



Legislation Details (With Text)

File #: Res 1290-2005 **Version:** * **Name:** LU 660 - Zoning, Lower Destiny text follow-up, Staten Island (N060022ZRR)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 12/8/2005

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 060022 ZRR, for amendments to the text of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), and Article X, Chapter 7 (Special South Richmond Development District), concerning amendments to the regulations for Lower Density Growth Management Areas in the Borough of Staten Island (L.U. No. 660).

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12/8/05

Date	Ver.	Action By	Action	Result
12/6/2005	*	Committee on Land Use	Approved by Committee	
12/8/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1290

Resolution approving the decision of the City Planning Commission on Application No. N 060022 ZRR, for amendments to the text of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), and Article X, Chapter 7 (Special South Richmond Development District), concerning amendments to the regulations for Lower Density Growth Management Areas in the Borough of Staten Island (L.U. No. 660).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on November 18, 2005 its decision dated November 16, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for amendments to the text of the Zoning Resolution (Application No. N 060022 ZRR) (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 December 5, 2005;

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 August 8, 2005 (CEQR No. 06DCP003R);

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

23-30

LOT AREA AND LOT WIDTH REGULATIONS

* * *

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

#Residence#	Minimum #Lot Type of	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Area# (in feet)	Width#	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# where permitted		3,800	40	R3-1 R3-2	R4-R10
		3,325	35		R3X
		2,850	30		R4A*
		2,375	25		R3A* R4B
					R4-1* R5B
permitted	Any other	1,700	18		R3-R10*

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 #semidetached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table above 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 above 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 above.

* 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.

* * *

Special Provisions for Existing Small Lots

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 built upon a #zoning lot# consisting entirely of a tract of land 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 (effective date of amendment) and on the date of application for 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.

* * *

23-80

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

* * *

23-89

Open Area Requirements for Residences in Lower Density Growth Management Areas in the Borough of Staten Island

The provisions of this Section shall apply in #lower density growth management areas# in the Borough of Staten Island, to all #zoning lots# in #Residence Districts# with two or more #residential buildings# or #building segments#. All such #residential buildings# or #building segments# shall provide open areas as set forth below:

- (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#. Only those obstructions set forth in paragraph (b) of Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
- (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.

* * *

107-42

**Minimum Lot Area
and Lot Width for Residences**

~~For the purposes of this Chapter, all #residences# permitted by the underlying district regulations shall comply with the minimum #lot area# and #lot width# requirements which shall vary with the building height as set forth in Table A.~~

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in Table A 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, provided that the applicable lot width, in feet, set forth in the table above 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 above.

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 of #lot area# or #lot width# ~~prescribed in Table A~~ lot width required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, ~~both on September 11, 1975 and on the date of application for a building permit, both on (effective date of amendment) 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.

TABLE A

Minimum	Minimum Lot	Minimum Height
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District	Type of #Residence# (in sq.ft.)	#Lot Area# feet	Width (in feet)	(in stories)
R1-1	#detached#	9,500	100	1-4
R1-2	#detached#	5,700	40 50 60	1-2 3 4
R-2	#detached#	3,800	40	1-4
R3-1	#detached#	3,800	40 45	1-2 3-4
R3-1 R3-2	#semi-detached#	2,375 3,800	24 40	1-2 3-4
R3-2	#detached#	3,800 4,275	40 45	1-2 3-4
	#attached#	1,700 2,280	18 24	1-2 3-4
R3A	#detached#	3,325	35	1-3
R3X	#detached#	3,800 4,750 5,700	40 50 60	1-2 3 4
R4A	#detached#	3,325	35	1-3
R4-1	#semi-detached#	2,375	24	1-3
	#detached#	3,325	35	1-3

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 December 8, 2005, on file in this office.

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City Clerk, Clerk of The Council