



Legislation Details (With Text)

**File #:** Res 0612-2004    **Version:** \*    **Name:** LU 246 - Zoning, Establishing a new C3A zoning designation, Bronx, CD#13 (040480ZRX)

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

**In control:** Committee on Land Use

**On agenda:** 9/28/2004

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

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 040480 ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter 1; Article III, Chapter 4 and Article III, Chapter 5, establishing a C3A District (L.U. No. 246).

**Sponsors:** Melinda R. Katz, Tony Avella

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/28/04

Date	Ver.	Action By	Action	Result
9/27/2004	*	Committee on Land Use	Approved by Committee	
9/28/2004	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 612

Resolution approving the decision of the City Planning Commission on Application No. N 040480 ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter 1; Article III, Chapter 4 and Article III, Chapter 5, establishing a C3A District (L.U. No. 246).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on August 31, 2004 its decision dated August 25, 2004 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 040480 ZRY) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 040479 ZMX (L.U. No. 245), an amendment to the Zoning Map; N 040481 ZRY (L.U. No. 247), amendment to the text of the Zoning Resolution modifying the definition of street for the purpose of determining a waterfront zoning lot; and N 040482 ZRX (L.U. No. 248), amendments to the text of the Zoning Resolution for the Lower Density Growth Management (LDGM) provisions and the Special City Island District;

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 September 21, 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 Negative Declaration, issued on June 7, 2004 (CEQR No. 04DCP0S0X);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

**ARTICLE 1  
GENERAL PROVISIONS**

**Chapter 1  
Title, Establishment of Controls, and Interpretation of Regulations**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

Commercial Districts

\* \* \*

C3 Waterfront Recreation District  
C3A Waterfront Recreation District

\* \* \*

**12-10  
Definitions**

\* \* \*

Lower Density Growth Management Area

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island  
Community Board 10 in the Borough of The Bronx

\* \* \*

**ARTICLE 3  
COMMERCIAL DISTRICT REGULATIONS**

\* \* \*

**Chapter 2  
Use Regulations**

\* \* \*

**32-10**  
**USES PERMITTED AS-OF-RIGHT**

**32-11**  
**Use Group 1 and 2**

C1 C2 C3 C4 C5 C6

Use groups 1 and 2, as set forth in Section 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or #two-family detached# or #zero lot line residences#.

\* \* \*

**34-00**  
**APPLICABILITY AND DEFINITIONS**

**34-01**  
**Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, In C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations# for R3A Districts of Article II Chapter 3 shall apply to #residential buildings#.

\* \* \*

**Chapter 5**  
**Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

**35-00**  
**APPLICABILITY AND DEFINITIONS**

**35-01**  
**Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS), inclusive, and in Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), inclusive, shall apply as if such #buildings# were a single #mixed building#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3 shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

\* \* \*

**35-23  
Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

(a) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

\* \* \*

District	Applicable #Residence District#
C3	R3-2
<u>C3A</u>	<u>R3A</u>
C4-1	R5

\* \* \*

\* \* \*

**35-50  
MODIFICATION OF YARD REGULATIONS FOR MIXED BUILDINGS**

\* \* \*

**35-52  
Modification of Side Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying along District Boundaries), no #side yard# shall be required for any #mixed building#. ~~However,~~ although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet.

However, in C3A Districts, #side yard(s)# shall be provided for any #mixed building# in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

\* \* \*

**35-60  
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS**

**35-61  
Height and Setback Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #mixed building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#)

may be measured from a point above the #street line#.

In cases where the provisions of Section 34-243 paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #mixed buildings#.

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #mixed buildings#.

In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply to #mixed buildings#.

**35-62  
Maximum Height of Front Wall in Initial Setback Distance**

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except in C3A Districts, as otherwise provided in Sections 82-37 (Street Walls along Certain Street Lines) and 85-04 (Modifications of Bulk Regulations)~~, the maximum height of a front wall of a #mixed building# within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.

\* \* \*

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

\* \* \*

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

\* \* \*

**36-322  
In C3 or C4 Districts**

C3 C4-1 C4-2 C4-3

In the districts indicated, where group parking facilities are not provided, one accessory off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

\* \* \*

**36-332  
In other C1 or C2 Districts, or in C3, C4, C5 or C6 Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNITS

District	Percent
C3*	100
C4-1	85
C4-2 C4-2A C4-3 C4-3A	70
C1-6 C2-6 C4-4 C4-5 C6-1	50
C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-2 C6-3 C6-4 C6-5 C6-6 C6-40 -7 C6-8 C6-9	

\* In C3A Districts the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

Chapter VII Special Regulations

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37-10 Applicability of Article II, Chapter 6, to Developments with Private Roads

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) shall apply to any #development# containing #private roads#, except where such #developments# contain #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

\*\*\*

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 28, 2004, on file in this office.

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