



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2023

Resolution approving the decision of the City Planning Commission on Application No. N 000244 (B1) ZRY, an amendment to the text of the Zoning Resolution regarding the establishment of a unified set of bulk regulations (L.U. No. 1134).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on June 15, 2001 its decision dated June 13, 2001 (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 000244 (B1) ZRY) (the "Application");

WHEREAS, the Application is related to ULURP Application C 010199 ZMY (L.U. No. 1133), an amendment to the Zoning Map;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 25, 2001;

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 June 1, 2001 (CEQR No. 00DCP034Y);

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) consistent with social, economic and other essential considerations, from among the reasonable alternatives, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and
- (3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement will be minimized or avoided by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

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 determination, pursuant to 6 N.Y.C.R.R. §617.9.

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 Graytone (print) or Redline (screen) 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

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

* * *

Establishment of the Special Atlantic Avenue District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Atlantic Avenue District# is hereby established.

* * *

Establishment of the Special Coney Island Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 6, the #Special Coney Island Mixed Use District# is hereby established.

Establishment of the Special Downtown Brooklyn District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

Establishment of the Special Franklin Street Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Franklin Street Mixed Use District# is hereby established.

Establishment of the Special Fulton Mall District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Fulton Mall District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Bulk

"Bulk" is the term used to describe the size of #buildings or other structures#, and their relationships to each other and to open areas and #lot lines#, and therefore includes:

- (a) the size (including height and #floor area#) of #buildings or other structures#;
- (b) the area of the #zoning lot# upon which a #residential building# is located, and the number of #dwelling units# or #rooms# #rooming units# within such #building# in relation to the area of the #zoning lot#;

* * *

Floor area per room

"Floor area per room" is the amount of the #residential floor area# required for each #room# in determining the number of #rooms# allowed in a #residential building# or the #residential# portion of a #building#.

The maximum #residential floor area# allowed by the applicable district regulations on such #zoning lot# shall be divided by the required #floor area per room# to determine the number of #rooms#, except for #community facility buildings# or #mixed buildings#.

For the purposes of room count for #community facility buildings# or #mixed buildings#, the "maximum residential floor area" is either:

- (a) the maximum #floor area# permitted for #residential uses#; or
- (b) the #floor area# permitted for the entire #building#, minus the #floor area# used for non-#residential uses#, whichever of (a) or (b) is less. Such resulting #residential floor area# on the #zoning lot# shall be divided by the required #floor area per room# to determine the number of #rooms#.

Such resulting #residential floor area# on the #zoning lot# shall be divided by the required #floor area per room# to determine the number of #rooms#.

* * *

Rooms

The number of "rooms" in a #dwelling unit#, for the purpose of complying with the #lot area# requirements, is computed in the following manner:

- (a) The number of "living rooms," as defined in Section 4 of the Multiple Dwelling Law, is determined, except that:
 - (1) kitchens or other cooking spaces (without limit as to size) shall not be counted as "living rooms";
 - (2) dining alcoves, dinettes, or other dining spaces (without limit as to size) when not separated by walls or doors from other "living rooms" or cooking spaces, shall not be counted as "living rooms"; and
 - (3) dining rooms in #dwelling units# containing three or more bedrooms, and one or more other living rooms as herein computed shall not be counted as "living rooms," except that such dining rooms may be counted in determining the degree of #non-compliance# under the provisions of Section 54-31 (General Provisions).
- (b) The number of #rooms# to be counted in computing #lot area# requirements is then determined from the following table:

Number of "living rooms" as computed in paragraph (a)

#Rooms# to be counted

[9] 3|

2 1/2

[9] 3|

3 1/2

[9] 3|

4 1/2

[9] 3|

5 1/2

[9] 3|

6 1/2

[9] 3|

7 1/2

Additional

1 each

The number of #rooms# in a #rooming unit# shall be counted as two.

"Rooms" shall consist of "living rooms," as defined in the Multiple Dwelling Law.

* * *

Rooming Unit

A "rooming unit" consists of any "living room," as defined in Section 4 of the Multiple Dwelling Law, in a #residential building# or a #residential# portion of a #building#, that is:

- (a) in a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in Section 4 of the Multiple Dwelling Law; or
- (b) used "for class B occupancy," as defined in Section D26-1.7 of the Housing Maintenance Code; or
- (c) used for "single room occupancy," as defined in Section 4 of the Multiple Dwelling Law; or
- (d) occupied by a "boarder," "roomer" or "lodger," as defined in Section D26-1.7 of the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a #dwelling unit#, the #room# or #rooms# occupied by such boarders, roomers or lodgers shall be counted as part of the #dwelling unit# and not be counted as #rooming units#; or

* * *

Special Atlantic Avenue District

The #Special Atlantic Avenue District# is a Special Purpose District designated by the letters "AA" in which regulations set forth in Article X Chapter 4, apply to all #zoning lots#. The #Special Atlantic Avenue District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and modify those of the districts on which it is superimposed.

* * *

Special Coney Island Mixed Use District

The "Special Coney Island Mixed Use District" is a Special Purpose District designated by the letters "CO" in which special regulations set forth in Article X, Chapter 6, shall apply.

Special Downtown Brooklyn District

The "Special Downtown Brooklyn District" is a Special Purpose District designated by the letters "DB" in which special regulations set forth in Article X, Chapter 1, apply. There are two subdistricts within the #Special Downtown Brooklyn District#: the Atlantic Avenue Subdistrict and the Fulton Mall Subdistrict. The #Special Downtown Brooklyn District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and modify those of the districts upon which it is superimposed.

* * *

Special Fulton Mall District

The "Special Fulton Mall District" is a Special Purpose District designated by the letters "FM" in which regulations set forth in Article XI, Chapter 5, apply to all #developments# within the Special District. The #Special Fulton Mall District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.

* * *

Chapter 4

Sidewalk Café Regulations

* * *

APPENDIX C

Special Zoning Districts - where cafes shall or shall not be allowed where permitted by the underlying zoning:

* * *

	Brooklyn	Enclosed	Unenclosed			
104.	Atlantic Avenue District	Yes		Yes		
2.8.	Sheepshead Bay District	No		Yes		
3.2.	Coney Island Mixed Use District	Yes		Yes		
3.	Downtown Brooklyn District	Yes	Yes			
4.6.	Ocean Parkway District, except along Ocean Parkway	Yes	Yes			
4.5.	Northside Mixed Use District	Yes		Yes		
6.4.	Franklin Street Mixed Use District	Yes			Yes	
7.1.	Bay Ridge District	Yes		Yes		

* * *

Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn, and Queens

* * *

15-00
GENERAL PURPOSES

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof, erected prior to December 15, 1961, have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

* * *

15-011
Applicability within Special Districts

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use Districts).

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in the #Special Tribeca Mixed Use District#.

For the purposes of this Chapter, districts within the #Special Northside Mixed Use District# indicated on the #zoning map# as M(R) shall be considered #Manufacturing Districts#, and districts indicated on the #zoning map# as R(M) shall be considered #Residential Districts#.

15-012
Applicability within C6-1G, C6-2G, M1-5A or M1-5B Districts or the Special Tribeca Mixed Use District

The conversion to #dwelling units# of non-#residential buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion within C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts or in the #Special Tribeca Mixed Use District#.

* * *

15-10
REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

15-11
Bulk Regulations

The #lot area# requirements of the following Sections are hereby superseded and replaced with the requirements of this Section for the conversion of non-#residential buildings# to #dwelling units#:

Sections 23-20 through 23-26 (DENSITY REGULATIONS REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM)

Section 24-20 (LOT AREA REQUIREMENTS FOR BUILDINGS USED PARTLY FOR RESIDENTIAL USE)

Sections 35-40 through 35-43 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS); and

Section 54-31 (Enlargements or Conversions).

In addition, For the conversion of non-#residential buildings# to #dwelling units#, the applicable density requirements shall be modified in accordance with the provisions of Section 15-111 (Number of permitted dwelling units), and the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# requirements are hereby superseded and replaced by the requirements of Sections 15-112 (Light and air provisions) and 15-12 (Open Space Equivalent).

* * *

15-111

Number of permitted dwelling units

The number of #dwelling units# permitted is the total number calculated under paragraphs (a) and (b) of this Section, and may be distributed anywhere within the #building#, provided that any portions of a #dwelling unit# located in the #cellar# shall also comply with the provisions of Section 15-112.

(a) #Floor area# that does not exceed the maximum #residential floor area# permitted by the provisions of the applicable district may be converted to #dwelling units#. The number of #dwelling units# attributable to the #floor area# permitted under the provisions of the applicable district shall be determined by the following table:

MINIMUM AVERAGE FLOOR AREA PER DWELLING UNIT IN SPECIFIC ZONING DISTRICTS

Applicable
District

Maximum #residential floor area ratio# permitted

Minimum average
#floor area# per
#dwelling unit#
permitted

R4 or equiv.

1.50

615 sq. feet

R5 or equiv.

1.65

645 sq. feet

R6 or equiv.

2.43

700 sq. feet

R7 or equiv.

3.44

745 sq. feet

R8 or equiv.

6.02

790 sq. feet

R9 or equiv.

7.52

880 sq. feet

R10 or equiv.

10.00

900 sq. feet

(b) In existing non-residential buildings, that portion of the floor area that exceeds the residential floor area permitted by the provisions of the applicable district may be converted to dwelling units, provided that there shall be a minimum average of 1,800 square feet of gross floor area per dwelling unit in such excess residential floor area.

For floor area converted to public or publicly-assisted housing or non-profit residences for the elderly, as described in Section 25-25, there shall be a minimum average of 1,500 square feet of gross floor area per dwelling unit in such excess floor area.

However, in Manhattan, in all Commercial Districts with an R10 equivalent in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the Special Lower Manhattan Mixed-Use District that extends south of Murray Street, that portion of the floor area in existing non-residential buildings that exceeds the permitted residential floor area may be converted to dwelling units, provided that there shall be a minimum average of 900 square feet of gross floor area per dwelling unit in such excess residential floor area.

The provisions of paragraph (c) are incorporated into the new 15-11

(c) The requirements of paragraphs (a) and (b) of this Section may be replaced by the regulations of Section 15-026 for dwelling units:

(1) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(2) that the Loft Board determines were occupied for residential use on September 1, 1980.

No building that meets the density requirements of paragraphs (a) or (b) of this Section may subsequently add dwelling units except in accordance thereof. No building to which the regulations of Section 15-026 have been applied may subsequently add additional units except in accordance with the requirements of Section 15-111.

For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual dwelling units provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the floor area contained within such dwelling unit. Such mezzanines are permitted only in buildings with an existing floor area ratio of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as floor area for the purpose of calculating the minimum required size of a dwelling unit or for calculating floor area devoted to dwelling units.

The maximum number of dwelling units permitted shall be determined in accordance with the applicable district regulations. However, where the total floor area on the zoning lot exceeds the maximum floor area permitted by the applicable district regulations, such excess floor area may be converted in its entirety to dwelling units. Such excess floor area shall be included in the amount of floor area divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

For the conversion to dwelling units of non-residential buildings, or portions thereof, pursuant to Section 74-71 (Landmark Preservation), in C7, C8 and Manufacturing Districts, the maximum number of dwelling units shall equal the total floor area to be converted to residential use divided by the applicable factor listed in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one dwelling unit.

MAXIMUM NUMBER OF DWELLING UNITS

District

Factor

C7 C8-1 C8-2 M1-1 M1-2 M2-1 M2-3 M3

680

C8-3 C8-4 M1-4 M1-5 M2-2 M2-4

740

M1-6

790

In addition, the following provisions shall apply:

No #building# shall be converted to #rooming units#. #Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section 15-112 (Light and air provisions.)

Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

The density provisions of this Section may be replaced by the regulations of Section 15-026 for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

15-112

Light and air provisions

(a) For the purposes of this Section, a "living room" is defined by Section 4 of the Multiple Dwelling Law.

(b)(a) Spaces other than "living rooms" #rooms#:

(1) Mezzanines shall be lit and ventilated in accordance with the provisions of subarticle 1202.0 and subarticle 1205.0 of the Administrative Code.

(2) #Cellar# space is not permitted in #dwelling units# with three and one half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.

(3) Spaces, other than "living rooms", kitchens, bathrooms or mezzanines, with a minimum width of 5 five feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in #dwelling units# with three and one half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.

(c)(b) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.

(d)(c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior building wall containing windows used to meet the requirements of Section 15-112 paragraph (c) (Light and air provisions), (b) of this Section measured perpendicular to such building wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

* * *

15-20

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M and M1-6M DISTRICTS

(a) The #lot area# requirements of the following Sections are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the conversion of non-#residential buildings# to #dwelling units#:

Sections 23-20 through 23-26 (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM);

Section 24-20 (LOT AREA REQUIREMENTS FOR BUILDINGS USED PARTLY FOR RESIDENTIAL USE);

Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES);

Sections 35-40 through 35-43 (APPLICABILITY OF THE LOT AREA REQUIREMENTS TO MIXED BUILDINGS); (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS); and

Section 54-31 (Enlargements or Conversions).

In addition, the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# requirements are hereby superseded and replaced by the requirements of Sections 15-23 and 15-24.

(b) In C6-2M, C6-4M, M1-5M and M1-6M Districts, the requirements of Section 15-21 (Use Regulations - Transfer of Preservation Obligations and Conversion Rights) may be waived by authorization of the City Planning Commission in connection with the conversion of all or any portion of a non-#residential building# to a #residential use#, provided that:

* * *

(4) such non-#residential buildings# or portions thereof, being converted to #residential use#, shall comply with the #residential floor area per room# density requirements set forth in Section 74-711 (Landmark preservation in all districts), paragraph (a)(3).

* * *

Article II Residence District Regulations

* * *

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

23-00 APPLICABILITY AND GENERAL PURPOSES

* * *

23-011 Quality Housing Program

* * *

(c) The Quality Housing Program shall not apply to:

(1) Article VII, Chapter 8 (Large Scale Residential Developments);

(2) Special Purpose Districts, except the following:

* * *

(v) the #Special Tribeca Mixed Use District#; and

(vi) the #Special Lower Manhattan District#, as modified in Section 91-05; or

(vii) the #Special Hunters Point Mixed Use District#; and

(vii) the #Special Downtown Brooklyn District; or

(3) #zoning lots# in R6 or R7 Districts....

* * *

23-13
Balconies

Sections 23-131 and 23-132 are consolidated in the new Section 23-132 (Balconies in R6 through R10 Districts). Section 23-133 is renumbered and modified as Section 23-131 (Balconies in R1 through R5 Districts).

23-131
Balconies in R1, R2 and R6 through R10 Districts

R1 R2 R6 R7 R8 R9 R10

In the districts indicated, except R2X Districts, balconies that:

- (a) are unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height;
- (b) are located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level# and except that in the case of a #residential building# not more than 32 feet in height, such balconies may be located at or above the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level#, or seven feet above adjacent natural grade, whichever is higher;
- (c) have an aggregate length, at the level of any #story#, not exceeding 50 percent of the length at that level of the plane surface of the building wall from which they project; and
- (d) have an aggregate area of projection at the level of any #story#, not exceeding, in square feet, 1.8 times the length in feet at that level of such plane surface,

may, by a distance not exceeding nine feet, penetrate any #sky exposure plane# or project into or over any required open area set forth in the following Sections:

- (1) #open space#, as defined in Section 12-10 (DEFINITIONS);
- (2) #residential plazas# or #urban plazas#;
- (3) #rear yards#, as defined in Section 12-10 (DEFINITIONS);
- (4) #initial setback distances#, or #sky exposure planes#, as set forth in Section 23-63 (Maximum Height of Wall and Required Setbacks);
- (5) alternate front setbacks or #sky exposure planes#, as set forth in Section 23-64 (Alternate Front Setbacks);
- (6) open areas not occupied by towers, as set forth in Section 23-65 (Tower Regulations);
- (7) required side and rear setbacks, as set forth in Section 23-66 (Required Side and Rear Setbacks).

In addition, balconies may be enclosed by building walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by building walls shall not exceed six feet in depth. However, for #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, the provisions of Section 23-132 (Balconies in R6A through R10X Districts) shall apply.

23-132
Balconies in R6A through R10X Districts

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

- (a) In the districts indicated, balconies may be provided as set forth in Section 23-131 paragraphs (a) through (d), except that projections shall conform to the provisions of paragraph (b) of this Section. In addition, balconies may be enclosed by the building walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height. The portion of a balcony enclosed by building walls shall not exceed six feet in depth.
- (b) In no event shall balconies:
 - (1) project by a distance greater than seven feet as measured from the plane surface of the building wall from which it projects;
 - (2) project into the minimum required distance between #buildings# on the same #zoning lot#;

(3) cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS).

23-133 23-131

Balconies in R2X, R1 through R3, R4 and R5 Districts
R2X R1 R2 R3 R4 R5

In the districts indicated, balconies which that are:

(a) are unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height; and

(b) are located at or above the floor level of the second #story# provided that such balcony is not lower than seven feet above #curb level# or adjacent natural grade, whichever is higher;

may, as permitted in this Section, project into or over any required open area set forth in the following sSections:

(1) #front yards#, as defined in Section 12-10 (DEFINITIONS);

(2) #rear yards# or #rear yard equivalents#, as defined in Section 12-10;

(3) #open space#, as defined in Section 12-10, excluding:

(i) #side yards#, as defined in Section 12-10;

(ii) required minimum dimensions of #courts#, as defined in Section 12-10; and as set forth in Section 23-80 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES); and

(iii) required distances between #buildings#, as set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning lot).

If the depth of the #front yard# is greater than 12 feet, balconies may project six feet into such #front yard# provided that, in R2X R1, R2 or R3 Districts, the aggregate length of such balconies does not exceed 50 percent of the length at that level of the plane surface of the building wall from which they project and, in R4 or R5 Districts, such aggregate length does not exceed 67 percent.

If the depth of the #front yard# is 12 feet or less, balconies may project to a distance equal to one-half the depth of such #front yard# provided the aggregate length of such balconies does not exceed 50 percent of the length at that level of the plane surface of the building wall from which they project.

Balconies may, by a distance not to exceed eight feet, project into a #rear yard# or other #open space# not specifically excluded above in paragraphs (2) and (3) of this Section. At the level of the second #story#, the aggregate length of such balconies is not limited but at the level of the third #story# or higher such aggregate length shall not exceed 50 percent of the length at that level of the plane surface of the building wall from which the balconies project.

In addition, balconies may be enclosed by building walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by building walls shall not exceed six feet in depth.

23-132

Balconies in R6 through R10 Districts

R6 R7 R8 R9 R10

In the districts indicated, balconies may project into or over any required open area within an #urban plaza#, a #rear yard#, an #initial setback distance#, any open areas not occupied by #towers#, any required side or rear setbacks, or any required #open space#, provided that such balcony:

(a) shall not project by a distance greater than seven feet as measured from the plane surface of the building wall from which it projects;

(b) shall not project into the minimum required distance between #buildings# on the same #zoning lot#;

(c) shall not cover more than ten percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS);

(d) shall be unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. However, such balconies may be recessed into a building wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet or railing;

(e) shall be located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level#, except that

for #residential buildings# not more than 32 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and

(f) shall have an aggregate length, at the level of any #story#, not exceeding 50 percent of the length at that level of the plane surface of the building wall from which it projects.

* * *

23-16

Existing Public Amenities For Which Floor Area Bonuses Have Been Received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area or #residential plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas).

(a)(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing public amenities)

* * *

23-20

DENSITY REGULATIONS - REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM

23-21

Definitions

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

23-22 23-21

Required Lot Floor Area per Dwelling Unit, Lot Area per Room or Floor Area per Rooming Unit

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to all conversions, #extensions# or #enlargements# of existing #buildings# that increase the number of #dwelling units#, #rooms# or #rooming units#, except as provided in Section 54-311, as well as to all new #development#.

Any given #lot floor area# shall be counted only once in meeting the #lot floor area# requirements.

In all districts, as indicated, the #lot floor area# requirement per #dwelling unit#, #room# or #rooming unit# shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses) or Section 23-25 (Special Provisions for Existing Small Zoning Lots). in the following Sections:

Section 23-23 (Adjustment for Lot Area or Floor Area Remainder)

Section 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses)

Section 23-25 (Special Provisions for Existing Small Zoning Lots)

Section 23-26 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 23-90 (INCLUSIONARY HOUSING)

(a) In R1, R2, R3, R4, R5, R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, the #lot area# requirement is expressed in terms of #dwelling units# or #rooming units#.

(b) In R6, R7, R8, R9 or R10 Districts, the #lot area# requirement is expressed in terms of #rooms#. However, for #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, the #lot area# requirement is expressed in terms of #dwelling units# or #rooming units#.

23-221

In R1 or R2 Districts

R1 R2

In the districts indicated, the required #lot area per dwelling unit# shall not be less than as set forth in the following table:

MINIMUM REQUIRED LOT AREA PER DWELLING UNIT

Square Feet
District
9,500
R1-1
5,700
R1-2
3,800
R2
2,850
R2X

23-222

In R3, R4 or R5 Districts

R3 R4 R5

Except as otherwise provided in Section 23-225 (Lot area requirements for non-profit residences for the elderly), in the districts indicated, for one- and two family detached, semi detached and zero lot line buildings, the required #lot area per dwelling unit# shall not be less than as set forth in the following table and any #dwelling unit# shall contain at least 300 square feet of #floor area# .

MINIMUM REQUIRED LOT AREA PER DWELLING UNIT

Square Feet
District
1,450
R3-2*
1,185
R3A**
1,040
R3-1**
1,660
R3X**
1,425
R4A**

970

R4-1** R4 R4B

666

R5B***

605

R5

* For a #detached# or #semi-detached single-# or #two-family residence#, the minimum required #lot area per dwelling unit# and minimum #dwelling unit# size for an R3-1 District shall apply.

** If a #building# has two #dwelling units#, one shall contain at least 925 gross square feet of #floor area#

*** In #buildings# subject to the provisions of Section 25-632 (Prohibition of curb cuts in certain districts), the minimum required #lot area per dwelling unit# shall be 1,000 square feet.

In the case of #development# in a #predominantly built-up area#, the required #lot area per dwelling unit# shall not be less than as set forth in the following table:

MINIMUM REQUIRED LOT AREA PER DWELLING UNIT

Square Feet

District

666

R4

545

R5

23-223

In R6, R7, R8, R9 or R10 Districts

R6 R7 R8 R9

(a) Except as otherwise provided in paragraph (c) of this Section for #buildings developed# or #enlarged# pursuant to the Quality Housing Program, or in Section 23-225 for #non-profit residences for the elderly#, in the districts indicated, the required #lot area per room# shall not be less than as set forth in the following table, and the requirements for a given #zoning lot# shall be determined in the following manner:

(1) For each district, the basic #lot area# requirement per #room# is set forth in column A.

(2) For each district, an #open space ratio# base point is set forth in column B.

(3) For each district, there is set forth in column C an amount by which the basic #lot area# requirement in column A may be reduced for each point by which the #open space ratio# provided on the #zoning lot# exceeds the #open space ratio# base point in column B.

(4) However, in no event shall the required #lot area per room# be less than the amount set forth in column D.

Fractions of a point of #open space ratio# or of a square foot shall be retained in computing such reduction, except that after the reduced requirement per #room# has been determined, a fraction of .5 or more of a foot shall be considered one square foot, and smaller fractions may be disregarded.

REQUIRED LOT AREA PER ROOM

A

B

C

D

District

Basic #Lot Area#
Requirement
(square feet)

#Open
Space
Ratio#
Base Point

Reduction per
Point of #Open
Space Ratio# above
#Open Space Ratio#
Base Point (s.f.)

Minimum
#Lot
Area#
Requirement
(square feet)

110

27.0

1.75

96

R6

85

15.0

1.20

72

R7

60

5.6

3.00

44

R8

45

0.6

0.70

39

R9

R10

(b) Except as otherwise provided in paragraph (c) of this Section, for #buildings developed# or #enlarged# pursuant to the Quality Housing Program, in an R10 District, the required #lot area per room# shall not be less than 30 square feet and, within the boundaries of Community District 7, Borough of Manhattan, there shall be no more than one #room# for every 300 square feet of gross #residential floor area#.

R6 R7 R8 R9 R10

(c) In the districts indicated, for #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, the #lot area per dwelling unit# or #rooming unit# shall not be less than as set forth in the following table and the #lot area per dwelling unit# or #rooming unit# for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk.

REQUIRED LOT AREA
PER DWELLING UNIT OR ROOMING UNIT
(in square feet)

Per #Dwelling Unit#

Per #Rooming Unit#

District

278

206

R6

338

250

R6B

227

167

R6* R6A R7B

198

138

R7

169

125

R7* R7A R8B

135

100

R7X

123

88

R8 R8A R8X

102

80

R8*

98

78

R9 R9A

88

66

R9X

79

60

R10

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#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Sections 23-142 or 23-143, notwithstanding the #height factor# of the #building#, the maximum #residential floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential floor area ratio# shall be as specified in Sections 23-142 or 23-143, or 2.2, whichever is greater.

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

1,900

R2X

2,900

R3-1 R3-2*

625

R3A

710

R3-2 R4 R4-1 R4B

870

R3X

1,000

R4A

1,280

R5

760

R4** R5** R5B

900

R5B***

1,350

R6 R7 R8B

680

500

R8 R8A R8X R9 R9A

740

530

R9-1 R9X R10

790

600

* f or #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 25-632 (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 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#.

FACTOR FOR DETERMINING MAXIMUM NUMBER
OF DWELLING UNITS OR ROOMING UNITS

District

Factor for #Dwelling Units#

Factor for #Rooming Units#

R3-2

680

R4 R5B

680

R5

700

R6 R7

710

570

23-224

Regulation of rooming units in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, any #dwelling unit# shall be occupied by only one #family#, and no #rooming units# shall be permitted.

23-225

Lot area requirements for non-profit residences for the elderly

R3-2 R4 R5

(a) In the districts indicated, except R4A, R4-1 or R4B Districts, the required #lot area per dwelling unit# for #non-profit residences for the elderly# shall be not less than as set forth in the following table:

REQUIRED LOT AREA PER DWELLING UNIT

Square Feet

District

690

R3-2

510

R4

350

R5

340

R5B

R6 R7

In the districts indicated, the required #lot area per room# for #non-profit residences for the elderly# shall be not less than as set forth in the following table:

Square Feet

District

73

R6

57

R7

#Non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program shall be subject to paragraph (c) of this Section.

R6 R7

(c) In the districts indicated, the required #lot area per dwelling unit# or #rooming unit# for #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, shall not be less than as set forth in the following table.

In districts with a letter suffix, the #lot area per dwelling unit# or #rooming unit# shall also apply to #extensions#, alterations and conversions.

REQUIRED LOT AREA
PER DWELLING UNIT OR ROOMING UNIT
(in square feet)

Per #Dwelling Unit#

Per #Rooming Unit#

District

183

146

R6 R6A R7B

338

270

R6B

143

114

R7 R7A R7X

Supplementary Regulations

23-23

Adjustment for Lot Area or Floor Area Remainder

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an amount of #lot area# not allocated to a #dwelling unit# or #room# is less than that required for one such #dwelling unit# or #room#, as applicable, in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room), such remaining #lot area# may be used to satisfy such #lot area# requirements if it represents not less than three-fourths thereof.

23-23

Minimum Size of Dwelling Units

R3 R4 R5

(a) In the districts indicated, for all #buildings# other than #non-profit residences for the elderly# in R3, R4, and R5 Districts, each #dwelling unit# shall contain at least 300 square feet of #floor area#.

R3 R4A R4-1

(b) In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-detached# and #zero lot line buildings# in R3, R4A, and R4-1 Districts, one #dwelling unit# shall contain at least 925 square feet.

Regulations Applying in Special Situations

23-24

Special Provisions for Buildings Used Partly for Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if a #building# is used partly for #residences# and partly for non-#residential uses# (other than #community facility uses#, the provisions for which are set forth in Article II, Chapter 4), the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the total #residential floor area# permitted on the #zoning lot# after deducting any non-#residential floor area#, divided by the applicable factor in Section 23-22 (Maximum Number of Dwelling Units or Rooming Units). for each 100 square feet of #floor area# used for such non-#residential uses#, at least the amount of #lot area# set forth in the following table shall be provided. #Developments#, or #enlargements# where permitted, pursuant to the Quality Housing Program, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix, outside the #Manhattan Core#, shall provide the #lot area# designated by the same district with an asterisk. Such #lot area# shall be in addition to that required for the #residential uses# under the provisions of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room).

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA

Square Feet

District

200

R1 R2

167

R3

111

R4
100

R2X
80

R5
74

R5B
45

R6
50

R6B
30

6* R6A R7 R7B
25

R7* R7A R8B
20

R7X R8
17

R8* R8A R8X
15

R9 R9A
11

R9X
10

R10

23-25
Special Provisions for Existing Small Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room Maximum Number of Dwelling Units or Rooming Units), one #single-family detached residence# or, where permitted, one #single-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land:

(a) which has less than the prescribed required #lot area#; and

(b) which that 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.

* * *

23-30
LOT AREA AND LOT WIDTH REGULATIONS

* * *

Regulations Applying in Special Situations

23-33

Special Provisions for Existing Small Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one #single-family detached residence# or, where permitted, one #single-# or #two-family residence# may be built upon a #zoning lot# consisting entirely of a tract of land that:

* * *

(c) if #developed# as a #two-family residence#, meets the applicable #lot area per dwelling unit# or #lot area per room#density requirement of the zoning district in which such #zoning lot# is located.

* * *

Chapter 4

Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-10

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

24-112

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area or #residential plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas).

(a)(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

24-16

Special Provisions for Buildings Used Partly for Residential and Partly for Community Facility Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if a #building# is used partly for #community facility use# and partly for #residential# or other permitted non-#residential use#, the #floor area ratio# and #open space ratio# regulations shall apply as set forth in this Section.

24-161

Maximum floor area ratio

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum #floor area ratio# for a #building# used partly for #community facility use# and partly for #residential# or other permitted non-#residential use#, shall be the maximum #floor area ratio# as set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) or as under the applicable bonus provisions set forth in Sections 24-13 to 24-15, inclusive.

24-162

Floor area ratio for residential portion

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum #floor area ratio# for the #residential portion of the #building# or for the portion used for non-#residential use# other than #community facility use# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Article II, Chapter 3.

24-16

Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161

Maximum floor area ratio for zoning lots containing community facility and residential uses

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article 2, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

24-162

Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4A, R4B, R4-1, R6A and R6B Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#.

(a) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# greater than set forth in Column A in the following table, the maximum #floor area ratio# for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article 2, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

MAXIMUM COMMUNITY FACILITY
FLOOR AREA RATIO FOR CERTAIN BUILDINGS
CONTAINING COMMUNITY FACILITY AND RESIDENTIAL USES.

District

COLUMN A

COLUMN B

#Floor Area Ratio# of #Building#

Maximum #Floor Area
Ratio# for #Community
Facility Use#

R3-2

.50

0.2

R4

.75

0.4

R5B

1.25

0.4

R5

1.25

0.6

R6

2.50

1.0

R7-1

3.50

1.0

(b) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# that do not exceed the applicable #floor area ratios# set forth in Column A in the table in paragraph (a), the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Section 24-11, inclusive and the maximum #floor area ratio# for the #residential# portion of such #buildings# shall be as set forth in Article 2, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph (c) shall apply to #buildings# containing only #community facility uses# or only #residential uses#. The maximum #floor area ratio# permitted for a #building# containing only #community facility uses# shall be as set forth in Section 24-11, inclusive and the maximum #floor area ratio# permitted for a #building# containing only #residential uses# shall be as set forth in Article 2, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(d) The total #floor area ratio# permitted for #community facility use# on the #zoning lot# shall be as set forth in Section 24-11, inclusive and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article 2, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

* * *

24-165

Balconies in R3 through R10 districts

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the regulations set forth in this Section shall apply to the #residential# portion of a #building# used partly for #residential use# and partly for #community facility use# or to any portion of a #building# used for living or sleeping accommodations.

Balconies that:

(a) are unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height;

(b) are located at or higher than the floor level of the fourth #story# of a #building#;

(c) have an aggregate length, at the level of any #story#, not exceeding 50 percent of the length at that level of the plane surface of the building wall from which they project; and

(d) have an aggregate area of projection at the level of any #story#, not exceeding, in square feet, 1.8 times the length in feet at that level

of such plane surface;

may, by a distance not exceeding nine feet, penetrate any #sky exposure plane# or project into or over any required open area set forth in the following Sections:

- (1) #open space#, as defined in Section 12-10 (DEFINITIONS);
- (2) #residential plazas# or #urban plazas#;
- (3) #rear yards#, as defined in Section 12-10;
- (4) #initial setback distances# or #sky exposure planes#, as set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks);
- (5) alternate front setbacks or #sky exposure planes#, as set forth in Section 24-53 (Alternate Front Setbacks);
- (6) open areas not occupied by towers, as set forth in Section 24-54 (Tower Regulations);
- (7) required side and rear setbacks, as set forth in Section 24-55 (Required Side and Rear Setbacks).

In addition, balconies may be enclosed by building walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by building walls shall not exceed six feet in depth.

However, for #buildings# in which the #residential# portion is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program, the regulations for balconies shall be as set forth in Section 24-166 (Balconies in R6A through R10X Districts).

24-166

Balconies in R6A through R10X Districts

R6A R7A R8A R9A R10A R6B R7B R8B R7X R8X R9X R10X

(a) In the districts indicated, the regulations set forth in this Section shall apply to the #residential# portion of a #building# used partly for #residential use# and partly for #community facility use# or to any portion of a #building# used for living or sleeping accommodations. Balconies may be provided as set forth in Section 24-165, paragraphs (a) through (d), except that projections shall conform to the provisions of paragraph (b) of this Section. In addition, balconies may be enclosed by the building walls, provided that at least 33 percent of the perimeter of such balcony is unenclosed, except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by building walls shall not exceed six feet in depth.

(b) In no event shall balconies:

- (1) project by a distance greater than seven feet as measured from the plane surface of the building wall;
- (2) project into the minimum required distance between #buildings# on the same #zoning lot#, pursuant to Section 23-711; or
- (3) cover more than 10 percent of the area designated as outdoor recreation space, pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS)

24-165

Balconies

R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-13 (Balconies) shall apply to the #residential# portion of a #building# used partly for #residential use# and partly for #community facility use# or to any portion of a #building# used for living or sleeping accommodations.

* * *

24-20

LOT AREA REQUIREMENTS FOR BUILDINGS USED PARTLY FOR RESIDENTIAL USES

24-21

Required Lot Area

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if a #building# is used partly for #residence# and partly for #community facility use#, the provisions of this Section shall apply.

In R1, R2, R3, R4, R5, R6, R7, R8, R9 and R10 Districts, for each 100 square feet of #floor area# used for such #community facility use#, at least the amount of #lot area# set forth in the following table shall be provided. Such #lot area# shall be in addition to that required for the #residential use#, which shall be set forth in Section 23-22.

Any given #lot area# shall be counted only once in meeting the #lot area# requirements.

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA USED FOR COMMUNITY FACILITY USE

Square Feet

District

100

R1 R2 R3

50

R4 R5 R6B

33

R6A R7B

25

R7A R8B

20

R6 R7-1 R7X

15

R7-2 R8 R8A R8X

13

R9A

11

R9X

10

R9 R10

24-22

Density Bonus for a Residential Plaza or Arcade

R9 R10

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza#, or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) shall be reduced by .60 of one percent, to the extent that the #building# is used for #residential use#. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

24-23

Lot Area Bonus For a Residential Plaza or Arcade

R9 R10

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza# or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 24-21 (Required Lot Area) shall be reduced by .60 of one percent. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 24-21.

24-20
APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES

In all districts, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing both #community facility# and #residential uses# shall equal the maximum #residential floor area# permitted on such #zoning lot# determined in accordance with the provisions set forth in Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

24-24 24-21
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 or is subject to other regulations resulting in different #lot area# requirements on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7 shall apply.

* * *

24-50
HEIGHT AND SETBACK REGULATIONS

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):

* * *

(g) unenclosed balconies, unenclosed, subject to the provisions of Section 24-165 (Balconies in R3 through R10 Districts); and

* * *

Basic Regulations

24-55
Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-165 (Balconies in R3 through R10 Districts), are permitted to project into or over any open areas required by the provisions of this Section.

* * *

Article III
Commercial District Regulations

* * *

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-01
Applicability of this Chapter

* * *

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Sections 33-122, 33-123 and 33-126.

* * *

33-10
FLOOR AREA REGULATIONS

* * *

33-122

Commercial buildings in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #commercial building# shall not exceed the #floor area ratio# set forth in the following table:

District

Maximum #Floor Area Ratio#

C3

0.5

C4-1 C8-1

1.0

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3

2.0

C4-2A C4-3A

3.0

C4-2 C4-2F C4-3 C4-4 C4-5 C4-6

3.4

C4-4A C4-5A C4-5X C5-1

4.0

C8-4

5.0

C6-1 C6-2 C6-3

6.0

C4-7 C5-2 C5-4 C6-4 C6-5 C6-8

10.0

C5-2A

12.0

C5-3 C5-5 C6-6 C6-7 C6-9

15.0

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #community facility building#, or for a #building# used for both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

District

Maximum #Floor Area Ratio#

C3

1.0

C4-1

2.0

C8-1

2.4

C4-2A C4-3A

3.0

C1-6A C2-6A C4-4A C4-5A

4.0

C4-2 C4-3 C8-2

4.8

C4-5X

5.0

C6-1A

6.0

C1-6 C1-7 C2-6 C4-2F C4-4 C4-5 C6-1 C6-2 C8-3 C8-4

6.5

C1-8A C2-7A C6-3A

7.5

C1-8X C2-7X C6-3X

9.0

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8

10.0

C5-2A

12.0

C5-3 C5-5 C6-6 C6-7 C6-9

15.0

* * *

33-124

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing

#plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received by certification of the City Planning Commission, pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas)

(a)(d) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

33-126

Special provisions for C5-2A Districts

In a C5-2A District, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations) and 33-47 (Modification of Height and Setback Regulations) shall be inapplicable to any #development# or #enlargement#. No #floor area# bonuses are permitted. In lieu thereof, the following regulations shall apply to all such #developments# or #enlargements#.

(a) Mandatory #street walls#

The #street wall# of a #development# or #enlargement# having a frontage on a #wide street# shall be within 10 feet of the #street line#, or within 10 feet of a permitted #arcade's# supporting columns at the #street line#, for a height of 85 feet above the #curb level# or the full height of the #building#, whichever is less. The length of the mandatory #street wall# shall be at least 80 percent of the length of the #front lot line# along the #wide street#.

(b) Height and setback

Between a height of 85 feet and 120 feet above #curb level# a #street wall# may extend vertically without a setback. Above a height of 120 feet, all #street walls# shall be set back. The #initial setback distance# shall be 20 feet on a #narrow street# and 15 feet on a #wide street#. Above a height of 120 feet, the #building# shall not penetrate the #sky exposure planes# of 4.2 to 1 on a #narrow street# and 5.6 to 1 on a #wide street#. The #sky exposure planes# shall begin at a height of 85 feet above #curb level#.

(c) #Narrow street# frontages

The mandatory #street wall# and height and setback requirements shall also apply to all #developments# or #enlargements# along all #street lines# of #narrow streets# within 50 feet of their intersections with the #street lines# of #wide streets#. For the next 50 feet along the #street line# of a #narrow street#, the mandatory #street wall# and height and setback requirements are optional.

(d) Provision of pedestrian circulation space

All #developments#, or #enlargements# of more than 50 percent of the #floor area# existing on the #zoning lot# on July 21, 1983, shall provide a minimum of:

- (1) one square foot of pedestrian circulation space for every 300 square feet of new #floor area#; or
- (2) 200 square feet of pedestrian circulation space, whichever is greater.

The provisions of this paragraph shall not apply to a #zoning lot# which is an #interior lot# with frontage length of less than 80 feet.

The pedestrian circulation space shall be one or more of the following types:

for #corner lots# - sidewalk widening, arcade, corner arcade or corner circulation space

for #interior lots# - sidewalk widening, arcade or building entrance recess area.

Such pedestrian circulation spaces shall meet the requirements set forth in Section 37-073 (Design standards for pedestrian circulation

spaces), except that references to #urban plazas#, subway connections and through block connections shall not be applicable within C5-2A Districts. Arcades and corner arcades shall not be subject to the standards set forth in Section 27-60 (ARCADES).

Owners of property on which pedestrian circulation spaces are provided shall be responsible for the maintenance of such spaces.

(e) Retail continuity

On #wide streets#, for any #developments# or #enlargements# fronting on such #streets#, #uses# located on the ground floor level, or within five feet of #curb level#, shall be limited to retail or personal service #uses# permitted by the district regulations but not including #uses# in Use Groups 6B, 6E, 9B, 10B, and 11 or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses# except for lobby or entrance space, or one or more of the following pedestrian circulation spaces, subject to the mandatory #street wall# requirements of paragraph (a) of this Section: building entrance recess areas, corner arcades or corner circulation spaces conforming to the requirements and design standards of Section 37-073.

In no event shall the amount of #street# frontage on a #wide street# occupied by lobby space or entrance space or a building entrance recess exceed the greater of 40 feet or 25 percent of the building's total #street# frontage, exclusive of any frontage occupied by a corner circulation space or a corner arcade.

Storefronts for the permitted ground floor #uses# shall be not more than 10 feet from the #street line# or, where an arcade is provided with supporting columns at the #street line#, not more than 10 feet from the supporting columns.

* * *

33-20
YARD REGULATIONS

* * *

33-294
Other special provisions along certain district boundaries

C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

* * *

33-40
HEIGHT AND SETBACK REGULATIONS

* * *

33-431
In C1 or C2 Districts with bulk governed by surrounding Residence District

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

* * *

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

(b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-25 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-432
In other Commercial Districts

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-25 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

* * *

33-49
Special Height Limitations

* * *

33-492
Height limitations for narrow buildings or enlargements

C1-6 C1-6A C1-7 C1-8 C1-8A C1-8X C1-9 C1-9A C2-6 C2-6A C2-7 C2-7A C2-7X
C2-8 C2-8A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7X, R8, R9 and R10 Districts, if the width of the #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

* * *

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

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.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 34-II4.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

* * *

34-011
Quality Housing Program

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

* * *

34-10
APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

34-11
General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations for #residential buildings# set forth in Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 to 34-25 34-24, inclusive, relating to Exceptions to Applicability of Residence District Controls.

* * *

34-112
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

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts have been inverted on left for consistency with other tables

Districts

Applicable #Residence District#

C3

R3-2

C4-1

R5

C4-2 C4-3 C6-1A

R6

C4-2A C4-3A

R6A

C1-6 C2-6 C4-4 C4-5 C6-1

R7

C1-6A C2-6A C4-4A C4-5A

R7A

C4-5X

R7X

C1-7 C4-2F C6-2

R8

C1-7A C6-2A

R8A

C1-8 C2-7 C6-3

R9

C1-8A C2-7A C6-3A

R9A

C1-8X C2-7X C6-3X

R9X

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

R10

C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A

R10A

C6-4X

R10X

34-113

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime closing of existing public open areas).

(a)(d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

34-114

Special provisions for C5-2A Districts

In C5-2A Districts, the maximum #floor area ratio# for a #residential building# shall not exceed 12.0. The minimum #lot area per dwelling unit# shall not be less than 62.5 square feet. The #bulk# regulations set forth in Section 33-126 shall apply to all #developments# or #enlargements#.

34-20

EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

34-21

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area and Open Space Regulations), 34-23 (Density Bonus for a Residential Plaza, Urban Plaza or Arcade), 34-24 34-23 (Modification of Yard Regulations) and 34-25 34-24 (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

* * *

34-23

Density Bonus for a Residential Plaza, Urban Plaza or Arcade

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza# or #urban plaza# or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room), shall be reduced by .60 of one percent. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirements set forth in Section 23-22.

34-24 34-23

Modification of Yard Regulations

34-241 34-231

Modification of front yard requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-243 34-233 (Special provisions applying along district boundaries), no #front yard# shall be required for any #residential building#.

34-242 34-232

Modification of side yard requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-243 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet.

34-243 34-233

Special provisions applying along district boundaries

* * *

34-25 34-24

Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3 Sections 23-61 to 23-68, inclusive, relating to Height and Setback Regulations, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of sky exposure planes

In the districts indicated, except as set forth in paragraph (a) of Section 34-243 34-233 (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in applying the height and setback regulations in a #Commercial District#, 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 paragraph (a) of Section 34-243 34-233 apply, the #sky exposure plane# is measured from a point above the #front yard line#.

* * *

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 Sections 35-31 to 35-33 35-30, inclusive, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings, and in Sections 35-41 and 35-42, relating to the Applicability of Lot Area Requirements to Mixed Buildings 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), 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.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 35-24.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 35-23 and 35-412.

* * *

35-011

Quality Housing Program

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8.

* * *

35-10

GENERAL PROVISIONS

Except as otherwise provided in this Chapter, and except as otherwise provided in Article VIII, Chapter 2 (Special Lincoln Square District), the portions of a #mixed building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #mixed building# used for #commercial# or #community facility use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# are set forth in Sections 35-21 to 35-23, Section 35-20, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, Sections 35-31 to 35-35, 35-30, inclusive, relating to Applicability of Floor Area and Open Space Regulations to Mixed Buildings, Sections 35-41 and 35-42, relating to Applicability of Lot Area Requirements to Mixed Buildings 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), Sections 35-51 to 35-54, 35-50, inclusive, relating to Modifications of Yard Regulations for Mixed Buildings, and Sections 35-61 to 35-63, 35-60, inclusive, relating to Modifications of Height and Setback Regulations for Mixed Buildings.

In the #Special Midtown District#, certain provisions of this Chapter are modified as specifically set forth in Article VIII, Chapter 1.

35-20

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS TO MIXED BUILDINGS

* * *

35-22

Residential Bulk Regulations in C1 or C2 Districts Whose Bulk is Governed by Surrounding Residence District

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 #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #mixed buildings#, except:

- (a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply; and
- (b) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, and 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 35-25 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

* * *

35-23

Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

* * *

- (b) 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, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-25 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

District

Applicable #Residence
District#

C4-2A C4-3A

R6A

C1-6A C2-6A C4-4A C4-5A

R7A

C4-5X

R7X

C1-7A C6-2A

R8A

C1-8A C2-7A C6-3A

R9A

C1-8X C2-7X C6-3X

R9X

C1-9A C2-8A C4-6A C4-7A
C5-1A C5-2A C6-4A

R10A

C6-4X

R10X

35-24
Special Provisions for C5-2A Districts

In C5-2A Districts, the maximum #floor area ratio# for a #mixed building# shall not exceed 12.0. The minimum #lot area per dwelling unit# shall be not less than 62.5 square feet. The #bulk# regulations set forth in Section 33-126 shall apply to all #developments# or #enlargements#.

35-25 35-24
Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-5A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

* * *

(b) #Street wall# location

* * *

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

* * *

C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#.

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(c) Setback regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all shall comply with the following provisions:

* * *

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS IN CONTEXTUAL DISTRICTS

District

Minimum Base
Height

Maximum
Base
Height

Maximum
Building
Height

C1 or C2 mapped in R6B

30

40

50

C1 or C2 mapped in R6A
C4-2A C4-3A

40

60

70

C1 or C2 mapped in R7B

40

60

75

C1 or C2 mapped in R7A
C1-6A C2-6A C4-4A C4-5A

40

65

80

C1 or C2 mapped in R7X
C4-5X

60
85
125

C1 or C2 mapped in R8B

55
60
75

C1 or C2 mapped in R8A
C1-7A C6-2A

60
85
120

C1 or C2 mapped in R8X

60
85
150

C1 or C2 mapped in R9A**
C1-8A** C2-7A** C6-3A**

60
95
135

C1 or C2 mapped in R9A*
C1-8A* C2-7A* C6-3A*

60
102
145

C1 or C2 mapped in R9X**
C1-8X** C2-7X** C6-3X**

60
120
160

C1 or C2 mapped in R9X*
C1-8X* C2-7X* C6-3X*

105
120

170

C1 or C2 mapped in R10A**
C1-9A** C2-8A** C4-6A** C4-7A**
C5-1A** C5-2A** C6-4A**

60

125

185

C1 or C2 mapped in R10A*
C1-9A* C2-8A* C4-6A* C4-7A*
C5-1A* C5-2A* C6-4A*

125

150

210

C1 or C2 mapped in R10X
C6-4X

60

85

* Refers to that portion of a district which is within 100 feet of a #wide street#.

** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#.

*** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section.

35-30

APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS

35-31

Maximum Floor Area Ratio of Different Portions of Mixed Buildings

35-311

Commercial portions

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# for the #commercial# portion of a #mixed building# shall be the applicable maximum #floor area ratio# permitted for #commercial buildings# under the provisions of Article III, Chapter 3.

35-312

Community facility portions

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# for the #community facility# portion of a #mixed building# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# under the provisions of Article III, Chapter 3.

35-313

Residential portions

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, the maximum #floor area ratio# for the #residential# portion of a #mixed building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, except as set forth in Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings).

(b) A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

35-32
Maximum Floor Area in Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building#, as set forth in Section 35-311, or the #community facility# portion of such #building#, as set forth in Section 35-312, or the #residential# portion of such #building#, as set forth in Section 35-313, whichever permits the greatest amount of #floor area#.

35-31
Maximum Floor Area Ratio for Mixed Buildings

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

35-311
Maximum floor area ratios and special provisions for mixed buildings containing community facility use in certain districts

C1 C2

In C1 and C2 Districts mapped within R6 Districts, except R6A and R6B Districts, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility uses# are located within the same #building#.

(a) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# greater than set forth in Column A in the following table, the maximum #floor area ratio# for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table below, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

District

COLUMN A
Maximum
Floor Area Ratio
of Building

COLUMN B
Maximum
Floor Area Ratio for
Community Facility Use

C1 or C2 mapped in R6

2.5

1.0

C1 or C2 mapped in R7-1

3.5

1.0

(b) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have #floor area ratios# that do not exceed the applicable #floor area ratios# set forth in Column A in the table in paragraph (a), the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

(d) The total #floor area ratio# permitted for #commercial# or community facility use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

35-321 35-312

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received by certification of the City Planning Commission, pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime closing of existing public open areas).

(a)(d) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities)

* * *

35-40

APPLICABILITY OF LOT AREA REQUIREMENTS DENSITY REGULATIONS TO MIXED BUILDINGS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing a #mixed building# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 APPLICATION OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

35-41

Lot Area Requirements for Non-Residential Portions of Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-42 (Density or Lot Area Bonus in Mixed Buildings), in addition to the #lot area# for the #residential# portion of a #mixed building# required under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, for each 100 square feet of #floor area# used for #commercial# or #community facility use#, an amount of #lot area# shall be provided not less than as set forth in this Section. Any given #lot area# shall be counted only once in meeting the #lot area# requirements.

However, the provisions of this Section shall not apply to any #building# within the boundaries of Community District 7, Borough of Manhattan, located in an R10 District or equivalent #Commercial District#, except R10A or R10X Districts and their #commercial# equivalents. In lieu thereof, where a #development# or #enlargement# contains #residential uses#, there shall be no more than one #room# for every 300 square

feet of gross #residential floor area#.

35-411

In C1 or C2 Districts mapped within Residence Districts

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 minimum required #lot area# per 100 square feet of #floor area# used for #commercial# or #community facility use# in a #mixed building# is determined by the #Residence District# within which any such district is mapped, and shall not be less than as set forth in the following table.

#Developments# or #enlargements# where permitted, pursuant to the Quality Housing Program, located within 100 feet of a #wide street# in C1 and C2 Districts mapped within R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall provide the #lot area# designated by the same district with an asterisk.

REQUIRED LOT AREA
PER 100 SQUARE FEET OF FLOOR AREA
IN COMMERCIAL OR COMMUNITY FACILITY USES

District within which C1 or C2 District is Mapped

Required #Lot Area# (in square feet)

#Commercial Use#

#Community Facility Use#

R1 R2 R3

100

100

R4

100

65

R5

100

50

R6B

50

50

R6

50

20

R6* R6A R7B

30

30

R7-1

30

20

R7-2

30

15

R7A

25

25

R7* R7X

20

20

R8

20

15

R8X

17

17

R8* R8A

17

15

R8B

25

25

R9

15

10

R9A

13

13

R9X

11

11

R10

10

10

35-412

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 minimum required #lot area# per 100 square feet of #floor area# used for #commercial# or #community facility use# in a #mixed building# shall not be less than as set forth in the following table:

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA
IN COMMERCIAL OR COMMUNITY FACILITY USES (in Square Feet)

#Commercial Use#

#Community Facility Use#

District

200

100

C3

100

50

C4-1

30

30

C4-2A C4-3A

30

20

C4-2 C4-3 C6-1A

30

15

C1-6 C2-6 C4-4 C4-5

25

25

C1-6A C2-6A C4-4A C4-5A

20

15

C1-7

20

20

C4-5X

17

17

C1-7A

17

15

C4-2F C6-1 C6-2

15

10

C1-8 C2-7 C6-3

13

13

C1-8A C2-7A C6-3A

11

11

C1-8X C2-7X C6-3X

10

10

C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

6.5

6.5

C5-3 C5-5 C6-6 C6-7 C6-9

35-42

Density or Lot Area Bonus in Mixed Buildings

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

In the districts indicated, and in C1 or C2 Districts when mapped within R9 or R10 Districts, for each percent of the total #lot area# provided as a #residential plaza# or #urban plaza#, or for each two percent of the total #lot area# covered by an #arcade#, or for each .70 of one percent increase in #floor area# permitted to #compensated developments# pursuant to the Inclusionary Housing program as set forth in Section 23-93 (Floor Area Compensation), the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) or Section 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .60 of one percent, to the extent that the #building# is used for #residential use#, and the #lot area# requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) shall be reduced by .60 of one percent to the extent that the #building# is used for #commercial# or #community facility uses#. However, in no event shall such reductions exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

* * *

43-12

Maximum Floor Area Ratio

* * *

43-15

Existing Plazas, Plaza-Connected Open Areas, Arcades and Urban Plazas Public Amenities for which Floor Area Bonuses Have Been Received

The following provisions shall apply, as indicated, to all #plazas#, #plaza#-connected open areas, #arcades#, and #urban plazas# for which #floor area# bonuses have been received:

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission, pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-connected Open Areas).

- (c) Nighttime closing of existing #plazas#, #plaza#-connected open areas and #urban plazas#

The Commission may, upon application, authorize the closing of an existing #plaza#, #plaza#-connected open area or #urban plaza#, for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section 37-06.

- (a)(d) Elimination or reduction of existing #plazas#, #plaza#-connected open areas, #arcades# or #urban plazas# public amenities

No existing #plaza#, #plaza#-connected open area, #arcade#, or #urban plaza#, or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

43-60 SUPPLEMENTARY REGULATIONS

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):

* * *

- (b) There shall be no more than one #dwelling unit# for every 675 square feet of total net #residential floor area# as defined in Section 28-02 (Definitions). The maximum number of #dwelling units# shall equal the total #residential floor area# provided in the #building# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.

* * *

Article V Non-Conforming Uses and Non-Complying Buildings

* * *

Chapter 4 Non-Complying Buildings

* * *

54-30 ENLARGEMENTS OR CONVERSIONS

* * *

54-311 Buildings non-complying as to lot area per dwelling unit, lot area per room or floor area per room

If a #building# does not comply with the applicable district regulations on #lot area per dwelling unit# or #per room# (because the #lot area# of the #zoning lot# is smaller than required for the number of #dwelling units# or #rooms# on such #zoning lot#) such #building# may be converted (and, in a #building# used partly for #residential use# and partly for non-#residential use#, the #residential use# may be #extended#), provided that the deficiency in the required #lot area# is not thereby increased. (For example, a #non-complying building# on a #zoning lot# of 3,500 square feet, which before conversion required a #lot area# of 5,500 square feet and was therefore deficient by 2,000 square feet, can be converted to any combination of #dwelling units# or #rooms# requiring a #lot area# of no more than 5,500 square feet).

If a #building# does not comply with the applicable district regulations on #floor area per room# (because the #floor area# of the #residential building# or #use# within a mixed-#use building# is smaller than required for the number of #rooms#), such #building# may be converted or the #residential use extended# in a mixed-#use building# provided that the deficiency in the required #floor area# is not thereby increased.

In determining the required #lot area#, before conversion, for a #building# in an R5, R6, R7, R8, or R9 District which is #non-complying# as to the applicable required #open space ratio#, the required #lot area# shall be such as would be required for a #building# which has the applicable minimum required #open space ratio#.

In the case of a one-, #two-, three-#family residential building# not more than 32 feet high in R4 or R5 Districts which received a certificate of occupancy prior to December 1, 1972 as set forth in Section 12-10 (DEFINITIONS) paragraph (i) of the #floor area# definition on the lowest #story#, is exempted from the #floor area per room# requirement.

In all zoning districts which mandate compliance with the Quality Housing Program the provisions of Article II, Chapter 8 shall apply to any #enlargement#, #extension#, or conversion.

54-311

Buildings non-complying as to density regulations

If a #building# or portion of a #building# has more #rooming units# than are permitted by the applicable district regulations, such #building# may be converted to #dwelling units# in accordance with the provisions of Section 15-111 (Number of permitted dwelling units).

* * *

54-314

Modification by authorization

* * *

No increase in the existing zoning room count density and apartment #floor area# shall be permitted for such #buildings#.

* * *

Article VI

Special Regulations Applying to Certain Areas

* * *

Chapter 2

Special Regulations Applying in the Waterfront Area

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* * *

62-12

Applicability to Developments in the Waterfront Area

* * *

(b) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section 62-35 62-34 (Height and Setback Regulations on Waterfront Blocks);

* * *

62-132

Applicability of Chapters 4, 8 & 9 of Article VII

* * *

The large-scale #development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

* * *

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with physical and visual public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-351 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-351 62-341, the term "periphery" shall include all portions of a large-scale #development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a large-scale #development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

* * *

62-241

Uses on existing piers and platforms

* * *

(c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-352 62-342 (Developments on piers).

* * *

62-30

SPECIAL BULK REGULATIONS

* * *

Modification of the #bulk# regulations of Sections 62-31, 62-32, 62-33, 62-34 or 62-351 62-341 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-736, 74-711, 74-74, 74-79, 78-00 or 79-00.

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections 62-352 62-342 and 62-353 62-343.

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum #floor area ratio# for the applicable district set forth in Section 62-322.

* * *

62-33

Residential Density Regulations on Waterfront Blocks

The maximum number of #dwelling units# or #rooming units# on a #zoning lot# within a #waterfront block# shall be in accordance with the provisions of this Section.

R1 R2 R3 R4 R5 R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A

(a) In the districts indicated, the maximum number of #dwelling units# or #rooming units# shall be in accordance with the applicable district regulations.

R6 R7-1 R7-2 R7-3 R8 R9 R9-1 R10

(b) In the districts indicated, without a letter suffix, the regulations of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) pertaining to #lot area per room# shall not apply. In lieu thereof, the maximum number of #dwelling units# or #rooming units# shall be as specified in the following table:

REQUIRED LOT AREA PER DWELLING OR ROOMING UNIT
(in square feet)

District

Required #Lot Area#
per #Dwelling Unit#

Required #Lot Area#
per #Rooming Unit#

R6

278

206

R6*

183

146

R7-1 R7-2

198

138

R7-1 R7-2*

143

114

R7-3

135

100

R8

123

88

R9

98

78

R9-1

88

66

R10

79

60

* #non-profit residences for the elderly#

62-34 62-33

Special Yard Regulations on Waterfront Blocks

#Yard# regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Group 16, 17 or 18, #yards# shall be provided in accordance with applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-341 62-331 (Front yards and side yards) and 62-342 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

62-341 62-331

Front yards and side yards

* * *

(b) #side yard# regulations shall be inapplicable along #side lot lines# that are coincident with or seaward of the #shoreline#. In lieu thereof, a #waterfront yard# shall be provided in accordance with the provisions of Section 62-342 62-332.

* * *

62-342 62-332

Rear yards and waterfront yards

* * *

62-35 62-34

Height and Setback Regulations On Waterfront Blocks

* * *

62-351 62-341

Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the shoreline of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-352 62-342 and 62-353 62-343.

* * *

62-352 62-342

Developments on piers

* * *

62-353 62-343

Developments on floating structures

* * *

62-411

Requirements for shore public walkways

(a) Except for #developments# subject to the provisions of Section 62-415, paragraph (b), all #developments# on #waterfront zoning lots# meeting the criteria set forth in the following table or on #floating structures# shall provide a #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from a portion of the #shoreline#. Such #shore public walkway# shall be:

(1) located along the seaward edge of the #waterfront yard# as established in Section 62-342 62-332 with a minimum width measured from such edge as set forth in the following table, or for #floating structures# as set forth in Section 62-413, unless relocation or modification of width is permitted pursuant to this Section or Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA);

(2) permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-342 62-332, except that a reduction shall be permitted below a 150 foot dimension in lieu of the dimensions set forth in Section 62-342 62-332, paragraphs (a) and (b). The reduction factor, in all cases, shall be one foot for each two feet that the dimension is less than 150 feet, provided no #shore public walkway# is reduced to less than ten feet; and

* * *

62-642

Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 62-641 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-42, except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall be limited to those allowed for #waterfront yards# listed in Section 62-342 62-332, except that the following obstructions shall be permitted:

* * *

62-722

Modification of waterfront public access and visual corridor requirements

The City Planning Commission may:

(a) authorize modification of the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-342 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required waterfront public access to be provided off-site on an adjoining public property.

* * *

62-733

Uses on floating structures

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-353 62-343.

* * *

62-734

Development on piers or platforms

* * *

(b) for an existing #pier#, any #use# permitted by the applicable district regulations and modifications of the provisions Sections 62-342 62-332 (Rear yards and waterfront yards) and 62-352 62-342 (Developments on piers), provided the Commission finds that:

* * *

(3) the proposed development does not violate the #bulk# provisions of Sections 62-351 62-341 (Development on land and platforms and 62-36 (Minimum Distance Between Buildings)

* * *

62-736

Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of the any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations set forth in Sections 62-32, 62-34, 62-35 and 62-36 for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or new #platform#, provided the Commission finds that:

* * *

62-811

Establishment of Waterfront Access Plans

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-812 (Elements of a Waterfront Access Plan), 62-813 (Conditions for the adoption of a Waterfront Access Plan) and this Section in order to adjust the waterfront public access and #visual corridor# requirements of Sections 62-40 and 62-60, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-34 62-33 (Special Yard Regulations on Waterfront Blocks).

* * *

62-812

Elements of a Waterfront Access Plan

* * *

(f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-34 62-33, establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-341 or 62-342 62-331 or 62-332 as modified by the further provisions of this paragraph for such other #developments#. #Enlargements# of #buildings# or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or Use Group 16, 17 or 18 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

* * *

Article VII Administration

* * *

Chapter 3 Special Permits by the Board of Standards and Appeals

* * *

73-643 Community centers

In any such #development# or #enlargement# consisting of a community center serving primarily the residents of the #zoning lot#, the Board of Standards and Appeals may permit the #floor area# of such community center to be exempt from the #lot area# requirements set forth in Section 24-21 (Required Lot Area) or Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings), density regulations set forth in Sections 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO BUILDINGS USED PARTLY FOR RESIDENTIAL USES) or 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) to be modified, provided that the #lot area# shall not be less than 90 percent of the total #lot area# required total number of #dwelling units# permitted by these Sections and all other applicable #bulk# regulations set forth in Articles II and III of this Resolution shall not be increased by more than 10 percent.

* * *

Chapter 4 Special Permits by the City Planning Commission

* * *

74-30 SPECIAL PERMIT USES

* * *

74-47 Amusement Arcades

* * *

Such amusement arcades shall not occupy more than one location in one #building# and shall not occupy more than 4,000 square feet of area and the arcade shall be located at least 500 feet from any #Residence District# or any C1 or C2 District, or for #zoning lots# located wholly or partially within the #Special Fulton Mall District# Fulton Mall Subdistrict of the #Special Downtown Brooklyn District#, such amusement arcade may be separated from any #Residence District# or any C1 or C2 District by a #street# that has a width greater than 110 feet and such amusement arcade shall be located below #street# level.

* * *

74-634 Subway station improvements in commercial zones of 10 FAR and above in Manhattan

* * *

(c) Conditions

(1) For a #residential# or mixed #development#, when a #floor area# bonus is granted pursuant to this Section, alone or in combination with other bonuses, the #lot area# requirements of Sections 23-20 (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS) shall not apply. Instead, the minimum average size of a #dwelling unit# shall be 790 square feet.

* * *

74-681

Development within or over a railroad or transit right-of-way or yard

* * *

(b) As a condition for granting a special permit, the Commission shall find that:

- (1) the #streets# providing access to all #uses# pursuant to paragraph (a) above are adequate to handle traffic resulting therefrom;
- (2) the distribution of #floor area# and the number of #rooms# or #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;
- (3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;
- (4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# does not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

* * *

74-71

Landmark Preservation

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

(a) The following conditions are met:

* * *

- (3) for such existing #buildings# or portion thereof being converted to #residential use#, that:
- (i) the #residential floor area per room# shall be at least equal to the requirement set forth herein:

Total Existing FAR

Required Gross#Floor Area
per Room# (S.F.)

below 3.4

215

between 3.4 and 7.5

240

above 7.5

300

(ii) the #floor area# of any mezzanine constructed within a #dwelling unit# shall not exceed 33 and 1/3 percent of the #floor area# contained within the #residential# unit. The #floor area# of such mezzanine shall not be included in #residential floor area# for purposes of determining the minimum required number of #residential rooms# stated in paragraph (a)(3)(i) of this Section.

(3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of permitted dwelling units).

* * *

74-74

General Large-Scale Development

* * *

Notwithstanding any provision to the contrary contained in Sections 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) or 35-42 (Density or Lot Area Bonus in Mixed Buildings), the #lot area# requirement for a #residential use# within a #general large-scale development# shall be expressed in terms of #dwelling units# or #rooming units# as set forth below:

District

Required #Lot Area#
per #Dwelling Unit#
(in square feet)

Required #Lot Area#
per #Rooming Unit#
(in square feet)

R3

1040 (690)*

R4

970 (510)*

R5

605 (350)*

R6

278 (183)*

206 (146)*

R7

198 (143)*

138 (114)*

R8

123

88

R9

98

78

R10 (Base FAR)

79

60

R10 (For a 20 percent FAR Bonus)

65

55

* For #non-profit residences for the elderly#.

* * *

74-743

Special provisions for bulk modification

(a) For a #general large-scale development#, the City Planning Commission may permit:

* * *

(2) modification of the #lot area# requirement for non-#residential uses# in a #Commercial District# with a base #floor area ratio# of 15.0 provided, that for every 750 square feet of gross #residential floor area# in the #building# there is no more than one #dwelling unit#;

(3)(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations; and

(4)(3) variation in the location of primary business entrances, #show windows# and #signs# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries.

* * *

74-747

Previously granted special permits

* * *

No existing #plaza#, #residential plaza#, #urban plaza#, or other public amenity for which a #floor area# bonus or any increase in tower coverage above 40 percent of the #lot area# of the #zoning lot# has been received under Section 74-74 (Commercial Development Extending into More than One Block General Large-Scale Development) prior to February 22, 1990, shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

* * *

74-75

Educational Construction Fund Projects

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access, and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City Agency successor in title; permit modification of the height and setback regulations; authorize the total #floor area#, #open space#, #dwelling units# or #rooms# #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #rooms# #dwelling units# or #rooming units# permissible under the applicable district regulations.

The total number of zoning #rooms# #dwelling units# or #rooming units# and #residential floor area# shall not exceed that permissible for a #residential building# on the same #zoning lot#.

* * *

74-76

Plazas

74-761

Elevated plazas

* * *

74-762

Sunken plazas

* * *

74-763

Elimination or reduction in size of bonused public amenities

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size of any existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, provided that such reduction or elimination shall not create a #floor area# non-compliance on the #zoning lot#.

In granting such special permit, the Commission shall find that:

- (a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the #zoning lot# that shall provide equal or increased public benefit; and
- (b) any remaining bonused open area will comply to the maximum extent feasible with the standards of #urban plazas# as set forth in Section 37-04 (Requirements for Urban Plazas).

The Commission may prescribe additional conditions to enhance the relationship of public open areas or other amenities and the #development# to the surrounding areas.

* * *

74-79

Transfer of Development Rights from Landmark Sites

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for new #developments# or #enlargements#, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark #buildings or other structures#, may permit the maximum permitted #floor area# on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of #residential developments# or #enlargements#, the minimum required #open space# or the minimum #lot area per room# density requirements to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in #residential plazas# or #urban plaza#, #arcade# and #yard# regulations, for the purpose of providing a harmonious architectural relationship between the #development# or #enlargement# and the landmark #building or other structure#.

* * *

74-80

Transient Hotels

In R10-H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10-H District and the remainder in a #Commercial District#, the Commission may also permit the conversion of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use#, #lot area per room# or #floor area per room# density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent conversion of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

* * *

74-843

Preservation of existing buildings within certain developments containing open areas.

* * *

- (o) The basic #floor area ratio# for any new #development# on a #zoning lot# may be increased from 10.0 to 12.0 for complying with the provisions of this Section.

* * *

- (3) The extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.

Any #development# under the provisions of this Section shall be eligible for a reduction of the #lot area per room# requirement as set forth in Section 23-22. Such reduction in #lot area per room# shall be at the rate of .255 square feet for every .10 increase of #floor area ratio# above 10.0. In no event shall such reduction exceed 17 percent of the applicable #lot area# requirements set forth in Section 23-22.

In no event shall a new #building# exceed 32 #stories# excluding the #basement# level.

* * *

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, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District and the remaining portion of which is located in an R8 District, and which provides a new #community facility building# for an institution existing on the #zoning lot# prior to the #development# and which includes an open area for public use, the City Planning Commission upon application may allow the zoning district regulations applicable to the #zoning lot# including but not limited to #bulk# and parking to be changed as set forth in this Section and modify #yard#, height and setback, #lot area per room#, density and distance between #buildings# regulations in accordance with the provisions of this Section.

* * *

Any #development# under the provisions of this Section shall be eligible for a reduction of the #lot area per room# requirements as set forth in Section 23-22. Such reduction in #lot area per room# shall be at the rate of .255 square feet for every .10 increase of #floor area ratio# above 10.0. In no event shall such reduction exceed 8.5 percent of the applicable #lot area# requirements set forth in Section 23-22. The #lot area# requirements of Section 35-412 shall not apply. At any level at which a #building# within the #development# penetrates an established #sky exposure plane# such #building# shall not in the aggregate, occupy more than 45 percent of the #lot area# of the #zoning lot#.

* * *

74-94

Residences for the Handicapped People With Disabilities

In C6-2 Districts, for any #development# designed as a residence for the handicapped people with disabilities, the City Planning Commission may, by special permit, after public notice and hearing, subject to Board of Estimate action, modify the applicable height and setback regulations, #open space# and #lot area per room# density requirements, regulations pertaining to permitted obstructions in required #yards#, and #accessory# parking requirements, and may increase, to a maximum of 7.2, the allowable #residential floor area ratio# on the #zoning lot# in accordance with the provisions of this Section. For purposes of this Section, a "residence for the handicapped people with disabilities" is defined as a #residence# occupied at least 75 percent by handicapped disabled individuals or by households at least one of the members of which is handicapped disabled, and the remainder by individuals sixty-two years of age or older or by households at least one of the members of which is sixty-two years of age or older, and by the staff of such #residence#, and which that:

(a) contains #dwelling units# especially designed for handicapped disabled persons and reserved for use as residences for the handicapped disabled for a period of not less than 40 years;

* * *

As a condition for such special permit, the Commission shall make the following findings:

(1) that the Mayor's Office for the Handicapped People with Disabilities, which may consult with other appropriate City agencies, has certified that the organization making the application for the special permit for the proposed residence for the handicapped people with disabilities is a responsible group dealing with the needs of the handicapped disabled;

(2) that the Commission in consultation with the Mayor's Office for the Handicapped People with Disabilities and/or other appropriate City agencies has determined that the special features and facilities are appropriate to the needs of the intended handicapped disabled residents of the #development#;

* * *

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

For the purposes of this Section, the term "handicapped" "disabled" shall be applicable to any person who in the determination of the New York City Commissioner of Health has an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

* * *

Chapter 7

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

77-25

Lot Area Requirements Density Requirements

In all #Residence Districts#, the #lot area per dwelling unit#, per #rooming unit# or #per room#, or #lot area# for #commercial# or #community facility uses#, required for the #building# or #buildings# on the #zoning lot# shall be computed separately for that portion of the #zoning lot# located in each district under the applicable regulations of the Chapters, as indicated in the following table. The total #lot area# of the #zoning lot# shall not be less than the sum of such required #lot areas# so computed.

The total number of #dwelling units#, #rooming units# or #rooms# permitted on the #zoning lot# shall not exceed the sum of the #dwelling units#, #rooming units# or #rooms# permitted on each portion of the #zoning lot# in accordance with the applicable district regulations for such portion. Such #dwelling units#, #rooming units# or #rooms# may be located wherever a #building# is permitted on a #zoning lot#, provided that on no portion of the #zoning lot# shall there be more than 150 percent of the number of #dwelling units#, #rooming units# or #rooms# permitted in the applicable district regulations for such portion. However, for portions of #zoning lots# within an R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District not subject to the provisions of Section 77-11, the number of #dwelling units# in such portion shall not exceed the maximum density permitted by the applicable district regulations.

However, for #buildings developed#, #enlarged#, #extended# or converted pursuant to the Quality Housing Program, the #dwelling units# or #rooming units# may be located wherever a #building# is permitted on the #zoning lot#.

In applying this provision, the density bonus permitted for #residential plazas#, #urban plazas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #residential plazas#, #urban plazas# or #arcades#, as are located in a district in which such bonus is granted.

For #buildings developed#, #enlarged#, #extended# or converted for #residential use# on #zoning lots# in which a district boundary divides the #zoning lot# into portions subject to #lot area per dwelling unit# or #rooming unit# requirements, and portions subject to #lot area per room# requirements, the entire #zoning lot# shall be subject to #lot area per dwelling unit# or #rooming unit# requirements. For portions of such #zoning lots# in R6 through R10 Districts without a letter suffix, such requirements shall be those of Quality Housing #buildings# as set forth in Sections 23-223, paragraph (c), or 23-225, paragraph (c).

In all #Residence Districts#, if a #building# is used partly for #residential uses# and partly for #community facility# or #commercial uses#, no #lot area# shall be counted twice in fulfillment of the requirements for #lot area per dwelling unit# per #rooming unit# or #per room# and for #lot area# for #commercial# or #community facility uses#.

Regulations applying to #lot area per dwelling unit#, per #rooming unit# or #per room# requirements are set forth in the Chapters indicated:

District

Type of #Use#

Article

Chapter

#Residence#

#Residential#

II

[9] 3|

#Residence#

#Community Facility#

II

[9] 3|

#Commercial#

#Residential#

III

[9] 3|

#Commercial#

Mixed (#Residential# with #Commercial# or with #Community Facility#)

III

[913]

Whenever a #zoning lot# is divided by a boundary between districts with different density requirements, the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the sum of the maximum number of #dwelling units# or #rooming units# permitted for each portion of the #zoning lot# in accordance with the applicable district regulations. Such #dwelling units# or #rooming units# may be located wherever a #building# is permitted on the #zoning lot#. However, the provisions of this Section shall not apply within any R2X, R3-1, R3A, R3X, R4-1 R4A or R4B District.

* * *

Chapter 8
Special Regulations Applying to Large-Scale Residential Developments
78-00
GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

* * *

78-30
BULK REGULATIONS

78-31
Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

* * *

(c) Alternate #floor area#, and #open space# and density regulations in R3, R4 or R5 Districts

In #large-scale residential developments# that utilize the bonus provisions of this Chapter, the #floor area ratio#, and the #open space ratio# and the density controls set forth in the following table shall apply in lieu of the #floor area ratio#, and #lot coverage# and #lot area per dwelling unit# controls of Article II, Chapter 3.

District

Open Space Ratio

#Floor# Area Ratio#

Density Controls
(in square feet)

District

R3

150

.50*

375 square feet of #lot area per room#

R3

R4

80

.75*

205 square feet of #floor area per room#

R4

R5

40

1.25

215 square feet of #floor area per room#

R5

* The #floor area ratio# in the table above may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and 1/2 inches in vertical distance per each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet. Any such additional #floor area# under a sloped roof shall not be used to compute the #open space ratio#.

* * *

78-311

Authorizations by the City Planning Commission

When a #large-scale residential development# includes or will include after subdivision two or more #zoning lots#, the City Planning Commission may upon application:

(a) Authorize the total #floor area#, #lot coverage#, #dwelling units#, #rooms#, or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#.

* * *

In the case of a #large-scale residential development#, for that portion of the #development# which is located in an R5 or R6 District, the Commission may authorize the permitted #floor area ratio#, and required #open space ratio#, and required #lot area per room# to be determined on the basis of a #height factor# which is different than the actual #height factor# of such portion of the #development#, for the purpose of achieving better site planning and community planning.

* * *

78-312

Special permits by the City Planning Commission

For any #large-scale residential development#, the City Planning Commission may permit:

(a) the total #floor area#, #lot coverage#, #dwelling units#, #rooms# or #rooming units# permitted by the applicable district regulations or by Sections 78-32 (Bonus for Good Site Plan) or Section 78-33 (Bonus for Common Open Space) for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

* * *

78-313

Findings

As a condition precedent to the granting of authorizations under the provisions of Section 78-311 (Authorizations by the Planning Commission) or a special permit under the provisions of Section 78-312 (Special permits by the Planning Commission), the Commission shall make the following findings:

(a) that such modifications will aid in achieving the general purposes and intent of this Chapter as set forth in Section 78-01 (General Purposes);

(b) that such distribution of #floor area#, #dwelling units#, #rooms#, #rooming units#, #open spaces#, locations of #buildings#, or location of primary business entrances, #show windows# or #signs# will permit better site planning and will thus benefit both the residents of the #development# and the City as a whole;

* * *

78-32

Bonus for Good Site Plan

In R1-2, R2 or R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the Commission, by special permit, may authorize allow the #open space ratio# otherwise required for the #development# as a whole and for individual #zoning lots# therein to be reduced by not more than 10 percent and the required #lot area per room#, or #lot area per dwelling unit#, may allow the maximum number of #dwelling units# to be increased by not more than 5 five percent, and may authorize allow

the permitted maximum #residential floor area ratio# to be increased by not more than 7.5 percent, if the Commission finds that throughout the #development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces#, and preservation of important natural features than would be possible or practical for a #development# comprised of similar types built in strict compliance with the applicable district regulations.

78-33

Bonus for Common Open Space

In R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the Commission, by special permit, may authorize allow the #open space ratio# otherwise required for such #development# as a whole to be reduced by not more than 20 percent and the required #lot area per room# or #lot area per dwelling unit# , may allow the maximum number of #dwelling units# to be increased by not more than 10 percent, and may authorize allow the permitted maximum #residential floor area ratio# to be increased by not more than 15 percent, provided that:

* * *

78-34

Special Permit Provisions for Certain Large-Scale Developments

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations, of such #Residence Districts#, for any #large-scale residential development#, the Commission, by special permit, may make modifications in the #open space ratio#, #residential floor area ratio#, and #lot area per room# requirements density regulations, pursuant to the provisions of Section 78-35 (Special Bonus Provisions) if the Commission finds:

* * *

78-35

Special Bonus Provisions

78-351

Common open space and good site plan

The provisions of this Section shall not apply to any #zoning lot# subdivided for #development# to under four acres after January 1, 1972, nor to any #large-scale residential development# for which authorization has been granted by the City pPlanning Commission prior to July 31, 1972.

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the requirements of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio#, required #open space ratio# and required #lot area per room# density regulations for the #development# as a whole may be modified as set forth in this Section. At least 25 percent of the total required #open space# is to be provided in common areas meeting the requirements of Section 78-52 (Common Open Space). No portion of such common #open space# is to be used for driveways or off-street parking. The findings required in paragraph (e) of Section 78-313 (Findings) are to be satisfied.

District

Maximum #Floor Area Ratio#

Minimum #Open Space Ratio#

R3-2

.60

125.0

R4

1.00

66.5

The required #lot area per room# of an R3-2 District may be reduced to not less than 325 square feet. The maximum number of #dwelling units# shall equal the total #residential floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

In R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52 (Common Open Space). No portion of such common #open space# is to be used for driveways or off-street parking. All findings required in

paragraph (c) of Section 78-313 (Findings) are to be satisfied.

78-352

Bonus for community facility space

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio#, required #open space ratio#, and required #lot area per room# for the #development# as a whole may be modified as set forth in this Section, provided floor space for #community facility use# and/or a program for improvement and maintenance for parks not included in the City capital budget is provided as required in paragraph (b) of this Section.

a) Permitted Floor Area Ratio and Required Open Space Ratio:

District

Maximum #Floor Area Ratio#

Minimum #Open Space Ratio#

R3-2

.70

102.0

R4

1.15

54.7

R5

1.45

37.7

The required #lot area per room# of an R3-2 District may be reduced to not less than 275 square feet. The maximum number of #dwelling units# shall equal the total #residential floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

* * *

(c) In no event shall the total #floor area# for any #development# constructed pursuant to the Provisions Section exceed the maximum #floor area ratio# for #community facility uses# permitted by the applicable district regulations. Furthermore, the provisions of Section 24-21 (Required Lot Area) shall not apply to such #development#.

* * *

78-354

Bonus for increased room size

In R3, R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio# may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required #open space ratio# for the #development# as a whole decreased correspondingly as set forth in this Section provided that the #floor area per room# requirement is increased in accordance with the provision of this Section.

District

Increase in
#Floor Area

Ratio#

Decrease in
#Open Space
Ratio#

#Floor Area
per Room#
(in square feet)

R3-2

.10

20.4

220

R4

.20

11.0

225

R5

.20

6.0

235

* * *

Chapter 9

Special Regulations Applying to Large-Scale Community Facility Developments

* * *

79-20

BULK REGULATIONS

79-21

General Provisions

When a #large-scale community facility development# includes two or more #zoning lots#, which are contiguous or would be contiguous, but for their separation by a #street#, the City Planning Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units#, #rooms# or #rooming units#, or the required #open space# for all #zoning lots# within the #development#, to be distributed without regard for #zoning lot lines#, may modify the minimum required distance between #residential buildings# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) provided such reduction does not exceed 15 percent of that required by Section 23-71, may authorize the location of #buildings# without regard for #front yard# or height and setback regulation which would otherwise apply along portions of #streets# wholly within the #development#, and further may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# abutting other #zoning lots# within the #development#.

* * *

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#. except by special permit, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

Article VIII
Special Purpose Districts

Chapter 1
Special Midtown District

* * *

81-211
Maximum floor area ratio for non-residential or mixed buildings

(a) For non-residential buildings or mixed buildings, the basic maximum floor area ratios of the underlying districts shall apply as set forth in this Section.

(b) In the Special Midtown District, the basic maximum floor area ratio on any zoning lot may be increased by bonuses or other floor area allowances only in accordance with the provisions of this Chapter, and the maximum floor area ratio with such additional floor area allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES
AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS

Means for Achieving Permitted FAR Levels on a Zoning Lot

Maximum Floor Area Ratio (FAR)

Outside the Grand Central Subdistrict

Grand Central Subdistrict

C5P

C6-4 C6-5 M1-6

C5-2.5
C6-4.5
C6-5.5
C6-6.5

C6-7T

C5-3
C6-6
C6-7

C5-2.5

C5-3

C6-6

A Basic Maximum FAR

8.0

10.0

12.0

14.0

15.0

12.0

15.0

B Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Urban plaza# (Section 81-23)

1.01,2

1.01,3

1.02

C Maximum Total FAR with As-of-Right Incentives

8.0

11.01,2

13.01,3

14.0

16.0

12.0

15.0

D Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)

2.01,67

2.41

3.0

2.4

3.0

E Maximum Total FAR with District-wide and As-of-Right Incentives

8.0

12.0

14.4

14.0

18.0

14.4

18.0

F Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:

Development rights (FAR) of a "granting site" (Section 81-744)

10.0

12.0

14.0

15.0

Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))

2.0

2.4

2.8

3.0

Inclusionary Housing (Sections 23-90 and 81-22)

2.034

G. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict

12.0

14.4

16.8

18.0

H. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))

2.4

I Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations

14.4

14.4

16.8

18.0

J Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:

Rehabilitation of "listed theaters" (Section 81-745)

4.4

2.4

2.8

3.0

Floor Area for New Legitimate Theater (Section 81-748)

2.0

2.0

K. Maximum Total FAR with Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

8.0

14.4

14.4

21.6

21.6

14.4

18.0

L. Maximum FAR of Lots Involving Landmarks:

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)

8.0

10.0

12.0

14.0

15.0

12.0

15.0

Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)

8.0

10.0

13.045

14.0

16.0

12.0

15.0

Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:

(a) an "adjacent lot" (Section 74-79)

1.6

2.0

2.4

No Limit

2.4

No Limit

No Limit

(b) a "receiving lot" (Section 81-634)

1.0

1.0

(c) a "receiving lot" (Section 81-635)

9.6

6.6

M. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6

14.4

14.4

No Limit

No Limit

21.6

No56 Limit

[100]Not available for #zoning lots# located wholly within Theater Subdistrict Core.

[100]Not available within the Eighth Avenue Corridor.

[100]Not available within 100 feet of a #wide street# in C5-2.5 Districts.

34 Applicable only within that portion of the Theater Subdistrict also located within the Special Clinton District.

45 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core.

56 Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict.

67 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor.

* * *

81-231

Existing plazas or other public amenities

(a) Elimination or reduction in size of existing #plazas# or other public amenities

No existing #plaza# or other public amenity, open or enclosed for which a #floor area# bonus has been received utilized, pursuant to regulations antedating May 13, 1982, shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, except by special permit of the City Planning Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Midtown District#. pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission, pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-connected Open Areas).

(c) Nighttime closing of existing #plazas#, #plaza#-connected open areas and #residential plazas#

The City Planning Commission may, upon application, authorize the closing of an existing #plaza#, #plaza#-connected open area, or #residential plaza#, for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section 37-06.

(d) Special provisions for certain #covered pedestrian spaces#

Where a portion of an existing #covered pedestrian space# was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to City Council action, allow relocation of the loading facilities and modifications relating to the loading berth requirements, provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing #covered pedestrian space# without adversely affecting the operation of off-street loading facilities.

(e) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

* * *

81-24

Floor Area, Density Lot Coverage and Building Spacing Regulations for Residential Uses

* * *

81-242

Density regulations for residential and mixed buildings

(a) Inapplicability of certain Sections

In the #Special Midtown District#, the #lot area# requirements of Section 23-20 (DENSITY REGULATIONS- REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM) and Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) and the provisions of Section 35-42 (Density or Lot Area Bonus in Mixed Buildings) shall not apply to any #residential# or #mixed building development#.

(b) #Floor area per room#

For every 300 square feet of new #residential floor area# provided within a #residential# or #mixed building#, there shall be no more than one #room#.

* * *

81-634

Transfer of development rights by certification

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

(a) a transfer of development rights from a "granting lot" to a "receiving lot" in an amount not to exceed an FAR of 1.0 above the basic maximum #floor area ratio# allowed by the applicable district regulations on the "receiving lot", provided that a program for the continuing maintenance of the landmark approved by the Landmarks Preservation Commission has been established; and

(b) in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Lot Area or Floor Area Requirements)(Density Requirements), as follows:

For any "receiving lot", whether or not it existed on December 15, 1961 or any applicable subsequent amendment thereto, #floor area# or #rooms#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such "receiving lot" within a district which allows a lesser #floor area ratio# provided that the amount of such #floor area# or #rooms#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# or number of #rooms# shall not exceed 20 percent of the basic maximum #floor area ratio# or #rooms# number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.

81-635

Transfer of development rights by special permit

Within the portion of the Subdistrict bounded by East 41st Street, East 48th Street, Lexington and Madison Avenues (the Grand Central Subdistrict Core Area as shown on Map 1 in Appendix A), the City Planning Commission may permit:

(a) a transfer of development rights from a "granting lot" to a "receiving lot" provided that the resultant #floor area ratio# (FAR) on the "receiving lot" does not exceed 21.6; and

(b) modifications of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Lot Area or Floor Area Requirements)(Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, or #rooms##dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district which that allows a lesser #floor area ratio#;

* * *

81-746

Additional provisions for zoning lots divided by district or subdistrict core boundaries

(a) For any #zoning lot# which includes a "listed theater" as set forth in Section 81-742 (Listed theaters) or is or contains a "receiving site" pursuant to Section 81-744 (Transfer of development rights from listed theaters), and which is divided by a boundary between districts with different basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, shall allow modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Lot Area or Floor Area Requirements) (Density Requirements), as follows.

For any #zoning lot#, #floor area#, or #rooms# #dwelling units# or #rooming units# permitted by the applicable district regulations on either side of the district boundary may be located on the other side of the district boundary, provided:

(1) the amount of such #floor area# to be located on either side of the district boundary shall not exceed 20 percent of the basic maximum #floor area ratio# of the district in which it is to be located;

(2) the number of such #rooms#, #dwelling units# or #rooming units#, if any, to be located on either side of the district boundary shall not exceed the number permitted by the #floor area per room# requirements as set forth in Section 81-242 (Density regulations for residential and mixed buildings); applicable district regulations; and

(3) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met for any listed theater on such #zoning lot#.

* * *

(b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:

(1) #floor area#, including bonus #floor area#, or #rooms#, #dwelling units# or #rooming units#, permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the #floor area per room# requirements as set forth in Section 81-242; applicable district regulations; and

(2) #floor area#, including bonus #floor area#, or #rooms#, #dwelling units# or #rooming units#, permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.

* Notwithstanding any other provision of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a boundary of the Eighth Avenue Corridor as defined in Section 81-71 (General Provisions and for which the basic maximum #floor area ratio# as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, or #rooms#, #dwelling units# or #rooming units#, permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

* * *

81-90 SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT

In order to conform with the existing scale and character of the Preservation Subdistrict, any #development# or #enlargement# located in the underlying C5-P District shall be limited to a maximum #floor area ratio# of 8.0.

For all purposes other than as set forth in this Section, the R10 District regulations shall apply to any portion of a #development# or #enlargement# containing #residential uses#.

(1) Mandatory #street walls#

* * *

(2) #Residential# requirements

Where a #development# or #enlargement# contains #residential uses#, there shall be no more than one #room# for every 300 square feet of gross #residential floor area#, and the #lot area# requirements of Sections 23-20 and 35-41 shall not apply.

* * *

(Includes changes to three text maps: District Plan Maps 1, 2, 3)

* * *

Midtown TWO

Midtown THREE

Chapter 2
Special Lincoln Square District

* * *

82-33
Modification of Bulk Regulations

* * *

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

* * *

82-70 EXISTING PLAZAS OR OTHER PUBLIC AMENITIES

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received utilized, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk# modifications, shall be permitted in the #Special Lincoln Square District# only by special permit of the City Planning Commission. As a condition for such permit, the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.

An application for such special permit shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission. shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairman of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

* * *

Chapter 4 Special Battery Park City District

* * *

84-131 Floor Area Regulations

* * *

The provisions of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room) shall not apply. For every 300 square feet of gross #residential floor area# provided within any #building#, there shall be no more than one #room#. The minimum #floor area# contained within any #dwelling unit# shall not be less than 550 square feet.

* * *

84-331 Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #development# or #enlargement# shall not exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed 10.0. The #floor area# bonus provisions shall not apply.

For a #residential building#, or the #residential# portion of a #mixed building#, the provisions of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) shall not apply. For every 300 square feet of gross #residential floor area# provided within any #building#, there shall be no more than one #room#.

* * *

Chapter 5 Special United Nations Development District

* * *

85-04
Modifications of Bulk Regulations

* * *

For any #residential building# within the #Special United Nations Development District#, the required #lot area per room# may be reduced, applicable density requirements may be modified, but in no event shall the required #lot area per room# be less than 15 square feet. there be less than 395 square feet of #residential floor area# per #dwelling unit# or 300 square feet of #residential floor area# per #rooming unit#.

* * *

Article IX
Special Purpose Districts

Chapter 1
Special Lower Manhattan District

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* * *

91-22
Density Regulations for Residential Buildings and the Residential Portion of Mixed Buildings

In the #Special Lower Manhattan District#, the #lot area# requirements of Sections 23-20 (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) and the provisions of Section 35-42 (Density or Lot Area Bonus in Mixed Buildings) shall not apply to any #residential# or #mixed building development#. In lieu thereof, the maximum number of #dwelling units# or #rooming units# shall equal the total #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

Each #dwelling unit# shall contain at least 400 square feet of #floor area# except that this requirement shall not apply to #non-profit residences for the elderly#.

MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

District

#Dwelling Unit# Factor

#Rooming Unit# Factor

R8 (or commercial equivalent)

740

530

R10 (or commercial equivalent)

790

600

The maximum number of #dwelling units# or #rooming units# for #non-profit residences for the elderly# may be increased over the amount of #dwelling units# or #rooming units# permitted by this Section by up to 10 percent.

91-2322
Floor Area Regulations for Non-Residential and Mixed Buildings

* * *

91-2423

As-of-Right Bonuses for Increased Floor Area

* * *

91-241231

Floor area bonus for urban plazas

* * *

(b) For each square foot of an #urban plaza#, the basic maximum #floor area# permitted by Section 91-2322 (Floor Area Regulations for Non-Residential and Mixed Buildings) may be increased, in C6-4 Districts, by six square feet to a maximum #floor area# ratio of 12.0; and, in C5-3, C5-5 and C6-9 Districts, by ten square feet to a maximum #floor area# ratio of 18.0.

* * *

91-242232

Floor area bonuses for improvements on the block bounded by Liberty, Washington, Cedar and West Streets

* * *

91-2524

Special Permit Bonuses for Increased Floor Area

* * *

91-251241

Special permit for subway station improvements

* * *

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings) or 91-2322 (Floor Area Regulations for Non-Residential and Mixed Buildings).

* * *

91-252242

Special permit for covered pedestrian space

* * *

Article IX

Special Purpose Districts

Chapter 3

Special Jacob K. Javits Convention Center District

* * *

93-251

Residential density regulations

The #lot area# requirement of Sections 23-20 (DENSITY REGULATIONS - REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS) shall not apply. Instead, for every 750 square feet of gross #residential# area provided on a #zoning lot#, there shall be no more than one #dwelling unit#.

93-252 93-251

Residential open space and floor area regulations

* * *

93-253 93-252

Minimum distance between buildings on a single zoning lot

* * *

Chapter 4
Special Sheepshead Bay District

* * *

94-096

Rooms

Notwithstanding any provisions of this Resolution, any #zoning lot developed# pursuant to Sections 94-08 (Special Floor Area Bonus Provisions) or 94-09 (Special Bulk Regulations) shall be permitted one #room# for every 215 square feet of #residential floor area#.

* * *

Chapter 5
Special Transit Land Use District

* * *

95-08

Special Use Regulations

* * *

In all underlying districts within the Special District, below the lowest #story# occupied by #residential uses#, Use Group T #uses# are permitted to occupy no more than two #stories# above #curb level#, and the #lot area# requirements to such #buildings# as set forth in Section 35-40 shall not apply. However, #uses# listed in paragraphs A, C or E are permitted within the Special District only where allowed by the underlying district regulations. Location of #commercial uses# within a #building# shall be governed by the provisions of Section 32-42.

* * *

Chapter 6
Special Clinton District

* * *

96-105

Dwelling unit regulations

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions#, or conversions of an existing #building# to a #residential use#, the #lot area per room# density requirements of the underlying districts as set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) shall be inapplicable. In lieu thereof, the required #lot area per dwelling unit# of a #development#, #enlargement#, #extension# or conversion of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum #lot area per dwelling unit# density requirement and the 20 percent, two bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two bedroom requirement.

* * *

96-53

Conversions to Residential Use

For conversions to #residential use# of #buildings# predominantly occupied by #uses# listed in Use Groups 3, 4 or 5 which contain a #floor area ratio# of more than basic #residential floor area ratio# permitted by the underlying district regulations, that exceed the #residential floor area# permitted by the applicable district regulations, the City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate, action may permit modification of the #lot area per room# requirements and the provisions of Section 54-30 (ENLARGEMENTS OR CONVERSIONS) relating to #enlargements# or conversions of existing #buildings# may permit such #building# to be converted to #residential use# in its entirety provided that the #building# includes social or recreational space primarily for the use of #residential# tenants which may also be made available to the community.

There shall be at least 12 30 square feet of social or recreational space for each #residential room# , #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater. Such space, may be located outdoors at grade level or at any floor level including roof areas. The required #lot area per room# shall be at least equal to the requirement for the equivalent #Residential District# corresponding to the existing #floor area ratio# of the #building#. In the case of #buildings# containing a #floor area ratio# of more than 10.0 there shall be at least 300 feet

of gross #residential floor area# for each #room#. The maximum number of #dwelling units# shall be determined in accordance with the provisions of Section 15-111 (Number of permitted dwelling units). The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties.

* * *

Article X Special Purpose Districts

* * *

NOTE: The contents of Article X, Chapter 4 (Atlantic Avenue District) together with the contents of Article XI, Chapter 5 (Special Fulton Mall District) have been moved to Article X, Chapter 1, with modifications. Modifications are indicated in strikeout and graytone.

Chapter 1 Special Downtown Brooklyn District

101-00 GENERAL PURPOSES

The "Special Downtown Brooklyn District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;
 - (b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;
 - (c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;
 - (d) to encourage the design of new development that is in character with the area;
 - (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;
 - (f) to improve the quality of new development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;
 - (g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and
- (8) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

101-01 Definitions

For purposes of this Chapter, matter in *italics* is defined in Section 12-10 (DEFINITIONS), Section 101-302 (Definitions Specific to the Atlantic Avenue Subdistrict), or in this Section.

Development or to develop

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, the #use# of a tract of land for a new #use#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

(This definition was modified and moved from Section 115-01 (Definitions) within the former Special Fulton Mall District.)

101-02 General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

Whenever a #zoning lot# is divided by the boundary of the Special District, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the Special District. (This paragraph moved from Section 115-02)

101-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following six maps:

- Map 1 Special Downtown Brooklyn District and Subdistricts
- Map 2 Ground Floor Retail Frontage
- Map 3 Street Wall Continuity
- Map 4 Curb Cut Restrictions
- Map 5 Street Tree Planting
- Map 6 Schermerhorn Street Height Limitation Area

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

101-04
Subdistricts

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E. Special regulations set forth in Sections 101-20 through 101-252, inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections 101-30 through 101-36, and Appendices A, B, C, D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

101-10
Special Use, Frontage and Fenestration Regulations

Map 2 in Appendix E of this Chapter specifies locations where the special ground floor #use#, frontage and fenestration regulations of this Section apply:

#Uses# located on the ground floor level or within five feet of #curb level# shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such uses are permitted by the underlying district or by the special regulations of Section 101-21 (Special Use Regulations for the Fulton Mall Subdistrict), inclusive, or by the special #use# regulations of Section 101-31, inclusive, of the Atlantic Avenue Subdistrict. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entrance space.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a building entrance recess exceed, in total, 30 feet or 50 percent of the building's total #street# frontage, whichever is less.

For any new #development# or #enlargement# not within the Fulton Mall Subdistrict or within the Atlantic Avenue Subdistrict, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk.

101-11
Special Provisions for Urban Plazas in C6-1 and C6-2 Districts

No #urban plaza# shall front upon any #street# where #street wall# continuity is required as shown on Map 3 in Appendix E of this Chapter, nor shall any #urban plaza# be permitted within Area B of the Schermerhorn Street Height Limitation Area.

101-12
Special Floor Area and Lot Coverage Regulations in C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of mixed buildings, the maximum #lot coverage# for #corner lots# shall be 80 percent. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

101-13

Special Height and Setback Regulations in C5-4, C6-1 and C6-4 Districts

Except for #buildings developed# or #enlarged# pursuant to the Quality Housing Program, in C5-4, C6-1 and C6-4 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section 101-13, inclusive, shall apply to all #developments# and #enlargements#. For the purposes of applying such height and setback regulations, the maximum base heights and maximum building heights listed in the table in this Section shall apply to all such #developments# and #enlargements#. The minimum base heights listed in the table shall apply to all #residential buildings# or to the #residential# portion of #mixed buildings#, and to #street walls# of all #buildings# in such districts located along #streets# where #street wall# continuity is required pursuant to Section 101-15.

HEIGHT AND SETBACK REGULATIONS IN C5-4, C6-1 AND C6-4 DISTRICTS

Minimum
Base Height

Maximum
Base Height

Maximum
Building Height

District

Beyond 100 feet of a #wide street#

Within 100 feet of a #wide street#

Beyond 100 feet of a #wide street#

Within 100 feet of a #wide street#

Beyond 100 feet of a #wide street#

Within 100 feet of a
#wide street#

C6-1

60

60

125

150

185

210

C5-4 C6-4

60

125

125

150

185

210

101-131

Height and setback regulations for residential buildings

A #residential building# or the #residential# portion of a #mixed building# shall not exceed the applicable maximum building height listed in the table in Section 101-13. Furthermore, setbacks are required for any portion of a #building# that exceeds the applicable maximum base height listed in such table. Such portions of #buildings# facing a #wide street# shall have a setback with a depth of at least 10 feet, and such portions of #buildings# facing a #narrow street# shall have a setback with a depth of at least 15 feet. All such setbacks shall be provided at any level between the applicable minimum and maximum base heights listed in the table, and the depth of such setbacks shall be measured from the #street wall# of the #building#. However, the depth of such #narrow street# setback may be reduced to ten feet if no portion of such #building# is closer to the #street line# than five feet. The depth of all required setbacks may include the depth of recesses in the #street wall# of the building base provided the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level.

Setbacks shall not be required for any #street wall# that is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the applicable minimum base height specified in this Section may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

Where street wall continuity is required as shown on Map 3 in Appendix E of this Chapter, the #street wall# of the #building# shall be located along such #street line# and extend to the applicable minimum base height listed in the table in Section 101-13 in accordance with the provisions of Section 101-15 (Special Street Wall Location Provisions).

Except in the Schermerhorn Street Height Limitation Area, the #tower# provisions of Section 101-133 may apply, as an option, to #residential buildings# in C6-1, C5-4 and C6-4 Districts.

101-132

Height and setback regulations for non-residential buildings

The maximum height of a front wall or any other portion of a #building or other structure# within 10 feet of a #wide street line# or within 15 feet of a #narrow street line# shall not exceed the applicable maximum base height listed in the table in Section 101-13. Beyond 10 feet of a #wide street line# or 15 feet of a #narrow street line#, a #building or other structure# shall not exceed the applicable maximum building height listed in the table, unless such #building# is #developed# or #enlarged# in accordance with Section 101-133 (Tower Regulations).

Where street wall continuity is required as shown on Map 3 in Appendix E of this Chapter, the #street wall# of the #building# shall be located along such #street line# and extend to the applicable minimum base height listed in the table in Section 101-13 in accordance with the provisions of Section 101-15 (Special Street Wall Location Provisions).

101-133

Tower regulations

Except in the Schermerhorn Street Height Limitation Area, a #building# may exceed the maximum building height listed in the table in Section 101-13 provided such #building# is #developed# or #enlarged# in accordance with the provisions of this Section. Any portion of such new or #enlarged building# that exceeds a maximum base height of 85 feet shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. Above a height of 150 feet, every level of every #building# on the #zoning lot# shall, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot#
(in square feet)

Maximum Percentage of
#Lot Coverage#

10,500 or less

50

10,501 to 11,500

49

11,501 to 12,500

48

12,501 to 13,500

47

13,501 to 14,500

46

14,501 to 15,500

45

15,501 to 16,500

44

16,501 to 17,500

43

17,501 to 18,500

42

18,501 to 19,999

41

For #buildings# containing more than 15,000 square feet of #commercial# or #community facility floor area# at any level above a height of 150 feet, the aggregate area of each such level located within 40 feet of a #wide street# shall not exceed 1,600 square feet and the aggregate area of each such level located within 50 feet of a #narrow street# shall not exceed 1,875 square feet. If the #building# complies with the #lot coverage# limitations of this Section at every level, the #building# may occupy any portion of the #zoning lot# beyond 20 feet of a #narrow street line# or beyond 15 feet of a #wide street line#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

Where street wall continuity is required as shown on Map 3 in Appendix E of this Chapter, the #street wall# of the #building# shall be located along such #street line# and extend to the applicable minimum base height listed in the table in Section 101-13 in accordance with the provisions of Section 101-15 (Special Street Wall Location Provisions).

In C6-1 Districts, the maximum height of a #building or other structure developed# or #enlarged# pursuant to this Section shall be 495 feet. No height limit shall apply within a C5-4 or C6-4 District.

101-134

Special provisions for Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, as shown on Map 6 in Appendix E of this Chapter, the tower provisions of Section 101-133 shall not apply. Furthermore, within Area A, no portion of a #building or other structure# shall exceed a height of 210 feet, and within Area B no portion of a #building or other structure# shall exceed a height of 140 feet.

101-14

Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to any #building developed# or #enlarged# within the #Special Downtown Brooklyn District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical #accessory# equipment (including enclosures) may penetrate a maximum height limit provided 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 eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

101-15

Special Street Wall Location Provisions

Map 3 in Appendix E of this Chapter specifies locations where the following special #street wall# location and setback regulations apply:

All #developments# or #enlargements# within the Fulton Mall Subdistrict shall comply with the provisions of Section 101-231 (Mandatory street walls).

All #developments# or #enlargements# within the Atlantic Avenue Subdistrict shall comply with the provisions of Section 101-331 (Height and setback).

For all #developments# or #enlargements# fronting on all other #streets# shown on Map 3, and on all other #streets# within 50 feet of their intersection with such #streets#, the #street wall# of any #development# or #enlargement# shall extend along the entire #street# frontage of a #zoning lot#, except that this provision need not apply within eight feet of the intersection of two #street lines#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and, in C5-4, C6-1 and C6-4 Districts, extend to at least the applicable minimum base height listed in the table in Section 101-13 or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

101-16

Off-street Parking and Off-street Loading Regulations

Along the #streets# specified on Map 4 in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 4 in Appendix E, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

101-17

Street Tree Planting Regulations

Map 5 in Appendix E of this Chapter specifies #streets# where the tree planting requirements of this Section shall apply:

All new #development# located on the #streets# specified on Map 5 in Appendix E shall provide and maintain trees of not less than four-inch caliper, at the time of planting on sidewalks, in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#.

These trees shall be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree plantings, except where the Commissioner of Transportation determines that such tree planting would be infeasible. These trees shall be provided with metal guards in accordance with Department of Transportation guidelines. (This section was moved from Section 104-065 within the former Special Atlantic Avenue District.)

ARTICLE XI

SPECIAL PURPOSE DISTRICTS

Chapter 5

Special Fulton Mall District (Delete entire Chapter)

101-20

FULTON MALL SUBDISTRICT

(Paragraphs (d), (e) and (g) of Section 115-00 (General Purposes), within the former Special Fulton Mall District have been moved to Section 101-00 (General Purposes) within the Special Downtown Brooklyn District.)

115-00 101-201

GENERAL PURPOSES General purposes of the Fulton Mall Subdistrict

The "Special Fulton Mall District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

- (a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;
- (b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging private investment in signs, facades, and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;

- (c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and
- (d) to improve visual amenity by establishing special sign regulations;
- (e) to encourage the design of new development that is in character with the area;
- (fd) to encourage a desirable urban design relationship between each building and the Fulton Mall; and.
- (g) to promote the most desirable use of land in accordance with a Mall plan and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenue.

115-01 Definitions

For purposes of this Chapter matter in italics is defined in Section 12-10 (Definitions) or in Section 115-01 (Definitions).

Special Fulton Mall District (repeated from Section 12-10)

The "Special Fulton Mall District" is a Special Purpose District designated by the letters "FM" in which regulations set forth in Article XI, Chapter 5, apply to all #zoning lots#. The #Special Fulton Mall District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.

(The following definition has been modified and parts moved to Sections 101-01 (Definitions) and other applicable Sections: 101-02, 101-202, 101-22, 101-229, and 101-24.)

Development or to develop

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot# or #lots#, the relocation of an existing #building# on another #zoning lot#, the #use# of a tract of land for a new #use#, and #enlargement#, or an #extension#. A change of #use# in an existing #building# to another #use# listed in the same or another Use Group shall be considered a #development# as to the portion being changed and only for purposes of Section 115-03 (Special Use Regulations), Section 115-04 (Special Sign Regulations), and Section 115-091 (Special provisions for storefronts). In addition,

- (a) for the purposes of Section 115-04 (Special Sign Regulations), the term "development" shall include any erection of a new #sign# or alteration (including a change in graphic representation on an existing #sign#); or reconstruction, or replacement of an existing #sign#; and
- (b) for the purposes of Section 115-09 (Special Provisions Concerning Building Facades), the term "development" shall include any alteration to or reconstruction of the facade of an existing #building# but only to the extent of such work.

For purposes of this Chapter, Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) is hereby made inapplicable. #Non-conforming signs# shall be terminated on or before June 30, 1980 as provided in Section 115-0411 (Termination of certain non-conforming signs).

To "develop" is to create a #development#.

115-02 101-202 General provisions for the Fulton Mall Subdistrict

(The following paragraphs have been modified and moved to Section 101-02.)

Except as modified by the express provisions of this Chapter the regulations of the underlying zoning districts remain in effect.

Where a #development# occurs on a #zoning lot# or portion thereof which is located within both the #Special Brooklyn Center Development District# and the #Special Fulton Mall District# the #sign# regulations of both special districts shall apply, provided that where there is inconsistency between applicable #sign# provisions of the Special Districts, the regulations of the #Special Fulton Mall District# shall apply; in all other instances where there is inconsistency between applicable provisions of the special Districts, the regulations of the #Special Brooklyn Center Development District# shall govern.

Whenever a #zoning lot# is divided by the boundary of the Special District the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the Special District.

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-21, inclusive, the special #sign# regulations of Section 101-22, inclusive, and the special storefront provisions of Section 101-241. (This paragraph has been moved from Section 115-01.)

On application, the City Planning Commission may authorize minor modifications of the regulations of this Chapter Sections 101-22, inclusive, and 101-24, inclusive, governing #signs# and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed

modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

115-03 101-21
Special Use Regulations for the Fulton Mall Subdistrict

115-031 101-210
Ground floor use restriction

#Uses# on the ground floor or on a floor within 5 five feet of #curb level#, shall be limited to certain #commercial uses# listed in Section 115-032 101-211 (Use Group FM), except that lobby space and entrances to lobby space are permitted subject to the terms and conditions set forth in Section 115-033 101-212 (Restriction on frontage and location). Any regulations in this Resolution to the contrary notwithstanding, all of the #uses# set forth in Section 115-032 101-211 shall be permitted within the #Special Fulton Mall District# Subdistrict.

115-032 101-211
Use Group FM

Use Group FM comprises a group of commercial establishments selected to promote and strengthen the retail and commercial character of the #Special Fulton Mall District# Subdistrict.

* * *

115-033 101-212
Restrictions on fFrontage and lLocation

No bank, or off-track betting establishment, lobby or entrance to a lobby shall occupy more than 30 linear feet of frontage at the ground floor of any #development# along the #street line# of Fulton Street. (Lobby rule has been moved to Section 101-10.)

Any establishment which fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

101-22
Special Sign Regulations for the Fulton Mall Subdistrict

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign# shall be subject to the special #sign# regulations of this Section, inclusive. (This section moved from Section 115-01(a))

115-041 101-221
Area of permitted signs

All permitted #signs# in the Special District Fulton Mall Subdistrict shall be subject to the restrictions on surface area as set forth in this Section applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), Section 101-222 and this Section.

(The following paragraphs duplicate the underlying regulations and can be deleted here.)

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or a part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

Except as further restricted by Section 115-044, (Signs located above the sign band), the total #surface area# of #illuminated signs# on a #zoning lot# shall not exceed 5 times the #street# frontage (in feet) of the #zoning lot# and in no event shall exceed 500 square feet for #interior lots# or #through lots#, or 500 square feet on each frontage for #corner lots#.

For purposes of this Chapter, Section 32-64 (Surface Area and Illumination Provisions) is hereby made applicable.

101-222
Sign band

- (a) Sign located within the sign band

* * *

115-043

* * *

- (b) Signs located below the sign board band

* * *

115-044

* * *

(c) Signs located above the sign band

#Signs accessory# to commercial establishments which occupy space above the ground floor of a #building# may be located between 1520 feet, 0 inches and 40 feet, 0 inches above #curb level#.

* * *

115-045 101-223

Special sign content regulations

* * *

115-046 101-224

Permitted projection of signs

* * *

115-047 101-225

Sign illuminations

#Signs# may be illuminated by either:

(a) internal illumination; or

(b) an external source that shall be so arranged that it projects no more than 12 inches from the #sign# it illuminates, and so that no direct rays of light are projected into adjoining #buildings# or the #street#. No #flashing signs# are permitted, nor are flashing or rotating light sources except #illuminated signs# which indicate the time, temperature, weather, or other similar information, as defined under pursuant to the definition of #Sign, flashing# in Section 12-10 (DEFINITIONS).

115-048 101-226

Temporary signs

* * *

115-049 101-227

Removal of existing signs with change of use

* * *

115-0410 101-228

"For sale" or "for rent" signs

* * *

115-0411 101-229

Termination of certain non-conforming signs

In the #Special Fulton Mall District# Subdistrict, Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) shall not apply. In lieu thereof, certain #non-conforming signs# may be continued until June 30, 1980, providing that after that date such #non-conforming signs# shall terminate and shall be removed in their entirety including any supporting structure, frame or device. Such #signs# shall include: (New language in this section was moved from Section 115-01.)

* * *

115-06 101-23

Special Bulk Regulations

115-061 101-231

Mandatory street wall

The #street wall# of any #development# within the Special District Fulton Mall Subdistrict shall be coincident with the #street line#, shall extend along the full length of the #street line# for that portion of the #development# within the Special District Fulton Mall Subdistrict, and shall be constructed to a minimum base height of 15 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum base

height of 85 feet. For portions of #buildings# that exceed a height of 85 feet, a setback is required with a minimum depth of 10 feet from any #street wall# fronting on a #wide street#, and a minimum depth of 15 feet from any #street wall# fronting on a #narrow street#. Such required setback shall be provided at a height not lower than 60 feet. No setback in the #street wall# shall be permitted below a height of 85 feet above #curb level# for any #community facility# or #commercial use#. Recesses are permitted within the #street wall# at the ground floor, provided the recess area shall not exceed in aggregate more than 50 percent of such #street wall#. Recesses are permitted within the #street wall# at the second floor in combination with the ground floor provided the recess area shall not exceed in aggregate more than 25 percent of such #street wall#.

(Sections 115-07, 115-071 and 115-072, concerning off-street parking and loading, have been slightly modified and renumbered 101-25, 101-251 and 101-252, respectively.)

115-08 101-232
Continuity of Street Wall

No #arcade# or any portion thereof shall be permitted within the #Special Fulton Mall District#. #Residential plazas# or #urban #Urban plazas# are permitted within the Special District Fulton Mall Subdistrict provided that no portion of such #residential plaza# or #urban plaza# is located within 50 feet of the #street line# of Fulton Street.

115-09 101-24
Special Regulations Concerning Building Facades

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work. (This section was moved from Section 115-01(b).)

115-091 101-241
Special provisions for storefronts

A minimum of 50 percent of the storefront area of each establishment within the District Fulton Mall Subdistrict shall be glazed with transparent materials, and may include #show windows#, glazed transoms or glazed portions of doors.

* * *

Except as defined in Section 115-046 101-224 (Permitted projection of signs), no portion of any #building# (including security doors, shutters, gates or grilles) shall project beyond the #street line# or a #zoning lot#.

115-092 101-242
Special provisions for building facades above the ground floor

* * *

115-07 101-25
Modification of Accessory Off-street Parking and Loading Requirements

115-071 101-251
Restricted access and prohibition on curb cuts

In no case shall vehicular access and egress for #accessory# off-street parking, public parking facilities, permitted or required #accessory# off-street loading berths or the service entrance to a #building# be located within 50 feet of Fulton Street or DeKalb Avenue within the Special District Fulton Mall Subdistrict. No curb cuts are permitted within the Special District Subdistrict within 50 feet of Fulton Street or DeKalb Avenue.

115-072 101-252
Waiver of off-street parking and loading requirements

The Commissioner of Buildings may waive any requirement in this Resolution Chapter that #accessory# off-street parking or loading berths be provided where he the Commissioner finds that the required parking or loading cannot be provided consistent with Section 115-071 101-251.

115-10
NOTIFICATION OF THE FULTON MALL IMPROVEMENT ASSOCIATION

At least 15 days prior to application to the Department of Buildings for a permit for any #development#, the applicant shall submit the plans included within such application to the Fulton Mall Improvement Association (established pursuant to Chapter 911 of the Laws of New York State of 1976), which may comment on such plans to the Brooklyn Borough Superintendent of the Department of Buildings.

115-11
Special Floor Area Regulations

For any #development# on a #zoning lot# located within the Special District, the #floor area ratio# shall be increased above the basic maximum #floor area ratio# only where a developer provides:

- (a) bonusable amenities not specifically prohibited by Section 115-08; or
- (b) a contribution to the Fulton Mall District Fund in accordance with the provisions of Section 115-13.

Such contribution to the Fund shall be made at the time of filing for a building permit with the Department of Buildings. For any #building# containing #residential uses# within an R10 equivalent #Commercial District#, any reduction in the #lot area per room# requirement shall not exceed 17 percent, as set forth in Section 23-22.

In no case shall the #floor area ratio# exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio).

The amount of bonus #floor area# awarded on account of fund contribution shall be computed in accordance with Section 115-13 (Fund Contribution).

115-12 Fulton Mall District Fund

The Chairperson of the City Planning Commission and the Comptroller shall establish a Fulton Mall District Fund.

Expenditure from the Fund shall be determined by the Chairperson of the City Planning Commission after consultation with the Fulton Mall District Fund Council established herein. Contributions pursuant to Section 115-13 shall be deposited in the Fund, and monies within the Fund shall be expended solely on capital improvements or maintenance on or benefiting the Fulton Mall. The Chairperson of the City Planning Commission may designate the Fulton Mall Improvements Association, Inc. as agent to carry out such capital improvements or maintenance.

A Fulton Mall District Fund Council is established which shall consist of the following:

Ex Officio

the Chairperson of the City Planning Commission;

the Comptroller;

the Borough President of Brooklyn;

Appointed by the Mayor

the designee of the Fulton Mall Improvement Association, Inc.;

The President of the Downtown Brooklyn Development Association;

the Director of the Mayor's Office of Development or his/her designee.

115-13 Fund Contribution

The Fund Contribution, if tendered prior to December 31, 1980, shall be at the rate of \$4.00 per square foot of bonus #floor area# credited pursuant to Section 115-11 (Special Floor Area Regulations). On or as of January 1, 1981 and at five year intervals thereafter the City Planning Commission with the approval of the Board of Estimate shall establish the monetary rate at which bonus #floor area# shall be credited to a #development# for the next five year period.

Chapter 4 Special Atlantic Avenue District (Delete entire Chapter)

101-30 ATLANTIC AVENUE SUBDISTRICT

104-00 101-301 GENERAL PURPOSES

The "Special Atlantic Avenue District", established in this Resolution, is designed to promote and protect public health, safety, welfare and amenity. These general goals of the Atlantic Avenue Subdistrict include among others, the following purposes:

- (a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;
- (b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and

(c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration; .

(Paragraphs (d), (e) and (f) are moved into Special Downtown Brooklyn District, Section 101-00 (General Purposes).

(d) to encourage design of new development which is in character with the area;

(e) to improve visual amenity by establishing special sign regulations; and

(f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues .

104-01 101-302

Definitions specific to the Atlantic Avenue Subdistrict

For purposes of Sections 101-30 through 101-36, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Sections 12-10 or 101-01 (DEFINITIONS), or in this Section.

Special Atlantic Avenue District
(repeated from Section 12-10)

The "Special Atlantic Avenue District" is a Special Purpose District designated by the letters "AA" in which regulations set forth in Article X, Chapter 4, apply to all #zoning lots#. The #Special Atlantic Avenue District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.

Specified building type

Any #building# within the Special District Atlantic Avenue Subdistrict erected prior to 1900 and which that has:

* * *

A list of the #buildings# within the Special District Atlantic Avenue Subdistrict which that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# and which that has:

* * *

A list of #buildings# within the Special District Atlantic Avenue Subdistrict having storefronts which that conform to the definition of #specified storefront type# appears in Appendix B of this Chapter.

104-02 101-303

General pProvisions for the Atlantic Avenue Subdistrict

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

104-021

Action by the Board of Estimate

The resolution of approval by the City Planning Commission, together with a copy of the application for a special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Section 200 of the New York City Charter.

104-022

Requirements for applications

Within the Atlantic Avenue Subdistrict, aAn application to the City Planning Commission for the grant of a special permit or authorization under the provisions of this Chapter Sections 101-311 (Restricted and special permit uses) or 101-352 (Accessory off-street loading), shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site;, the location of all vehicular entrances and exits and off-street parking spaces;, and such other information as may be required by the Commission.

104-023

Relationship to public improvement projects

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# will interfere with a public improvement project (including highways, public buildings or facilities, redevelopment of renewal projects, or rights-of-way for sewers, transit, or

other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

104-03 101-31

Special Use Provisions for the Atlantic Avenue Subdistrict

In order to preserve the commercial character of the area, certain #use# regulations of the underlying districts are modified as set forth in this Section.

104-031 101-311

Restricted and special permit uses

The following #uses# are not permitted within the Special District:

- (a) Automotive service stations are not permitted within the Atlantic Avenue Subdistrict.
- (b) Automotive service establishments in Use Groups 7D, 8C and 12D, including #public parking garages# or #public parking lots#. However, tThe City Planning Commission after public notice and hearing and subject to action by the Board of Estimate may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Location of Access to the Street), Section 36-55 (Surfacing) and Section 104-073 (Screening) are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:
 - (a)(1) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas;
 - (b)(2) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and
 - (c)(3) That, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

104-032 101-312

Restrictions on Requirements for frontage, and location and commercial floor area

The following additional requirements shall apply to areas subject to the special ground floor #use# provisions of Section 101-10:

- (a) No bank, loan office, business or professional office, or individual #use# in Use Groups 9 and 11 shall occupy more than 50 feet of linear frontage on Atlantic Avenue.
- (b) Moving and storage #uses# in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located.

104-033

Minimum commercial requirement

- (c) Any new #development# or #enlargement# on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial uses# in Use Groups 6, 7, or 9 or 10.

This requirement shall not apply to any new #development# or #enlargement# occupied entirely by #community facility uses#.

101-313

Location within buildings

In any #development# or #enlargement# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper stories by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

104-04 101-32

Sign Regulations

In order to enhance the visual quality of the Special District Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Special District Subdistrict.

104-041 101-321

Total surface area of signs

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 104-042 101-322 (Area of non-illuminated signs).

104-042 101-322

Area of non-illuminated signs

* * *

104-043 101-323

Area of illuminated signs

* * *

104-044 101-324

Permanent window graphics

* * *

104-045 101-325

Location of signs

* * *

104-046 101-326

Sign materials and colors

* * *

104-05 101-33

Modification of Bulk Regulations

104-051

Floor area and lot coverage regulations

For any #development# or #enlargement# within the Special District, the maximum permitted #floor area ratio# for a #residential#, #commercial# or #community facility building# or portions of a #mixed building# devoted to such #uses# shall not exceed the following:

#Use#

#Floor Area Ratio#

#Commercial building# or #commercial# portion of a #mixed building#

2.00

#Community facility building# or #community facility# portion of a #mixed building#:

4.80

#Residential building# or #residential# portion of a #mixed building#:

R6 or equivalent #Commercial District# R7 or equivalent #Commercial District#

2.43

3.44

The maximum #floor area# in a #mixed building# shall be the maximum #floor area# permitted for either the #commercial# portion of such #building# or the #community facility# portion of such #building# or the #residential# portion of such #building# as set forth in this Section, whichever permits the greatest amount of #floor area#.

Any #development# or #enlargement# containing #residential uses#, shall provide a minimum of 33 percent of the #lot area# of the #zoning lot# as usable, landscaped #open space# for the use of the #residential# tenants. The #residential# portion of the #building# may occupy the remaining portion of the #zoning lot#, subject to the regulation of Section 24-30 (YARD REGULATIONS) and Section 33-20 (YARD REGULATIONS). The #open space# shall be located either at the ground level or on the roof of the non-#residential# portion of the #development#; it shall include sitting areas and areas suitably surfaced for walking and recreational activities. When mechanical equipment is located at the same elevation as the #open space#, all such mechanical equipment and emissions and noise, therefrom, shall be screened and

buffered with no intake or exhaust facing directly into the #open space#.

104-052 101-331
Height and setback

The front wall of any new #development# within the Special District shall:

- (a) be coincident with the #street line# for a minimum height above #curb level# of 16 feet and a maximum height above #curb level# of:
 - (1) 50 feet if the #development# is located in an R6 or C2-3 District; and
 - (2) 60 feet if the #development# is located in a C6-1 District.
- (b) have a minimum setback of 20 feet above the maximum height set forth in paragraph (a) of this Section. At this setback distance, the height of the wall shall be governed by the height and setback regulations of the underlying districts.

The underlying height and setback regulations shall apply, except that the front wall of any #development# or #enlargement# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above #curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.

104-06 101-34
Special Provisions

[1013]
04-061 101-341
Special provisions for certain existing buildings

Any alteration, #incidental alteration# or minor work (including any change in, addition to or removal from the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

- (a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 104-064 101-344 (Special provisions for storefronts).
- (b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.
- (c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 104-063 101-343 (Special provisions for new development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of 6 six inches and extending at least 4 four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 104-063 101-343 (Special provisions for new development and enlargement) are met. Such openings shall be completely sealed with masonry recessed at least 2 two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.
- (d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice which must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

104-062 101-342
Special provisions for other existing buildings

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

- (a) alteration or replacement of storefronts shall comply with the provisions of Section 104-064 101-344 (Special provisions for storefronts); and
- (b) alteration or replacement of front walls shall comply with the provisions of Sections 104-052 101-331 (Height and setback) and Section 104-063 101-343 (Special provisions for new development and enlargement).

104-063 101-343
Special provisions for new development and enlargement

The front wall of any new #development# or #enlargement# shall be built to comply with the following standards:

(a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted under the provisions of Section 104-031 101-311 (Restricted and special permit uses).

* * *

104-064 101-344
Special provisions for storefronts

* * *

104-065
Mandatory tree planting provisions

Section 104-065 (Mandatory tree planting provisions) has been moved to Section 101-13 and slightly modified.

104-07 101-35
Modification of Accessory Off-street Parking and Loading Requirements

104-071 101-351
Accessory off-street parking

No #accessory# off-street parking facilities are required for any #residential# or commercial #development# or #enlargement#, or portion thereof, within the Special District Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the occupants of such #residences#.

* * *

104-072 101-352
Accessory off-street loading

* * *

104-073 101-353
Screening

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening which that complies with the provisions of Section 36-56 (Screening) and which, in the case of a wall or barrier or uniformly-painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

Any off-street parking or loading facilities on #zoning lots developed# prior to August 15, 1974 shall be brought into compliance with the provisions of this Section within 12 months of August 15, 1974.

104-08 101-36
Special Provisions for Demolition of Buildings

Except in the case of #buildings# which that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# or #enlargement# within the Special District until:

- (a) the owner of the property has obtained a building permit for the new #development# or #enlargement#; and
- (b) the owner shall have presented evidence of having a commitment form a domestic bank, insurance company, or real estate investment company for construction financing, which shall be in the form of a letter trust.

APPENDIX A
Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

The following is a list of addresses of #buildings# within the Special District which that conform to the definition of #specified building type# contained in Section 104-01101-302.

* * *

APPENDIX B
Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

The following list of addresses of #buildings# within the Special District which contain storefronts conforming to the definition of #specified storefront type# contained in Section 104-01 101-302.

* * *

APPENDIX C

Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

* * *

APPENDIX D

Atlantic Avenue Subdistrict: Permitted Trim Finishes (For storefronts, cornices, window sash, shutters or trim)

* * *

APPENDIX E

Special Downtown Brooklyn District Maps:

Map 1	Special Downtown Brooklyn District and Subdistricts
Map 2	Ground Floor Retail Frontage
Map 3	Street Wall Continuity
Map 4	Curb Cut Restrictions
Map 5	Street Tree Planting
Map 6	Schermerhorn Street Height Limitation Area

DBSD #1

DBSD #2

DBSD #3

DBSD #4

DBSD #5

DBSD #6

* * *

Chapter 3

Special Planned Community Preservation District

* * *

103-06

Special Permit Provisions

For any new #development# or #enlargement# which may include demolition within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit after public notice and hearing, and subject to Board of Estimate action, may authorize:

(a) the unused total #floor area#, #dwelling units#, #rooms# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;

* * *

Chapter 4

Special Atlantic Avenue District (Delete entire district)

NOTE: The contents of Article X, Chapter 4 (Atlantic Avenue District), have been moved to Article X, Chapter 1, with modifications.

* * *

Chapter 5

Special Natural Area District

* * *

105-434

Natural area dedicated for public use

Where commonly or separately owned areas containing #natural features# of exceptional recreational, cultural or educational value to the public are dedicated to the City, without any cost to the City, pursuant to Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may by special permit allow, where appropriate, such portion of the #zoning lot# to be included in the zoning computation for #floor area#, #open space#, #lot coverage#, #lot area per dwelling unit# or #room# requirements density regulations and other #bulk# computations.

* * *

105-944

Special Fort Totten Natural Area District-4

* * *

(d) Special regulations

* * *

(7) Planned community area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted except as set forth herein and as provided by paragraph (d)(1) of this Section.

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit and after public notice and hearing, and subject to Board of Estimate action:

(a) permit the unused total #floor area#, #dwelling units#, #rooms# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot# lines;

* * *

(10) Development area (Area E)

* * *

Any and all bonuses permitted in Section 78-32 through 78-354 78-353, inclusive of the Resolution shall not apply to #development# in Area E.

* * *

Article X

Special Purpose Districts

Chapter 7

Special South Richmond Development District

* * *

107-224

Qualification of designated open space as lot area for bulk computations

#Designated open space# on a #zoning lot# may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #open space#, #lot coverage#, #lot area per dwelling unit# or #lot area per room#, #lot area# or density, provided that the area of the #designated open space# claimed as #lot area# does not exceed the area of the #zoning lot# located outside the designated space. For a #single-family residence#, any portion of a #zoning lot# occupied by #designated open space# shall count as #lot area# for the purposes of satisfying minimum #lot area per dwelling unit# requirements only pursuant to this Section.

* * *

107-225

Special bulk regulations for developments containing designated open space

* * *

In all #Residence Districts#, except R1-1 Districts, for all permitted #residential uses# on such tract of land, the total #floor area#, or #dwelling units# or #rooms# generated by that portion of the #designated open space# claimed as #lot area# by the applicable district regulations may be distributed without regard for #zoning lot lines#, for all #zoning lots# wholly within the #development#. The total #open space# required or #lot coverage# permitted for such #development# may be located anywhere within the #development# without regard for #zoning lot lines#.

No transfer of #floor area#, or #dwelling units# or #rooms# shall be permitted from a #zoning lot# not containing any #designated open space#.

* * *

107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-42

Minimum Lot Area and Lot Width for Residences

For the purposes of this Chapter, all #residences# permitted by the underlying district regulations shall comply with the minimum #lot area# and #lot width# requirements which shall vary with the # building# height as set forth in Table A.

However, one #single-family detached residence# or, where permitted, one #single-family residence# may be built upon a #zoning lot# consisting entirely of a tract of land that:

- (a) which has less than the minimum of #lot area# or #lot width# as prescribed in Table A; and
- (b) which was owned separately and individually from all other adjoining tracts of land, both on the effective date of the Special District designation September 11, 1975, and on the date of application for a building permit.

In all cases, the #lot area per dwelling unit# or #lot area per room# as required by the applicable district regulations density regulations of the applicable district shall remain in effect.

* * *

Chapter 9

Special Little Italy District

* * *

109-02

General Provisions

* * *

109-10

PRESERVATION AREA

* * *

109-123

Floor area per room regulations

For the purposes of this Chapter, the density requirements of #lot area per room# for a #residential building# or #residential# portion of a #mixed building#, and the #lot area# requirement for the non-#residential# portion of a #mixed building# as set forth in of Sections 23-22, 23-24 or 35-40, shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

* * *

109-15

Regulations for Rehabilitation or Conversion of Existing Buildings

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts for #lot area per room# requirements shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a non-#residential building# or portion thereof is converted for #residential use#, the density regulations of the underlying districts for #lot area per room# requirement shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the converted #building# or portion thereof.

* * *

109-323

Density regulations

The #lot area per dwelling unit# or #rooming unit# for the #residential# portion of a #building# shall not be less than 98 square feet of #lot area per dwelling unit# or 78 square feet of #lot area# per #rooming unit#. In a #mixed building#, the #lot area# requirements of Section 35-412 (In other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall apply for non-#residential uses#.

* * *

109-324 109-323

Height and setback regulations

* * *

Article XI

Chapter 1

Special Tribeca Mixed Use District

* * *

111-104

Special provisions for Areas A1, A2, A3 and B2

* * *

(b) Area A2

The regulations applicable to a C6-3 District shall apply to all new #developments# and #enlargements#, except as set forth herein.

* * *

(3) #Lot area per room# regulations

The #lot area per room# regulations of Article II, Chapters 3 and 4 and Article III, Chapter 5, are not applicable. In lieu thereof, the minimum required #lot area per dwelling unit# shall be 100 square feet.

(4) #Yard#, and #court# regulations and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533, 24-382 (Required rear yard equivalents) and Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(54) #Height factor#, front height and setback regulations

* * *

(65) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to all new #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 7.52.

(2)(1) Height and setback regulations

* * *

(3)(2) Special regulations for narrow #buildings#

* * *

(e)(d) Area B2

In Area B2, except as modified by the express provisions of this Chapter, the underlying district regulations are superseded and replaced by the regulations applicable in M2-4 Districts.

* * *

Chapter 3
Special Ocean Parkway District

* * *

113-52
Density Regulations

The regulations set forth in Section 23-222 (In R3, R4 or R5 Districts Maximum Number of Dwelling Units or Rooming Units) pertaining to R4-1 Districts shall apply

113-53
Lot Area and Lot Width Regulations

The regulations set forth in Section 23-3231 (Minimum Lot Area or Lot Width for Residences) pertaining to R4-1 Districts shall apply to #residential uses#. The regulations set forth in Section 24-2120 (Required Lot Area APPLICABILITY OF DENSITY REGULATIONS TO BUILDINGS USED PARTLY FOR RESIDENTIAL USE) pertaining to R4 Districts shall apply to #buildings# used partly for #residence# and partly for #community facility use#.

* * *

Chapter 4
Special Bay Ridge District

* * *

114-104
Lot area per room requirements Density Regulations

For all #developments# in Area A the required #lot area per room# shall not be less than 130 square feet. The density requirements of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) applicable to #predominantly built-up areas# shall apply to all #developments# within the Midblock Preservation Area.

* * *

114-222
Lot area per room requirements

For all #developments# in Area B, the required #lot area per room# shall not be less than 115 square feet.

114-223222
Height and setback regulations

* * *

114-32
Lot Area Per Room Requirements

For all #developments# within Area C which contain #dwelling units#, the required #lot area per room# shall not be less than 100 square feet of #lot area per room#.

114-3332
Use Restrictions

* * *

114-43
Lot area per Room Requirement

For all #developments# within Area D which contain #dwelling units#, the required #lot area per room# shall not be less than 90 square feet.
* * *

Chapter 5
Special Fulton Mall District
(Delete entire chapter)

NOTE: The contents of Article XI, Chapter 5 (Special Fulton Mall District) have been moved to Article X, Chapter 1, with modifications.

* * *

Chapter 8
Special Union Square District

* * *

118-22
Residential Density Regulations

The #lot area# requirement of Section 23-20 (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS) The density regulations of Section 23-30 shall not apply. Instead, for every 750 square feet of gross #residential floor area# provided permitted on a #zoning lot#, there shall be no more than one #dwelling unit#. However, the conversion of non-#residential buildings# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Community Districts 1, 2, 3, 4, 5 and 6 in the Borough of Manhattan).

* * *

Chapter 9
Special Hillside Preservation District

* * *

119-02
General Provisions

* * *

No #development#, #enlargement# or #site alteration# is permitted on any portion of a #zoning lot# having a slope of 35 percent or more. Said Such portion of a #zoning lot# shall remain in its natural state, unless an authorization is granted by the City Planning Commission pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS). Those portions of a #zoning lot# having a slope of 35 percent or more, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #lot area per dwelling unit# or #lot area per room# or maximum number of #dwelling units# or #rooming units#.

* * *

119-211
Lot coverage, floor area and lot area per dwelling unit

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Minimum Floor Area Ratio) as modified by this Section, 23-2221 (Required Lot Floor Area per Dwelling Unit, Lot Area per Room or Floor Area per Rooming Unit) and 33-10 (FLOOR

AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven foot wide area adjacent to and along the entire length of the required curbs.

* * *

Chapter 3 Special Mixed Use Districts

* * *

123-60 SPECIAL BULK REGULATIONS

* * *

123-61 General Provisions

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and #community facility uses# in a #building or other structure#, except as set forth in Sections 123-60 through 123-6766, inclusive.

* * *

123-65 Density Regulations for Residential and Mixed Use Buildings in R6, R7, R8, R9 and R10 Districts

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the #lot area per room# requirements of Section 23-223, paragraphs (a) and (b), shall not apply. In lieu thereof, the #lot area per dwelling unit# or #rooming unit# requirements of Section 23-223, paragraph (c), shall apply. In addition, each #dwelling unit# shall have at least 400 square feet of #floor area#.

Where the #Residential District# designation is an R7-3 District, there shall be a minimum #lot area per dwelling unit# of 135 square feet and a minimum #lot area per rooming unit# of 100 square feet.

Where the #Residential District# designation is an R9-1 District, there shall be a minimum #lot area per dwelling unit# of 98 square feet and a minimum #lot area per rooming unit# of 78 square feet.

123-651 Density or lot area bonus in mixed use buildings

For each percent of the total #lot area# provided as a #residential plaza# or #urban plaza#, or for each two percent of the total #lot area# covered by an #arcade#, or for each .70 of one percent increase in #floor area# permitted to #compensated developments# pursuant to the Inclusionary Housing program as set forth in Section 23-93 (Floor Area Compensation), the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) or Section 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .60 of one percent, to the extent that the #building# is used for #residential use#, and the #lot area# requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) shall be reduced by .60 of one percent to the extent that the #building# is used for #commercial# or #community facility uses#. However, in no event shall such reductions exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

For #developments# or #enlargements# utilizing the Inclusionary Housing program, the #lot area# reduction set forth in Section 23-93 (Floor Area Compensation) shall be applicable.

* * *

123-6665 Special Yard Regulations

* * *

123-661651 Special yard regulations for residential buildings

* * *

123-662652 Special yard regulations for mixed use buildings

* * *

123-663653

Special provisions applying along district boundaries

* * *

123-6766

Height and Setback Regulations

* * *

123-6867

Residential Conversion

(a) The provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts), shall not apply in #Special Mixed Use Districts# except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the conversion to #dwelling units# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections 15-11, 15-12 and Section 15-30, paragraph (b). However, the provisions of paragraph (b) of Section 15-111 shall not apply. In lieu thereof, all #floor area# may be converted, provided the minimum average #floor area# per #dwelling unit# requirements set forth in the table in Section 15-111 are met.

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential uses#, shall not be subject to the provisions of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section 15-111 to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

(b) The conversion to #dwelling units# of non-#residential buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential development#.

* * *

123-80

Modification of Article V, Chapter 4

In Article V, Chapter 4 (Non-Complying Buildings), Section 54-311 (Buildings non-complying as to lot area per dwelling unit, lot area per room or floor area per room density regulations), shall not 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 July 26, 2001, on file in this office.

.....
City Clerk, Clerk of Council

