



Legislation Details (With Text)

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Title: Resolution approving the decision of the City Planning Commission on Application No. N 050401 ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter 2 (Construction of Language and Definitions) and Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts), concerning R2A district regulations (L.U. No. 517).

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 7/27/05

Date	Ver.	Action By	Action	Result
7/26/2005	*	Committee on Land Use	Approved by Committee	
7/27/2005	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1112**

Resolution approving the decision of the City Planning Commission on Application No. N 050401 ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter 2 (Construction of Language and Definitions) and Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts), concerning R2A district regulations (L.U. No. 517).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on June 27, 2005 its decision dated June 22, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 050401 ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 050400 ZMQ (L.U. No. 516), an amendment of the Zoning Map to establish new lower-density and contextual zoning districts;

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 July 25, 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 April 11, 2005. The technical memorandum dated April 25, 2005 concluded that the modifications to the R2A district regulations were minor in nature and, therefore, the Negative Declaration issued on April 11, 2005 remained valid. (CEQR No. 05DCP072Y);

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:

Underlined matter 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

* * *

12-10 Definitions

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

However, the #floor area# of a #building# shall not include:

* * *

(2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts

* * *

(8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts,

and in R2X, R3, R4 and R5 Districts such exclusion shall be limited to ...

* * *

Basic Regulations - Front Yards

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

(a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

District	Front Yard
R1	20 feet
R2 R2X R3-1 R3-2	15 feet
R2A	15 feet*
R3A R3X R4A R4-1	10 feet*
R4 R5	10 feet**
R4B R5B	5 feet*

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

** If the depth of a #front yard# exceeds 10 feet or the #zoning lot# is #developed# pursuant to the optional regulations applicable in a #predominantly built-up area#, the depth of a #front yard# shall be at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet.

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #residential building#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth.

R2A R3A R3X R4A R4-1 R4B R5B

(b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front building wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #residential buildings# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

- (1) in R2A, R3A, R3X, R4A or R4-1 Districts is at least as deep as an adjacent #front yard#; and
- (2) in R4B or R5B Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth.

In determining the depth of the adjacent #front yards#, balconies, and projections from the front building wall that do not exceed 33 percent of the aggregate width of the #building#, shall be disregarded.

For new #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 33 percent of the aggregate width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(c) The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:

(1) on #corner lots#, these provisions shall apply on only one #street# frontage; and

(2) these provisions shall not apply to:

- (i) any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;
- (ii) any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or
- (iii) a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

(d) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

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 July 27, 2005, on file in this office.

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