



Legislation Details (With Text)

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On agenda:	8/12/2004				
Enactment date:		Enactment #:			
Title:	Resolution approving the decision of the City Planning Commission on Application No. N 040202 ZRY, an amendment to the text of the Zoning Resolution regarding community facilities (L.U. No. 236).				
Sponsors:	Melinda R. Katz				
Indexes:					
Attachments:	1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/9/04				

Date	Ver.	Action By	Action	Result
8/10/2004	*	Committee on Land Use	Approved by Committee	
9/9/2004	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 586

Resolution approving the decision of the City Planning Commission on Application No. N 040202 ZRY, an amendment to the text of the Zoning Resolution regarding community facilities (L.U. No. 236).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 28, 2004 its decision dated July 28, 2004 (the "Decision"), on the application submitted by the Department of City Planning and the City Council Land Use Committee, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 040202 ZRY) (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 August 9, 2004;

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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on July 16, 2004 (CEQR No. 04DCP025Y);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved is one which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (2) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 underlined is new, to be added;

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

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

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

City Council's changes are indicated by **bold and doubled underline**

12-10 DEFINITIONS

Adult physical culture establishments

An "adult physical culture establishment," is any establishment,... except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (3) hospitals, nursing homes, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4 ~~medical clinics or medical offices~~;

Residence, or residential

A "residence" is a #building# or part of a #building# containing #dwelling units# or #rooming units#, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#;
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#; or

1/10/74

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*College or universities, including professional schools but excluding business colleges or trade schools

*College or school student dormitories ~~or~~ and fraternity or sorority student houses

**Domiciliary care facilities for adults under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency.

9/13/84

22-14

Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*** Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health, and mental health care facilities in which patients are diagnosed or

treated by health care professionals licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments,# or ophthalmic dispensing.

In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Churches, rectories, or parish houses

Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State Social Services Law.

Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if:

(a) separate access to the outside is provided; or

(b) such #use# existed on January 1, 1948

In R1 or R2 Districts, such #use# is further limited to not more than 1,500 square feet of #floor area# or #cellar# space.

Houses of Worship, rectories, or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating ~~church~~ house of worship activities, #schools#, or other ~~church~~ house of worship facilities which existed on December 15, 1961 or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face.

Philanthropic or non-profit institutions without sleeping accommodations ~~excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4~~, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

C. #Accessory uses#

*** Not permitted in R1 or R2 Districts, and, in R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of #floor area#.

12/15/61

22-20

USES PERMITTED BY SPECIAL PERMIT

9/13/84

22-21

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3A, R3X, R3-1, R4A, R4B, R4-1

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2

College or school student dormitories ~~or~~ and fraternity or sorority student houses

~~R1 R2~~

~~Medical offices or group medical centers limited in each case to a maximum of 6,000 square feet of #floor area# or #cellar# space~~

6/12/96

24-33

Permitted Obstructions in Required Yards or Rear Yard Equivalents

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

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

Any #building# or portion of a #building# used for #community facility uses#, ~~except that any portion~~

of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#. However, such #building# shall not be a permitted obstruction in R1 or R2 Districts; the following shall not be permitted obstructions:

- (1) in all #residence districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
- (2) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
- (3) in all #residence districts# not listed in paragraph (b)(2) of this Section, beyond one hundred feet of a #wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of worship, college or university, or hospital and related facilities;

Parking spaces, off-street, #accessory# to a #community facility building# or a #building# used partly for #community facility uses#, provided that the height of an #accessory building# used for such purposes shall not exceed 14 feet above #curb level#. However, such #accessory building# shall not be a permitted obstruction in R1, ~~or~~ R2, R3A, R3X, R3-1, R4A, R4B, or R4-1 Districts;

7/26/01

24-51

Permitted Obstructions

In all #Residence Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (d)(c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (e) (d) Flagpoles or aerials;
- (e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (f) Parapet walls, not more than four feet high;

- (g) Spires or belfries;
- (h) Wire, chain link or other transparent fences.

Building columns having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building# are a permitted obstruction, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53, or 24-54 (Tower Regulations).

12/15/61

25-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

10/25/93

25-31 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 in conformity with the requirements set forth in the table at the end of this Section for all new #development# after December 15, 1961 for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) When, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number).
- (b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).
- (a) For houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally Oriented Houses of Worship).

In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

~~Medical offices or group medical centers~~
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage:

None required - R7-2 R7A R7X R8 R9 R10

1 per 400 - R1 R2 R3

1 per 500 - R4 R5

1 per 800 - R6 R7-1 R7B

~~Churches~~

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - ~~R6 R7 R7-2 R7A R7X~~ R8 R9 R10

1 per 10 ~~fixed seats~~ persons rated capacity - R1 R2 R3

1 per 15 ~~fixed seats~~ persons rated capacity - R4 R5

~~1 per 20 fixed seats - R6 R7-1 R7B~~

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Rated Capacity:

None required - R7-2 R7A R7X R8 R9 R10

1 per 10 persons - R1 R2 R3 R4 R5

1 per 20 persons - R6 R7-1 R7B

College student dormitories, fraternity or sorority student houses

None required - R7-2 R7A R7X R8 R9 R10

1 per 6 beds - R1 R2 R3 R4 R5

1 per 12 beds - R6 R7-1 R7B

12/15/61

25-32

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements

as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

8/14/87

25-33

Waiver of Requirements for Spaces below Minimum Number

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 25-31 (General Provisions) or Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	R1 R2 R3 R4 R5
25	R6 R7-1 R7B
40	R7-2 R7A R7X R8 R9 R10

3/8/73

25-331

Exceptions to application of waiver provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts.

12/15/61

25-34

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 Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that 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.

25-35

Waiver for Locally Oriented Houses of Worship

R1 R2 R3 R4 R5

In the districts indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 25-33 (Waiver of Requirements for Spaces below Minimum Number); and,
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 25-35, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person, in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory use#s shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

12/15/61

~~25-35~~

~~25-36~~

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

12/15/61

~~25-40~~

RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

12/15/61

25-42

Use of Spaces Accessory to Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared facilities for houses of worship).

12/15/61

25-50

RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

12/15/61

25-51

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52	(Off-Site Spaces for Residences)
Section 25-53	(Off-Site Spaces for Permitted Non-Residential Uses)
Section 25-54	(Joint <u>And Shared</u> Facilities)
Section 25-55	(Additional Regulations for Required Spaces When Provided Off Site)
Section 73-45	(Modification of Off-Site Parking Provisions)

12/15/61

25-53

Off-Site Spaces for Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section.

25-531

For houses of worship

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district provided

that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532

For permitted non-residential uses

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and
- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

12/15/61

25-54

Joint And Shared Facilities

25-541

Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-542

Shared parking facilities for houses of worship

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

25-55

Additional Regulations for Required Spaces When Provided Off Site

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

12/15/61

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking areas or groups of individual garages with 10 spaces or more, which are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a) herein.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and

- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

10/31/01

32-01 Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a ~~church~~ house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

6/29/94

33-121 In districts with bulk governed by Residence District bulk regulations

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

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3 <u>R3-1 R3A 3X</u>	1.00 <u>1.00</u>	1.00 <u>1.00</u>	1.00 <u>1.00</u>
<u>R3-2</u>	<u>1.00</u>	<u>1.60</u>	<u>1.60</u>
R4 R5	1.00	2.00	2.00
R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50

R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

33-16

Floor Area Bonus for Front Yards

8/27/98

33-161

In districts with bulk governed by Residence District bulk regulations

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

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

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
When mapped within R1, R2, or R3 <u>R3-1, R3A or R3X</u>	1.60
Districts	
When mapped within R4 or R5 Districts	2.40

6/12/96

33-42

Permitted Obstructions

In all #Commercial Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165.
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at

any given level;

(e) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(d) (c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

(e) (d) Flagpoles or aerials;

(e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(f) Parapet walls, not more than four feet high;

12/15/61

36-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

2/9/94

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

(a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); or

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street).

(b) For houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-5 C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-4 C2-4 C4-4 C8-3

except 1 per 400 square feet of #floor area# when located above the first #story# ceiling in C1-1, C1-2, C2-1 or C2-2 Districts
mapped within R3-2 Districts

Churches

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - C1 and C2 districts mapped within R6, R7, R8, R9 or R10 districts ~~C1-4 C1-5~~ C1-6 C1-7 C1-8 C1-9 ~~C2-4 C2-5~~ C2-6
C2-7 C2-8 C4-2A C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4

1 per 10 ~~fixed seats~~ persons rated capacity - C1 and C2 districts mapped within R1, R2 or R3 districts, ~~C1-1 C2-1~~ C3 C4-1

1 per 15 ~~fixed seats~~ persons rated capacity - ~~C1-2 C2-2~~ C1 and C2 districts mapped within R4 and R5 districts C4-2 C8-1

~~1 per 20 fixed seats~~ — C1-3 C2-3 C4-2A C4-3 C8-2

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding
ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-
commercial recreation centers; or welfare centers

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 10 persons rated capacity - C1-1 C1-2 C2-1 C2-2 C3 C4-1
C4-2 C8-1

1 per 20 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

* The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Uses in Parking Requirement Category B1)

** In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees

*** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

**** Requirements are in addition to area utilized for ambulance parking

***** Requirements apply only to the #floor area# not used for storage.

College student dormitories ~~or~~ and fraternity or sorority student houses

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

1 per 6 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 12 beds - C1-3 C2-3 C4-2A C4-3

12/15/61

36-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

36-23

Waiver of Requirements for Spaces below Minimum Number

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions of this Section.

8/14/87

36-231

In districts with high, medium, or low parking requirements

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

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	C1-1 C2-1 C3 C4-1
15	C1-2 C2-2 C4-2 C8-1
25	C1-3 C2-3 C4-2A C4-3 C7 C8-2

6/21/73

36-232

In districts with very low parking requirements

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

In all districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to:

- (a) #commercial uses# in parking requirement category A or B, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than 40 or 100 in the case of C6-1A Districts; or
- (b) #commercial uses# in any one of parking requirement categories B1, C, D, E, or H, or a permitted #community facility use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility use# is less than 40.

12/15/61

36-233

Exceptions to application of waiver provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number)

shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in parking requirement category G in Use Group 16, or when permitted by special permit.
- (c) The following other #commercial uses# in parking requirement category H in Use Group 7 or 13, or when permitted by special permit:
 - #Boatels#
 - Camps, overnight or day
 - #Motels# or #tourist cabins#
 - Refreshment stands, drive-in
- (d) The following #community facility uses#:
 - Agricultural #uses#, including greenhouses, nurseries, or truck gardens
 - Outdoor tennis courts.

12/15/61

36-24

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

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

36-25

Waiver for Locally Oriented Houses of Worship

C1 C2 C3 C4 C8

In the districts indicated, the requirements set forth in Sections 36-21 (General Provisions) and 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); and,
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 36-25, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

8/14/87

36-25

36-26

Special Provisions for Zoning Lots Divided by District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

7/6/72

36-37

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

36-40

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

6/23/66

36-41
General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42	(Off-Site Spaces for Residences)
Section 36-43	(Off-Site Spaces for Commercial or Community Facility Uses)
Section 36-44	(Joint <u>and Shared</u> Facilities)
Section 36-45	(Additional Regulations for Required Spaces When Provided Off-Site)
Section 73-45	(Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

36-43
Off-Site Spaces for Commercial or Community Facility Uses
C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to #commercial# or #community facility uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

12/15/61

36-44
Joint And Shared Facilities

36-441
Joint Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21	(General Provisions)
Section 36-22	(Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-442

Shared parking facilities for houses of worship

C1 or C2 districts mapped within R1, R2, R3, R4 or R5 districts C3 C4-1 C4-2 C8-1

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

36-45

Additional Regulations for Required Spaces When Provided Off Site

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 36-44 (Joint And Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and
- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/95

42-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Section 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

10/31/01

42-01 Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a ~~church~~ house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.

However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

12/21/89

42-03 Residential Use

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

1/28/71

42-10 USES PERMITTED AS-OF-RIGHT

8/16/79

42-11 Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-14, 32-15, 32-16, 32-18, 32-21.

All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, and houses of worship, are allowed as-of-right and are not subject to the special permit provision of Sections 42-32 and 74-921.

2/26/98

42-14

Use Group 17

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# which: ...

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations

12/21/89

42-47

Residential Uses in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #residential enlargements# may be permitted by authorization of the City Planning Commission provided the

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and ~~44-27~~ 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

12/11/01

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except houses of worship.

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

6/24/76

43-121

Expansion of existing manufacturing buildings

M1 M2 M3

The parking reduction provisions of Section 44-26 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

2/26/67

43-42

Permitted Obstructions

In all #Manufacturing Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (b) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (e) (b) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (d) (c) Flagpoles or aerials;
- (d) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (e) Parapet walls, not more than four feet high;

7/26/01

43-61

Bulk Regulations for Residential Uses in M1-D Districts

The following regulations shall apply to any new #building# or #residential enlargement# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts):

- (e) The maximum distance from the #street line# to the #street wall# of any new #building developed# pursuant to this Section shall be ten feet, unless modified by the Commission pursuant to Section 44-27 44-28 (Parking Regulations for Residential Uses in M1-D Districts).

12/21/89

44-023

Applicability of regulations in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-27 44-28 (Parking Regulations for Residential Uses in M1-D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

12/15/61

44-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

10/25/93

44-21 General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) When, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).
- (b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).
- (c) For houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required, in Relation
to Specified Unit of Measurement

Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - M1-4 M1-5 M1-6

1 per 300*** sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - M1-1 M1-2 M1-3

Churches

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - M1-4 M1-5 M1-6

1 per 15 ~~fixed seats~~ persons rated capacity - M1-1 M1-2 M1-3

Clubs, community centers, or settlement houses; philanthropic or non-profit institutions without sleeping accommodations ~~except~~ ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 10 persons - M1-1 M1-2 M1-3

*** The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

12/15/61

44-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

44-23

Waiver of Requirements for Spaces Below Minimum Number

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	District
15	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
40	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

12/15/61

44-231

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.
- (c) The following #commercial uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

12/15/61

44-24

Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25

Waiver for Locally Oriented Houses of Worship

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single

Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (1) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (2) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-25 (Waiver of Requirements for Spaces below Minimum Number); and,
- (3) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section 44-25, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a), multiplied by the persons rated capacity of the largest room of assembly, shall be subtracted from the persons rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section, is not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

12/15/61

44-25

44-26

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

6/24/76

44-26

44-27

Special Provisions for Expansion of Existing Manufacturing Buildings

M1 M2 M3

In all districts, as indicated, whenever an existing manufacturing #building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the manufacturing #building#; and
- (b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

12/21/89

44-27

44-28

Parking Regulations for Residential Uses in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

- (a) In M1-1D Districts, for any new #residential building# authorized pursuant to Section 42-47, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #development#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#. If necessary, in order to implement this requirement, the Commission may modify the ten foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

- (1) the #zoning lot# extends 40 feet or more along the #street line#;
- (2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and
- (3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#.

12/15/61

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

6/23/66

44-31

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32	(Off-Site Spaces for All Permitted Uses)
Section 44-33	(Joint <u>and Shared</u> Facilities)
Section 44-34	(Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45

(Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

44-32

Off-Site Spaces for All Permitted Uses

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

12/15/61

44-33

Joint and Shared Facilities

44-331

Joint facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21

(General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-332

Shared facilities for houses of worship

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

44-34

Additional Regulations for Required Spaces When Provided Off-Site

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/93

62-212

WE uses (Waterfront-Enhancing)

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 4:

~~Churches~~

Community centers

Houses of worship

*Ice skating rinks, outdoor

Recreation centers, non-commercial

*Philanthropic or non-profit institutions ; without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

7/22/71

73-10

SPECIAL PERMIT USES

12/15/61

73-12

Community Facility Uses in R1, ~~or R2~~, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts

In R1, ~~or R2~~, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.

73-122

College or school student dormitories ~~or~~ and fraternity or sorority student houses

The Board of Standards and Appeals may permit college or school student dormitories ~~or~~ and fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made: ...

5/22/63

73-125

~~Medical offices or group medical centers~~

Ambulatory diagnostic or treatment health care facilities

In ~~R1 or R2~~ R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, ~~medical offices or group medical centers, including the practice of dentistry or osteopathy~~, limited in each case to a maximum of ~~6,000~~ 10,000 square feet of #floor area# and to a location below the level of the first #story# ceiling, provided that the Board finds ~~following findings are made~~:

- (a) that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;
- (b) ~~that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number), at least one #accessory# off-street parking space is provided for each 400 square feet of #floor area#; and~~
- (c) ~~that all open #accessory# off-street parking spaces will be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.~~

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

12/15/61

73-43

Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for Houses of Worship or Places of Assembly, in accordance with the applicable provisions of the following Sections.

73-431

Reduction of parking spaces for houses of worship

In all districts, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for houses of worship, provided:

- (a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking;
- (b) such reduction is commensurate with the reduced demand for on-site parking.

Factors to be considered by the Board may include without limitation the size of the congregation, the frequency and time of worship services and other events, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-432

Reduction of parking spaces for places of assembly

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for ~~churches~~ or #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located in the same #building# or on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the ~~church~~ or place of assembly during the entire period that such ~~church~~ or place of assembly remains in #use#; and
- (b) that, in accordance with submitted schedules of the times of operation for all #uses# within the #building# or on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for ~~churches~~ and places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

12/15/61

73-44

Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14, or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required per Number of Square Feet of Districts

#Floor Area# *

1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space #used# for storage

73-45
Modification of Off-Site Parking Provisions

73-454
For houses of worship

The Board of Standards and Appeals may modify, as applicable, the provision of Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-Site Spaces for All Permitted Uses), or 44-332 (Shared facilities for houses of worship) relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

- (a) such spaces conform to all applicable regulations of the district in which they are located;
- (b) the location of such spaces will not result in undue traffic congestion in the area.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

7/22/71

73-60
MODIFICATIONS OF BULK REGULATIONS

6/27/63

73-64
Modifications for Community Facility Uses

On a #zoning lot# occupied by any of the #community facility uses# specified herein, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility uses# are:

~~Churches, rectories, parish houses, or seminaries~~

College or school student dormitories or fraternity ~~or~~ and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools
Community centers

Houses of worship, rectories, parish houses, or seminaries

Libraries, museums, or non-commercial art galleries

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

6/12/96

74-844

Preservation of community facility uses within certain developments containing public open areas

For any #development# on a #zoning lot# a portion of which,...

(a) that the provision of the new #community facility building# will result in the reinforcement or preservation of an existing ~~church, or other~~ house of worship, community ...

74-92

Use Group 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921

Use Group 4A community facilities

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities.

As a condition of granting a special permit for such community facilities, the Commission shall find that:

7/12/84

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

(b) ~~Medical offices~~ Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

(1) that such ~~offices~~ facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

2/8/90

81-722

Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Use#

*Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

* Catering establishments

* ~~Churches~~

Cigar stores

Hardware stores

* ~~Health centers~~

Historical exhibits

* Household appliance repair shops - not permitted in C5 Districts

* Houses of worship

Ice cream stores

Luggage stores

* ~~Medical offices or group medical centers~~

* Meeting halls

10/9/69

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

2/8/90

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

~~Churches, rectories, or parish houses~~

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Colleges or universities, including professional schools

College or school student dormitories ~~or~~ and fraternity or sorority student houses

Community centers or settlement houses

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Section 35 of the New York State Social Services Law~~

Houses of worship, rectories, or parish houses

Libraries, museums, or non-commercial art galleries

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if separate access to the outside is provided or such #use# existed on January 1, 1948~~

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating ~~church~~ house of worship activities, #schools# or other ~~church~~ house of worship facilities which existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

3/18/76

97-10

SPECIAL PROVISIONS FOR R(M) SPECIAL NORTHSIDE MIXED USE DISTRICT

3/18/76

97-111

Use Group M

A. Apparel and Textile Manufacturing Establishments

Statuary, mannequins, figurines, or religious ~~or church~~ art, excluding foundry operations

Steel, structural products, including bars, girders, rails, wire rope or similar products

1/9/75

Article X - Special Purpose Districts

Chapter 6

Special Coney Island Mixed Use District

1/9/75

106-311

Use Group M

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines, or religious or church art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

9/11/75

Article X - Special Purpose Districts

Chapter 8

Special Franklin Street Mixed Use District

9/11/75

108-111

Use Group M

A. #Manufacturing uses#

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines or religious or church art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

1/20/77

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

3/6/86

112-121

Accessory parking and floor area requirements for eating or drinking establishments

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable.

3/26/92

122-10

SPECIAL USE REGULATIONS

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified as follows:

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981 as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional, ~~medical~~ or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A and/or Use Group 6B, regardless of the locational restrictions in Use Group 4.

12/10/97

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

12/10/97

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories ~~or~~ and fraternity or sorority student houses, domiciliary care facilities for adults, nursing homes and health-related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#: ...

12/10/97

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

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 September 9, 2004, on file in this office.

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