



Legislation Details (With Text)

**File #:** Res 0178-2010      **Version:** \*      **Name:** LU 57 - Zoning, front yard planting, parking location and curb cut regulations for residential uses. (100139ZRY)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 4/14/2010

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

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 100139 ZRY, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, II, III, VII and XII and other related Sections concerning front yard planting, parking location and curb cut regulations for residential uses, Citywide (L.U. No. 57).

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

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 4/14/10

Date	Ver.	Action By	Action	Result
4/13/2010	*	Committee on Land Use	Approved by Committee	
4/14/2010	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 178

Resolution approving the decision of the City Planning Commission on Application No. N 100139 ZRY, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, II, III, VII and XII and other related Sections concerning front yard planting, parking location and curb cut regulations for residential uses, Citywide (L.U. No. 57).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on February 26, 2010 its decision dated February 24, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, relating to Articles I, II, III, VII and XII and other related Sections concerning front yard planting, parking location and curb cut regulations for residential uses (Application No. N 100139 ZRY), Citywide (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 April 7, 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 16, 2009 (CEQR No. 10DCP0135Y);

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 100139 ZRY, 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 1

### GENERAL PROVISIONS

\* \* \*

## Chapter 2

### Construction of Language and Definitions

\* \* \*

### 12-10 DEFINITIONS

\* \* \*

Publicly accessible open area

\* \* \*

#### Quality Housing building

A “Quality Housing building” is a #building developed, enlarged, extended# or converted pursuant to the Quality Housing Program.

#### Quality Housing building segment

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

\* \* \*

### Chapter 3

## Comprehensive Off-Street Parking Regulations in Community Districts 1 through 8 in Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens

\* \* \*

### 13-50

#### SPECIAL PERMITS AND AUTHORIZATIONS

\* \* \*

### 13-55

#### Authorizations

\* \* \*

### 13-551

#### Accessory off-street parking spaces

The City Planning Commission may, by authorization, 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#. For the purposes of this finding (b), need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;
- (a) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic ~~and pedestrian movement~~;
- (a) the parking spaces will not adversely affect pedestrian movement; and
- ~~(d)~~(e) 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.

\* \* \*

### 13-553

#### Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street# provided the Commission finds that a curb cut at such location:

- (a) is not hazardous to traffic safety;

(a) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular and pedestrian movement; and

(a) will not adversely affect pedestrian movement;

~~(e)~~(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities.; and

~~(d)~~(e) will not be inconsistent with the character of the existing streetscape.

\* \* \*

## Article 2

### RESIDENCE DISTRICT REGULATIONS

#### Chapter 3

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

\* \* \*

#### 23-011

#### Quality Housing Program

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# #building# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion any #building# containing #residences# 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 of this Chapter).

(b) In other R6, R7, R8, R9 or R10 Districts, the #bulk# regulations applicable to #Quality Housing #developments# buildings# may, as an alternative, be applied if the #zoning lot# is #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #developments# #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# are non-#residential# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to Quality Housing #developments# #Quality Housing buildings#; or

(2) the existing #buildings# are #residential#, and such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-633 or Section 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, #lot coverage#, and density standards applicable to Quality Housing #developments# or #enlargements# #Quality Housing buildings#.

(c) The optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section shall not apply to:

\* \* \*

- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# or #enlargement# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

\* \* \*

In the Borough of Brooklyn:

Midwood Area

The area bounded by Avenue M, Coney Island Avenue, ~~Avenue P~~, ~~Ocean Avenue~~, ~~Quentin Road~~ Avenue O, and a line midway between East 10th Street and Coney Island Avenue.

\* \* \*

In the Borough of Queens:

Elmhurst/Corona Area

The area bounded by ~~Junction Boulevard~~, Roosevelt Avenue, 114th Street, 34th Avenue, ~~105th Street~~ and ~~35th Avenue~~ 112 Street.

~~Bell Boulevard Area~~

~~The area bounded by 2 13th Street, the southerly prolongation of the center line of 213th Street, 213th Street, Northern Boulevard, 211th Street, 45th Road, 215th Street, 43rd Road, 214th Place, the northerly prolongation of the center line of 214th Place, 214th Place, 40th Avenue, Corporal Stone Street and 38th Avenue.~~

Forest Hills Area

The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.

Area A

~~The area bounded by Hillside Avenue, 181st Street, Jamaica Avenue and 168th Street.~~

~~Area B~~

~~The area bounded by Sutphin Boulevard, Jamaica Avenue, 138th Street and Hillside Avenue.~~

\* \* \*

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

\* \* \*

**23-12  
Permitted Obstructions in Open Space**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following shall ~~not be considered~~ obstructions shall be permitted when located in any #open space# required on a #zoning lot#, or, in R2X, R3A, R3X, R4A, R4-1 and R5A Districts, and for #Quality Housing buildings# or #Quality Housing Building segments#, open area provided #open space# required on a #zoning lot#, except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is #open space# needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:

- (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 percent of the total open area or required #open space# on the #zoning lot#, as follows, set forth in Section 25-64 (Restrictions on Use of Open Space for Parking):
  - (1) ~~50 percent in R1, R2, R3, R6, R7, R8, R9 or R10 Districts; and~~
  - (2) ~~66 percent in R4 or R5 Districts;~~
- (d) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
- (e) 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;
- (f) 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#;

(g) Terraces, unenclosed, fire escapes, planting boxes or air conditioning units, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# or open area, or portion thereof, 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.

\* \* \*

### 23-22 Maximum Number of Dwelling Units or Rooming Units

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

\*\*\* for #buildings# subject to the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) ~~25-633 (Prohibition of curb cuts in certain districts)~~

\* \* \*

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

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

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

\* \* \*

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

- (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 R1, R2 other than R2X, R4B, 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#.

- (1) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth

management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-62 1 (Location of parking spaces in certain districts);

(2) in R3-2, R4 other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-62 1 (Location of parking spaces in certain districts);

(2) 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 building# 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# or a #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

\* \* \*

(b) In any #rear yard# or #rear yard equivalent#:

\* \* \*

Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(1) the height of a #building# used for such purposes, if #accessory# to a #single-# or #two-family residence#, shall not exceed one #story# and, 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#;

(2) if #accessory# to any other kind of #residential building#, the height of such #accessory building#, including the apex of a pitched roof, shall not exceed six ten feet above adjoining grade in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts;

\* \* \*

## 23-451

### Planting requirement

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 determined by the #street# frontage of each #building segment# and 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 a 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.	Minimum percentage of #front yard# to be planted
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30
60 feet or greater	50

\* \* \*

**23-80**

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

\* \* \*

**23-89**

**Open Area Requirements for Residences in ~~R1 through R5~~ Districts**

**23-891**

**In R1 through R5 Districts**

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# containing #residences# or #building segments#. All such #buildings# or #building segments# shall provide open areas as follows:

- (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 Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
- (a) 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**

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (a) In the districts indicated, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#. 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.

R6 R7 R8 R9 R10

- (a) In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#.

\* \* \*

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

**Off-street Parking Regulations**

**25-00**  
**GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**25-02**  
**Applicability**

\* \* \*

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

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9X, R9A, R9X, R10A or R10X Districts or their commercial equivalents, and on any #zoning lot# in other districts containing #residential uses developed#, #enlarged# or converted pursuant to the Quality Housing Program, a #Quality Housing building#, all #accessory# off- street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING).

\* \* \*

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

**25-21**  
**General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all new #residences# constructed #dwelling units# or #rooming units# created after December 15, 1961, 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 #residences# #dwelling unit# or #rooming 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 Public Housing or Housing for Elderly)

Section 25-28(Special Provisions for Zoning Lots Divided by District Boundaries)

After December 15, 1961, for all enlargements which increase the number of dwelling units or rooming units in a building, the same requirements shall apply to the additional dwelling units or rooming units created by such enlargements.

For dwelling units or rooming 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 or rooming 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.

For the purposes of these Sections, 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 residential development 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**

#### 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 25-2 1 (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 (effective date of amendment) and not subsequently enlarged.

#### R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

(a) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to dwelling units or rooming units created by conversions of non-residential uses to residential

uses# on #zoning lots# with less than 5,000 or more square feet of #lot area#.

R7-2 R8 R9 R10

(b) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# created by conversions of any kind.

\* \* \*

**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#, 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 as set forth in the following table:

Maximum number of spaces waived	District
1	R4B R5B R5D
5	R6 R7-1 R7B
15	R7-2 R7A R7D R7X R8 R9 R10

**25-262**

**For conversions**

R6 R7-1 R7A R7B R7D R7X

In the districts indicated, for conversions of any kind in #buildings#, or portions thereof, which result in the creation of additional #dwelling units# or #rooming units#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces, ~~provided that~~ 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).

~~\* No accessory off street parking is required for additional dwelling units created by conversions in R7 2, R8, R9 or R10 Districts. See Section 25-211 (Application of requirements to conversions).~~

\* \* \*

**25-27**

**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

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# as to which the Commissioner of Buildings has certified that 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). The Commissioner of Buildings may refer such matter to the Department of Traffic for report and may base his determination on such report.

\* \* \*

## 25-62 Size and L Location of Spaces

\* \* \*

## 25-621 Location of parking spaces in certain districts

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).

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

R2X R3 R4 R5

- (1) In the districts indicated, except R4B or R5B Districts, #accessory# off street parking spaces shall be permitted only in the #side lot ribbon#, within a #building# or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# or prolongation thereof of the #building#. Access to the #accessory# spaces through a front setback area or required #front yard# shall be only through the #side lot ribbon#. However, for #zoning lots# that
- (1) have a minimum of 35 feet of #street# frontage along one #street#, are occupied by a #single # or #two family detached residence#, and maintain a minimum of 1 8 feet of uninterrupted curbside space along the #street# frontage, access to #accessory# spaces need not be through a #side lot ribbon# provided that, on a #zoning lot# with less than 50 feet of frontage along a #street#, no more than one enclosed #accessory# parking space is provided within the #residential building#.

R6 R7 R8

- (2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, #accessory# off street parking spaces shall be located in accordance with the provisions of paragraph (a)(1) of this Section.

R4B R5B R5D R6B R7B R8B

(3) In the districts indicated, #access or y# 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#.

(4) R1-R2

(4) In the districts indicated, required #accessory# off street parking spaces shall be permitted 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.

(b) For #zoning lots# with #residential buildings# where more than two # access or y# parking spaces are required:

~~R2X R3 R4 R5~~

(1) In the districts indicated, except R4B or R5B Districts, #accessory# off street parking spaces shall be permitted 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, unless:

(i) no more than two such unenclosed spaces are accessed from a single curb cut, and the parking area for these spaces is not more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or

(i) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b).

~~R6 R7 R8~~

(2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, #accessory# off street parking spaces shall be located in accordance with the provisions of paragraph (b)(1) of this Section.

~~R4B R5B R5D R6B R7B R8B~~

In the districts indicated, #access or y# 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#.

R1 R2 R3A R3X R3-1 R4A R4-1 R5A

(a) In the districts indicated, #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 building# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached building# or #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

### R3-2 R4 R5

(b) In the districts indicated, other than R4A, R4B, R4-1, R5A, R5B and R5D Districts, #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 (Screening), paragraphs (a) or (b).

### 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.

### 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

The provisions of this Section shall apply to all residential developments zoning lots with buildings containing residences in R1, R2, R3, R4A and R4-1 Districts within lower density growth management areas.

Required accessory off-street parking spaces shall be permitted only within a building or in any open area on the zoning lot that is not between the street line and the street wall or prolongation thereof of the building.

For zoning lots with less than 33 feet of street frontage, access to all parking spaces through a front yard shall be only through a single driveway no more than 10 feet in width.

For zoning lots with at least 33 feet of street frontage, access to all parking spaces through a front yard shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any group parking facility with more than four spaces.

\* \* \*

## 25-631

### Location and width of curb cuts in certain districts

All curb cuts shall comply with the provisions of this Section, except that in lower density growth management areas, the provisions of Section 25-632 shall apply.

(a) For zoning lots with residential buildings where not more than two accessory parking spaces are required:

R2A

(1) In R2A Districts, 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~~

(2) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633 (Prohibition of curb cuts in certain districts), curb cuts shall comply with the following provisions:

(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 ten feet, shall be permitted;

- (i) 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 15 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;
- (i) where access to #accessory# parking spaces is only through a #side lot ribbon#;
- (i) ribbon#, all curb cuts shall be a continuation of the #side lot ribbon#;
- (i) 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 15 feet, including splays, shall serve both #side lot ribbons#; and
- (i) new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989, provided that this requirement may be waived if the Commissioner of Buildings certifies that, due to the location of curb cuts on adjacent #zoning lots#, there is no way to locate the curb cut in compliance with this requirement and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

#### R6 R7 R8

- (3) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (a)(2), inclusive, of this Section.

#### R4B R5B R6B R7B R8B

- (4) In the districts indicated, for #attached residential buildings# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, new #residential developments# shall provide a minimum distance of 34 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

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

#### R2X R3 R4 R5

- (1) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633, curb cuts shall comply with the following provisions:
  - (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#;
  - (i) new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts on the same or adjoining #zoning lots developed# after June 30, 1989;

- (i) ~~the maximum width of a curb cut serving a #group parking facility# shall~~
- (i) ~~be as set forth in the following table:~~

<del>Size of Facility (in number of spaces)</del>	<del>Maximum Width of Curb Cuts (in feet)</del>
<del>up to 4</del>	<del>15</del>
<del>5 to 24</del>	<del>22</del>
<del>25 and over</del>	<del>30</del>

- (i) ~~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.~~

~~However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width than listed in this chart, such curb cuts may be increased to the minimum width acceptable to the Fire Department.~~

~~R6 R7 R8~~

- (2) ~~In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (b)(1) of this Section.~~

~~R4B R5B R6B R7B R8B~~

- (2) ~~In the districts indicated, for #attached residential developments# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, a minimum distance of 34 feet between curb cuts shall be maintained. In addition, the maximum width of curb cuts serving a #group parking facility# shall be as set forth in the table in paragraph (b)(1) of this Section.~~

- (c) ~~Modification of curb cut location requirements:~~

~~R2X R3 R4 R5 R6 R7 R8~~

- (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 report.

R6 R7 R8

(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

(i) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #development#.

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 R2A Districts, 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

(a) In the districts indicated, except R4B and R5B 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:

(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 ten feet, shall be permitted. Access to parking spaces through a front setback area or required #front yard# shall only be through a #side lot ribbon#, and all curb cuts shall be a continuation of the #side lot ribbon#;

(i) 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 ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

- (i) 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
  - (i) 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 (effective date of amendment) 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#.
- (2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are required:
- (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#;
  - (i) 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 (effective date of amendment) 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#;
  - (i) 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;
  - (i) except for paired driveways as set forth in paragraph (iii) above, 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#. 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 (the effective date of amendment) 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

- (d) In the districts indicated, except as provided 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 (the effective date of amendment), 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, R8X Districts, to all #buildings#; and
- (4) In R6B, R7B and R8B Districts, to #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.

- (f) Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

- (1) In the districts indicated, the location and width of curb cuts, as required by the
- (1) 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

- (2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the
- (2) 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
  - (i) surrounding area; and
  - (i) where more than one curb cut is provided, the curb cuts are arranged to
  - (i) foster retention of curb side parking spaces along the #street frontage# of the #zoning lot#.

**25-632**

**Driveway and curb cut regulations in lower density growth management areas**

The provisions of this Section shall apply to all ~~#residential developments#~~ #zoning lots# with buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60 feet of frontage along two #streets#.

\* \* \*

- (e) All ~~#residential developments~~ #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

\* \* \*

**25-633**

**Prohibition of curb cuts in certain districts**

**Curb cut restrictions for certain buildings in R1 through R5 Districts R4B**

~~R5B R6B R7B R8B~~ R1 R2 R3A R3X R3-1 R4A R4-1 R5A

In the districts indicated, curb cuts are prohibited for ~~#residential developments#~~ on #zoning lots# having a width of less than 40 feet along a #street# and existing on the effective date of establishing such district on the #zoning maps#.

- (a) In the districts indicated, curb cuts are prohibited for #attached buildings#. Furthermore, for a #semi-detached building# that abuts an #attached building#, a curb cut shall only be permitted along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

R1 R2 R3A R3X R4A R5A

- (a) In the districts indicated, for #semi-detached buildings#, a curb cut shall only be permitted along that

portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

\* \* \*

## 25-64 Restrictions on Use of Open Space for Parking

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). For #zoning lots# in #lower density growth management areas#, the provisions of paragraph (b) of this Section shall apply.

(a) In accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space), driveways, private streets, open #accessory# off street parking spaces, or open #accessory# off street loading berths may not use more of the required #open space# on any #zoning lot# than the percent set forth in the following table:

Percent	District
50	<u>R1 R2 R3 R6 R7 R8 R9 R10</u>
66	<u>R4 R5</u>

(b) In #lower density growth management areas#, the following regulations shall apply:

(1) Driveways, #private roads# and open #accessory# off street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #residential buildings# in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the #lot area# not covered by #residential buildings# in R4 and R5 Districts; and

(2) The area within 30 feet and perpendicular to the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety shall not be occupied by driveways or off street parking spaces, except that this provision shall not apply to any #zoning lot# occupied by only one #single # or #two family detached# or #semi-detached residence#.

(a) In R1, R2, R3, R4A, R4-1 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#;

(a) In R4 Districts except for R4A, R4-1 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# ;

(a) 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#.

\* \* \*

## Chapter 8 The Quality Housing Program

### 28-00 GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multi family housing that:

- (a) is compatible with existing neighborhood scale and character;
- (a) provides on-site recreation space to meet the needs of its occupants; and
- (a) is designed to promote the security and safety of the residents.

### 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, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R1 0A or R1 0X 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#.~~ all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-3 3 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, #residential developments#, or #residential enlargements# where permitted, electing to use the optional Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the ~~mandatory~~ Quality Housing Program standards and requirements set forth in this Chapter.

\* \* \*

### 28-33 Planting Areas

The area of the #zoning lot# between the #street line# and the #street wall# of the #building# shall be planted pursuant to the provisions of Section 23-892 (In R6 through R10 Districts)., ~~except at the entrances to and exits from the #building#, or adjacent to #commercial uses# fronting on the #street#.~~

\* \* \*

## 28-50 PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, ~~accessory~~ off-street parking for Quality Housing ~~developments~~, ~~enlargements~~ or conversions shall be provided as set forth in ~~Article II, Chapter 5, and Article III, Chapter 6~~ the applicable underlying district regulations.

\* \* \*

## 28-52 Special Regulations for Off-Site Accessory Parking

Off-site ~~accessory~~ off-street parking spaces for Quality Housing ~~development~~, ~~enlargement~~ or ~~conversion~~ may be unenclosed, provided that the ~~zoning lot~~ on which such spaces are located does not contain a ~~residential use~~.

## 28-53 Location of Accessory Parking

On-site ~~accessory~~ off-street parking for Quality Housing ~~developments~~, ~~enlargements~~ or conversions 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 Chapter 6 Accessory Off-Street Parking and Loading Regulations

### 36-00 GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

\* \* \*

### 36-026 Applicability of regulations to Quality Housing

On any ~~zoning lot~~ containing ~~residential uses developed~~, ~~enlarged~~ or converted pursuant to the Quality Housing Program, a ~~Quality Housing building~~, all ~~accessory~~ off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING) ~~to 28-52 inclusive~~ .

\* \* \*

**36-10  
PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-12  
Maximum Size of Accessory Group Parking Facilities**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces or, in the case of a Quality Housing #development# or #enlargement#, #Quality Housing building#, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 3 6-57 (Accessory Off- Street Parking Spaces in Public Parking Garages).

\* \* \*

**36-30  
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS**

**36-31  
General Provisions**

C1 C2 C3 C4 C5 C6

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all new #residences# constructed #dwelling units# or #rooming unit# created after December 15, 1961, 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 #residences# #dwelling unit# or #rooming unit#:

- Section 3 6-32 (Requirements Where Individual Parking Facilities Are Provided)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 3 6-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-35 (Modification of Requirements for Public Housing or Non-profit Residences for Elderly)
- 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)

After December 15, 1961, for all ~~enlargements~~ which increase the number of ~~dwelling units~~ or ~~rooming units~~ in a ~~building~~ ; the same requirements shall apply to the additional ~~dwelling units~~ or ~~rooming units~~ created by such ~~enlargements~~.

For ~~dwelling units~~ or ~~rooming 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~~ or ~~rooming 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.

For the purposes of these Sections, three ~~rooming units~~ shall be considered the equivalent of one ~~dwelling unit~~.

### 36-311

#### Application of requirements to conversions in C1 or C2 Districts

C1 C2

(a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6, ~~R7B or R7~~ ~~or R7~~ ~~or R7~~ Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional ~~dwelling units~~ or ~~rooming units~~ created by conversions of any kind on ~~zoning lots~~ with less than 5,000 ~~or more~~ square feet of ~~lot area~~ ; except as otherwise provided in Sections 36 363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) and 73 46 (Waiver of Requirements for Conversions).

(a) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional ~~dwelling units~~ or ~~rooming units~~ created by conversions of any kind on ~~zoning lots~~ of any size.

### 36-312

#### Application of requirements to conversion in C3 or C4 Districts

C3 C4-1 C4-2 C4-3

In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional ~~dwelling units~~ or ~~rooming units~~ created by conversions of any kind on ~~zoning lots~~ with less than 5,000 ~~or more~~ square feet of ~~lot area~~, except as otherwise provided in Sections 36 364 (For conversions in C4 Districts) and 73 46 (Waiver of Requirements for Conversions).

\* \* \*

### 36-32

#### Requirements Where Individual Parking Facilities Are Provided

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**

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, R6 or R7 ± 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#. ~~The provisions of this Section shall not apply to these districts when mapped within R6A, R6B, R7A, R7B or R7X Districts or to #residential buildings developed# or #enlarged# pursuant to the Quality Housing Program #Quality Housing buildings# in R6 or R7 Districts without a letter suffix.~~

\* \* \*

**36-33**

**Requirements Where Group Parking Facilities Are Provided**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for ~~new~~ #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 this Section.

\* \* \*

**36-50**

**ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-52**

**Size and Location of Spaces**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

(a) ~~Size of spaces~~

**36-521**

**Size of spaces**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

(b) Location of parking spaces in certain districts

**36-522**

**Location of parking spaces in certain districts**

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 C4-5D 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#

# 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 block front. 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 block front, this provision need not apply along more than one #street line#.

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#.

(a) #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.

**36-53**

**Width of Curb Cuts and Location of Access to the Street**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

**36-531**

**Location of curb cuts in C1 or C2 Districts mapped in 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 June 29, 2006. Furthermore, no curb cuts shall be permitted on the #wide street# frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

**36-532**

**Location and width of curb cuts accessing residential parking spaces in certain districts**

The provisions of this Section 36-532 shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #commercial districts# where, as set forth in the Tables in Section 34-112 or 35-23, as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

- (a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #residence district#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;
- (a) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on (the effective date of amendment) with access to a #narrow street#; and
- (a) Where a commercial district with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on (effective date of amendment) has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of the short end of such #block#.

\* \* \*

**73-46**

**Waiver of Requirements for Conversions**

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
- (a) 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.

\* \* \*

**Article XI - Special Purpose Districts**

**Chapter 7**

**Special Long Island City Mixed Use District**

\* \* \*

**117-64  
Special Parking Regulations**

\* \* \*

(b) #Residential uses#

\* \* \*

( 3 ) Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) ~~25 633 (Prohibition of curb cuts in certain districts)~~ shall not apply.

\* \* \*

**Article XII - Special Purpose Districts**

**Chapter 3  
Special Mixed Use District**

\* \* \*

**123-70  
PARKING AND LOADING**

\* \* \*

**123-72  
Residential and Community Facility Uses**

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 in #mixed use buildings#, the provisions of Section 25 60 shall not apply. In lieu thereof, the provisions of Section 44 40 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF STREET PARKING SPACES) shall apply to such #uses#. 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 Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and Section 44-48 (Parking Lot Landscaping) shall apply.

\* \* \*



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 April 14, 2010, on file in this office.

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