate #Sky Exposure Plane#	
						Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
Depth of Optional Front Open Area (in feet)						On #Narrow Street#	On #Wide Street#
On #Narrow Street#	On #Wide Street#	On #Street#	Height above Vertical Distance	Vertical Distance	Horizontal Distance	Vertical	Horizontal
Street#	Street#	Line# (in Feet)					

When mapped within R1, R2, R3, R4, ~~or~~ R5, R5A or R5B Districts

15	10	30	1.4	to 1	1.4	to 1
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When mapped within R6 or R7 Districts

15	10	60	3.7	to 1	7.6	to 1
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When mapped within R8, R9 or R10 Districts

15	10	85	3.7	to 1	7.6	to 1
----	----	----	-----	------	-----	------

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, ~~or~~ R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

\* \* \*

**Chapter 5****Bulk Regulations for Mixed Buildings in Commercial Districts****35-011****Quality Housing Program**

In C1 and C2 Districts mapped within R6 through R10 #Residence 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, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II

Chapter 8 as set forth in Section 28-01 (Applicability of this Chapter).

## Chapter 6

### Accessory Off-Street Parking and Loading Regulations

\* \* \*

#### 36-30

#### **REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS**

\* \* \*

#### 36-331

#### **In C1 or C2 Districts governed by surrounding Residence District bulk regulations**

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 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:

#### REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNITS

#Residence District# within which C1 or C2  
District is Mapped

Percent

R1 R2 R3 R4	100
R5	85
R6	70
<u>R5D</u>	<u>66</u>
R7-1	60
R6A R6B R7-2 R7A R7B R7X R8B*	50
R8 R9 R10	40

\* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

\* \* \*

#### 36-351

#### **In C1 or C2 Districts governed by surrounding Residence District bulk regulations**

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 percentage of the total number of #dwelling units# in each category for which #accessory# off-street parking spaces shall be provided is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

#### PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY (percent of total #dwelling units#)

	#Non-profit Residences for the
Public Housing	

Publicly Assisted Housing	Federal Rent Subsidy Programs	#Developments# or #Dwelling Units# for Low Income Tenants	Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
80	65	50.0	***	80	R1 R2
80	65	50.0	35.0	80	R3 R4
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B
					R7B
45	38	30.0	20.0	45	R7-1**
30	23	15.0	12.5	25	R7-2 R7A
					R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X
					R9 R10

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\* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

\*\* For assisted housing projects #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in C1 and C2 Districts mapped within R6 or R7-1 Districts, the applicable district parking requirements shall be as follows:

<u>District</u>	<u>Applicable District Parking Requirement</u>
R6	R6A
R7-1	R7A

\*\*\* #Non-profit residence for the elderly# is not a permitted #use# in R1 or R2 Districts. See Section 22-12 (Use Group 2).

\* \* \*

**36-361****For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations**

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) for new #development# or #enlargements# 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

<u>#Residence District# within which C1 or C2 District is Mapped</u>	<u>Maximum Number of Spaces Waived</u>
R5D	1
R6 R7-1 R7B	5
R7A R7X R7-2 R8 R9 R10	15

However, in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section 36-361 shall only apply to #zoning lots# existing both on (the effective date of amendment) and on the date of application for a building permit.

\* \* \*

**36-52**

## Size and Location of Spaces

\* \* \*

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 C4-5A C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-4A C6-4X

### (b) Location of parking spaces in certain districts

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, #accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.

\* \* \*

## 36-53

### Location of Access to the Street

\* \* \*

## 36-531

### Location of curb cuts in C1 or C2 Districts mapped within R5D Districts

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after (effective date of amendment). Furthermore, no curb cuts shall be permitted on the #wide street# frontage of any #zoning lot# existing on (the effective date of amendment) with access to a #narrow street#.

\* \* \*

## Article VI: SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

### Chapter 2

#### Special Regulations Applying in the Waterfront Area

\* \* \*

## 62-323

### Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts

R3 R4 R5 R6 R7

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #nonprofit residences for the elderly# on a #zoning lot# within a #waterfront block# shall be as specified in the following table:

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE  
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY  
IN R3, R4, R5, R6 AND R7 DISTRICTS

District	Maximum #Floor Area Ratio#	Maximum #lot Coverage# (in percent)
R3	.95	55
R4	1.29	55
R5	1.95	60

<u>R5D</u> R6B	2.00	60
R6 R6A R7B	3.90	65
R7 R7A R7X	5.01	70

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 29, 2006, on file in this office.

.....  
City Clerk, Clerk of The Council