



## Legislation Details (With Text)

**File #:** Res 0136-2010      **Version:** \*      **Name:** LU 44 - Zoning, relating to off-street regulations in CD# 10, Bronx ( N100134ZRX)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 3/25/2010

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 100134 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10, Borough of the Bronx (L.U. No. 44).

**Sponsors:** Leroy G. Comrie, Jr., Mark S. Weprin

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 3/25/10

Date	Ver.	Action By	Action	Result
3/11/2010	*	Committee on Land Use	Approved by Committee	
3/25/2010	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 136

Resolution approving the decision of the City Planning Commission on Application No. N 100134 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10, Borough of the Bronx (L.U. No. 44).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on February 12, 2010 its decision dated February 10, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10 (Application No. N 100134 ZRX), Borough of the Bronx (the "Application");

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 March 9, 2010;

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 November 2, 2009 (CEQR No. 10DCP012X);

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, and based on the environmental determination and consideration described in this report, N 100134 ZRX, incorporated by reference herein, the Council approves the Decision.

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 to be deleted;

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

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

## 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.

\* \* \*

### Lower density growth management area

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any *#development#* 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.

\* \* \*

Chapter 5  
Accessory Off-Street Parking and Loading Regulations

\* \* \*

25-24  
Modification of Requirements for Small Zoning Lots

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

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 District within which C1 or  
Required as a Percent C2 District is Mapped  
of Total #Dwelling

#Lot Area#

Units#District

10,000 square feet or less	50	R6 R7-1*R7B 30R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2 20R8** R9 R10

\* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

\*\*In R8B Districts, the parking requirements may not be reduced.

\* \* \*

## 25-26 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, 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 (effective date of amendment) and on the date of application for a building permit.

\* \* \*

## Chapter 6 Accessory Off-Street Parking and Loading Regulations

\* \* \*

36-30

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

36-34

Modification of Requirements for Small Zoning Lots

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

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

#Lot Area#	Parking Spaces District within which C1 or Required as a Percent C2 District is Mapped of Total #Dwelling Units#
10,000 square feet or less	50 R6 R7-1*R7B 30R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30 R7-2 20R8** R9 R10

\* 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.

\* \* \*

36-361

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

#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

However, the following provisions shall apply:

(a) in C1 or C2 Districts mapped within 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 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 (effective date of amendment) and on the date of application for a building permit.

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 March 25, 2010, on file in this office.

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