



Legislation Details (With Text)

**File #:** Res 1291-2005    **Version:** \*    **Name:** LU 661 - Zoning, Oinville Zoning Amendment, Citywide (N060083ZRY)

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

**In control:** Committee on Land Use

**On agenda:** 12/8/2005

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

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 060083 ZRY, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (L.U. No. 661).

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

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12/8/05

Date	Ver.	Action By	Action	Result
12/6/2005	*	Committee on Land Use	Approved by Committee	
12/8/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1291

Resolution approving the decision of the City Planning Commission on Application No. N 060083 ZRY, an amendment to the text of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (L.U. No. 661).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on November 18, 2005 its decision dated November 16, 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 060083 ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 060084 ZMX (L.U. No. 662), an amendment of the Zoning Map to establish new lower-density and contextual zoning districts throughout a 36 block area of Olinville, the Bronx, in an area generally bounded by Bronx Boulevard, East 219 Street, White Plains Road, Gun Hill Road, Boston Road, and Adeo Avenue;

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 December 5, 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 August 22, 2005 (CEQR No. 06DCP012X);

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;

\* \* \* indicates 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**

\* \* \*

R5 General Residence District  
R5A Detached Residence District  
R5B General Residence District

\* \* \*

### **Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

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

\* \* \*

#### **23-141 Open space and floor area regulations 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:

\* \* \*

(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
R2A	30	70	.50
R3-1 R3-2	35	65	.50
R4	45	55	.75
R4B	55	45	.90
<u>R5A</u>	<u>governed by #yard# requirements</u>		<u>1.10</u>
R5	55	45	1.25
R5B	55	45	1.35

In addition, the following rules shall apply:

\* \* \*

(3) In R3-2, R4 and R5 Districts, except R4A, R4B, R4-1, R5A and R5B Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to paragraph (f) of Section 23-12 (Permitted Obstructions in Open Space), Section 23-441 (Location of garages in side yards of corner lots) or Section 23-442 (Location of garages in side yards of other zoning lots).

\* \* \*

(6) In R5A Districts, the permitted #floor area# of a #single-# or #two-family detached residence# may be increased by up to 300 square feet for one parking space provided such space is in a garage located in the #side lot ribbon# pursuant to Sections 23-12, paragraph (f), 23-441 or 23-

442.

\* \* \*

**23-20**

**DENSITY REGULATIONS**

\* \* \*

**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 #RoomingUnits#
* * *		
R4A		1,280
R5		760
R4** R5** R5B		900
<u>R5A</u>		<u>1,560</u>
R5B***		1,350
* * *		

\* for #single-# and #two-family detached# and #semi-detached residences#

\*\* for #residences# in a #predominantly built-up area#

\*\*\* for #buildings# subject to the provisions of Section 25-633 (Prohibition of curb cuts in certain districts)

**23-221**

**Maximum number of dwelling units or rooming units for non-profit residences for the elderly**

R3-2 R4 R5 R6 R7

In the districts indicated, except R4-1, R4A and R4B and R5A Districts, the maximum number of #dwelling units# or, where permitted, #rooming units# for #non-profit residences for the elderly#, shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. No #rooming units# shall be permitted in R3-2, R4 or R5 Districts. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or

#rooming unit#.

\*\*\* 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-# or #two-family detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A* <u>R5A</u>
	2,375	25	R3A* R4B R4-1* R5B
Any other permitted	1,700	18	R3-R10*

\*\*\*

**23-40**

**YARD REGULATIONS**

\*\*\* 23-44

**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#:

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

\*\*\*

Overhangs in R4 and R5 Districts, except R4A, R4-1, R4B, or R5A or R5B Districts, which are that portion of a #building# above the first #story# including the #basement# which projects not more than three feet into the required 18 foot #front yard#. In no case shall the lowest level of the projected portion

be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;

\* \* \*

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

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

Table with 2 columns: Front Yard, District. Rows include 20 feet (R1), 15 feet (R2 R2X R3-1 R3-2), 15 feet\* (R2A), 10 feet\* (R3A R3X R4A R4-1 R5A), 10 feet\*\* (R4 R5), 5 feet\* (R4B R5B).

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

\* \* \*

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

R2A R3A R3X R4A R4-1 R4B R5A R5B

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

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

- (1) in R2A, R3A, R3X, R4A, ~~or~~ R4-1, or R5A Districts is at least as deep as an adjacent #front yard#; and
(2) in R4B or R5B Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

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

\* \* \*

**23-46  
Minimum Required Side Yards**

\* \* \*

**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 table in this paragraph, 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 R2A R3-1 R3-2 R4-R10
2	10	2*	R2X R3X R4A <u>R5A</u>
1	8	0*	R3A R4-1 R4B R5B

\* An open area with a minimum width of eight feet, parallel to the #side lot line#, is required along a common #side lot line# between a new #development#, #enlargement# or alteration and a #residential building# on an adjacent #zoning lot#, except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet, with both #side yards# at least five feet wide. However, where an adjacent #zoning lot# has an existing #detached residence# with #side yards# totaling 13 feet in width with one #side yard# at least five feet wide, or an existing #semi-detached residence# with a #side yard# at least eight feet wide, the open area shall have a minimum width of ten feet except that the total width of #side yards# on a #zoning lot# need not exceed 13 feet, with both #side yards# at least five feet wide. Only chimneys, eaves, gutters, downspouts, open #accessory# off-street parking spaces, steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

\* \* \*

**23-48  
Special Provisions for Existing Narrow Zoning Lots**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R2X, R3A, R3X, R4A, R4-1, R4B, R5A or R5B Districts, the required total width of #side yards# for a #single-family detached# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such #zoning lot# consists entirely of a tract of land which:

- (a) has less than the prescribed minimum #lot width#; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit.

However, in no event shall the required width of a #side yard# be less than five feet.

**23-49**

**Special Provisions for Party or Side Lot Line Walls**

R3-1 R3-2 R4 R5

In the districts indicated, except R4A and R5A Districts, a #residence# may be constructed so as to:

- (a) utilize a party wall or party walls, or abut an independent wall or walls along a #side lot line#, existing on December 15, 1961 or lawfully erected under the terms of this Resolution; or
- (b) incorporate a straight line extension of such a wall existing on December 15, 1961 or lawfully erected under the terms of this Resolution; or
- (c) share a party wall or party walls with other #residences# being erected at the same time on an adjoining #zoning lot# or #zoning lots#.

If a #residence# is so constructed, the #side yard# requirements shall be waived along that boundary of the #zoning lot# coincident with said party wall or party walls, or independent wall or walls along a #side lot line#, and one #side yard# shall be provided along any #side lot line# of the #zoning lot# where such a wall is not so utilized, at least eight feet wide in R3-1, R3-2, R4 or R5 Districts and four feet wide in R4-1, R4B or R5B Districts.

\* \* \*

**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~~ R2A and R5A 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 R2A and R5A~~ 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 R5A

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

\* \* \*

**23-63**  
**Maximum Height of Walls and Required Setbacks**

\* \* \*

R2A R2X R3 R4 R4A R4-1 R5A

- (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	R2A R2X R3 R4A
25 feet	R4 R4-1 <u>R5A</u>
26 feet*	R3 R4A R4-1 within #lower density growth management areas#

- \* In R3, R4A and R4-1 Districts within #lower density growth management areas#, where a #base plane# is established at a #base flood elevation# higher than grade, the maximum perimeter wall height shall be 21 feet above such base flood elevation or 26 feet above grade, whichever is more.

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (1) through (5) as follows:

\* \* \*

R2X R3 R4 R4A R4-1 R5A

(6) Special Situations

- (i) For convex curved perimeter walls the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35 foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

\* \* \* R5

- (d) In the district indicated, except R5A and R5B Districts, ...

\* \* \*

- (g) The height and setback regulations of this Section are modified as follows:

\* \* \*

- (3) In R5 Districts, except R5A Districts, as an alternative front setback regulation for #non-profit residences for the elderly#, ...

\* \* \*

R3-2 R4 R5

- (h) In the districts indicated, except R4A, R4B, R4-1, R5A and R5B Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b) and (d) above except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations the Commission shall find that:

\* \* \*

**23-661**

**Required side and rear setbacks for tall residential buildings in low bulk districts**

R1 R2 R5

\* \* \*

In an R5 District, except R5A Districts, any portion of a #residential building# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #residential

building# which is higher than 33 feet above the level of the #base plane#.

**\* \* \* 23-80**

**COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES**

\* \* \*

**23-86**

**Minimum Distance Between Legally Required Windows and Walls or Lot Lines**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to #legally required windows# in #residential buildings#:

- (a) in R2X, R3, ~~or~~ R4 or R5A Districts, with a maximum height of 35 feet and with a maximum of three units; and
- (b) in other districts either:
  - (1) with a maximum height of 32 feet and with a maximum of three units; or
  - (2) with three #stories# if the lowest #story# is either a #basement# or is excluded from #floor area# by definition.

\* \* \*

**25-20**

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

\* \* \*

**25-23**

**Requirements Where Group Parking Facilities Are Provided**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all new #residences developed# under single ownership or control where #group parking facilities# are provided, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building# or #development#, in accordance with the provisions of Section 25-41 (Purpose of Spaces, and Rental to Non-Residents).

**PARKING SPACES REQUIRED WHERE  
GROUP PARKING FACILITIES ARE PROVIDED**

Percent of Total #Dwelling Units#	District
100*	R1 R2 R3 R4A R4-1
100	R4 R4B <u>R5A</u>
85	R5

70	R6
66	R5B
60	R7-1
50**	R6A R6B R7-2 R7A R7B R7X
	R8B***
40	R8 R9 R10

\* \* \*

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 December 8, 2005, on file in this office.

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