



Legislation Details (With Text)

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Type:	Resolution	Status:		Adopted:	Adopted
		In control:		Committee on Land Use:	Committee on Land Use
On agenda:	4/12/2005				
Enactment date:		Enactment #:			
Title:	Resolution approving the decision of the City Planning Commission on Application No. N 050148 (A) ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter I (Title, Establishment of Controls, and Interpretation of Regulations) and Chapter 2 (Construction of Language and Definitions); Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts) and Chapter 5 (Accessory Off-Street Parking and Loading Regulations), establishing an R2A District (L.U. No. 372).				
Sponsors:	Melinda R. Katz, Tony Avella, Leroy G. Comrie, Jr., James F. Gennaro				
Indexes:					
Attachments:	1. Committee Report, 2. Hearing Transcript - Stated Meeting 4/12/05				

Date	Ver.	Action By	Action	Result
4/5/2005	*	Committee on Land Use	Approved by Committee	
4/12/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 929

Resolution approving the decision of the City Planning Commission on Application No. N 050148 (A) ZRY, an amendment to the text of the Zoning Resolution relating to Article I, Chapter I (Title, Establishment of Controls, and Interpretation of Regulations) and Chapter 2 (Construction of Language and Definitions); Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts) and Chapter 5 (Accessory Off-Street Parking and Loading Regulations), establishing an R2A District (L.U. No. 372).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on March 16, 2005 its decision dated March 14, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 050148 (A) ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application C 050149 ZMQ (L.U. No. 934), an amendment of the Zoning Map establishing new lower-density and contextual zoning districts throughout a 346 block area of Bayside, Queens generally bounded by 6th, 24th Avenues to the north, the Cross Island Parkway to the east, Francis Lewis Boulevard and the Clearview Expressway and 207th Street to the west, and 48th Avenue and the Long Island Expressway to the south;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2005;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 1, 2004 (CEQR No. 05DCP030Q);

A technical memorandum, dated February 14, 2005, was prepared in connection with the submission of the modified application N 050148 (A) ZRY. The technical memorandum concluded that the revisions incorporated in the modified application were minor in nature and that the Negative Declaration issued on November 1, 2004 remained valid. An additional technical memorandum, dated March 14, 2005, was prepared in connection with the modifications to the related action discussed later in this report. The technical memorandum concluded that the modifications were minor in nature and the Negative Declaration issued on November 1, 2004 remained valid;

RESOLVED:

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

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

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

Matter in underline is new, to be added;

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

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

* * * 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

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

R1-1 Single-Family Detached Residence District
R1-2 Single-Family Detached Residence District

R2 Single-Family Detached Residence District
R2A Single-Family Detached Residence District
R2X Single-Family Detached Residence District

* * *

12-10
Definitions

* * *

Floor area

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

* * *

(d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts and eight feet or more in other districts;

* * *

(i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:

(1) within #detached# or #semi-detached single-# or #two-family residences# in R2A, R2X, R3, R4 or R5 Districts, except that

(a) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space, and

(b) in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces.;

* * *

(6) which is unenclosed and covered by a #residential building or other structure# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts.....

* * *

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

* * *

(4) attic space (whether or not a floor ~~actually~~ has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts and less than eight feet in other districts;

* * *

(6) floor space used for #accessory# off-street parking spaces provided in any #story#:

(i) up to 200 square feet per required space existing on June 30, 1989 within #residential buildings# in R3, R4 or R5 Districts, except that:

(a) in R2A Districts, #floor area# shall not include up to 300 square feet for one required space, and

(b) for #detached# or #semi-detached single-# or #two-family residences# in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one required space and up to 500 square feet for two required spaces,

* * *

(9) except in R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:

- (i) such #building# contains not more than two #stories# above such #story#;

* * *

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-00

APPLICABILITY AND GENERAL PURPOSES

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-141

In R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1 R2*	150.0	0.50

* R2A and R2X is are subject to the provisions of paragraph (b).

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R3A R3X	governed by #yard# requirements		.50
R4A R4-1	governed by #yard# requirements		.75
R2X	governed by #yard# requirements		.85
<u>R2A</u>	<u>30</u>	<u>70</u>	<u>.50</u>
R3-1 R3-2	35	65	.50
R4	45	55	.75
R4B	55	45	.90
R5	55	45	1.25

R5B

55

45

1.35

* * *

(5) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard# , except where a parking space is provided within a #residential building#.

* * *

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# or #rooming units# shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

* * *

FACTOR FOR DETERMINING MAXIMUM NUMBER
OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, <u>R2A</u>	1,900	
R2X	2,900	

* * *

23-30**LOT AREA AND LOT WIDTH REGULATIONS**

* * *

23-32**Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single-family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 <u>R2A</u>

2,850

30

R2X

* * *

23-40 YARD REGULATIONS

* * *

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

* * *

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

Parking spaces, off-street, #accessory#, provided that:

height of a #building# used for such purposes, if accessory to a #single#- or #two-family residence#, shall not exceed one #story#, and if located in an R1 District such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;

* * *

23-441 Location of garages in side yards of corner lots

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall not be considered obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

* * *

23-461 Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, for #single-family detached residences# or, where permitted, for #two-family detached residences#, #side yards# shall be provided as set forth in the following table, except that on #corner lots# in #lower density growth management areas#, and on #corner lots# in R2A Districts, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 <u>R2A</u> R3-1 R3-2 R4-R10
2	10	2*	R2X R3X R4A
1	8	0*	R3A R4-1 R4B R5B

* * *

23-541

Within one hundred feet of corners

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, and except R2A Districts, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

23-542

Along short dimension of block

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, and except R2A Districts, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-621

Permitted obstructions in certain districts

R2A R3 R4 R4A R4-1

(a) In the districts indicated, permitted obstructions are limited to those listed in paragraphs (b), (e) and (g) of Section 23-62 (Permitted Obstructions)

* * *

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts

R1 R2

(a) In the districts indicated, except R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

* * *

R2A R2X R3 R4 R4A R4-1

(b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (g) and (h) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the

purposes of this Section, #building segments# may be considered to be separate #buildings# and abutting #semi-detached buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	<u>R2A</u> R2X R3 R4A
25 feet	R4 R4-1
26 feet*	R3 R4A R4-1 within #lower density growth management areas#

* * *

25-631

Location and width of curb cuts in certain districts

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

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

R2A

- (1) In R2A Districts, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

- ~~(1)~~(2) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-632 (Prohibition of curb cuts in certain districts), curb cuts shall comply with the following provisions:

* * *

R6 R7 R8

- ~~(2)~~(3) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single-#, #two-#, or three-#family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (a)(1), inclusive, of this Section.

R4B R5B R6B R7B R8B

- ~~(3)~~(4) In the districts indicated, for #attached residential buildings# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, new #residential developments# shall provide a minimum distance of 34 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

Adopted.

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

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on April 12, 2005, on file in this office.

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