



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 634

Resolution approving the decision of the City Planning Commission on Application No. N 110070 ZRY, for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island (L.U. No. 279).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on December 3, 2010 its decision dated December 1, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island to address the issue of out of context Medical Offices and Day Care Centers in lower-density residential districts in Staten Island and Community Board 10 of the Bronx and to allow appropriate residential development in certain commercial districts in Staten Island (Application No. N 110070 ZRY), Boroughs of Staten Island and the Bronx (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 11, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 13, 2010 (CEQR No. 10DCP032Y);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110070 ZRY, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as

subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

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

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

Article I: General Provisions

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are #*italicized*# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

School

A "school" is:

- (a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205, and 3210 of the New York State Education Law; or
- (b) a nursery school or kindergarten:
 - (1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and
 - (2) which is operated by the ~~Board~~ Department of Education; or any established religious organization as part of an elementary school; or
- (c) A child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

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Article II: Residence District Regulations

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Chapter 2

Use Regulations

* * *

22-10
USES PERMITTED AS-OF-RIGHT

* * *

22-14
Use Group 4
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

A. Community facilities

*** Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

* * *

C. #Accessory uses#

* A #use# in Use Group 4, marked with an asterisk, is not permitted in R1 or R2 Districts as-of-right.
** Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over Railroad or Transit Rights-of-Way or Yard).

*** Not permitted in R1 or R2 Districts, ~~and, in~~ In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3A, R3X, R3-1, R4A, or R4-1 Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital or nursing home as defined in the New York State Hospital Code, such 1,500 square feet restriction shall not include #cellar# space.

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Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

23-00
APPLICABILITY AND GENERAL PURPOSES

* * *

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply to all #residential developments# or #enlargements#. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 - Ambulatory diagnostic or treatment health care facilities)

Section 23-12 (Permitted Obstructions in Open Space)

Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

Section 23-33 (Special Provisions for Existing Small Lots)

Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)

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

~~Section 23-461 (Side yards for single or two family residences)~~

Section 23-462 (Side yards for all other residential buildings)

Section 23-532 (Required rear yard equivalents)

Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)

Section 23-711 (Standard minimum distance between buildings)

Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas)

Section 24-013 (Exceptions to the bulk regulations of this Chapter)

Section 24-04 (Modification of Bulk Regulations in Certain Districts)

Section 25-028 (Applicability of regulations to certain community facility uses in lower density growth management areas)

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-31 (General Provisions)

Section 25-331 (Exceptions to application of waiver provisions)

Section 25-62 (Size and Location of Spaces)

Section 25-621 (Location of parking spaces in certain districts)

Section 25-622 (Location of parking spaces in lower density growth management areas)

Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas)

Section 25-631 (Location and width of curb cuts in certain districts)

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas)

Section 25-64 (Restrictions on Use of Open Space for Parking)

Section 25-66 (Screening)

Section 26-00 (Applicability of this Chapter)

Section 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive)

Section 54-313 (Single- or two-family residences with non-complying front yards or side yards)

Section 105-702 (Applicability of lower density growth management area regulations)

Section 107-412 (Special bulk regulations for certain community facility uses)

Section 107-421 (Minimum lot area and lot width for zoning lots containing certain community facility uses)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

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23-30

LOT AREA AND LOT WIDTH REGULATIONS

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23-32

Minimum Lot Area or Lot Width for Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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Regulations Applying in Special Situations

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23-34

Special Provisions for Zoning Lots Divided by District Boundaries

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23-35

Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot# .

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

* * *

Chapter 4

Bulk Regulations for Community Facility Buildings in Residence Districts

24-00

APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #community facility building# or any #building# used partly for a #community facility use# on any #zoning lot# located in any #Residence District# in which such #building# is permitted. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building#, the #bulk# regulations for which are set forth in Article II, Chapter 3. 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.

When two or more #buildings# on a single #zoning lot# are used in any combination for #community facility uses# and #residential# or other permitted #uses#, the regulations set forth in Sections 24-11 to 24-163, inclusive, relating to Floor Area and Lot Coverage Regulations, shall apply as if such #buildings# were a single #building# used partly for #community facility use#.

However, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall apply only to a #building# that is used entirely for #community facility uses# and the #bulk# regulations of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use# except as otherwise permitted in Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

* * *

24-013

Exceptions to the bulk regulations of this Chapter

R1 R2 R3 R4 R5

(a) #Buildings# used partly for #community facility uses#

Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# which contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 shall apply to any #zoning lot# or portion of a #zoning lot# which contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:

- (1) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility uses# in #lower density growth management areas#

In the districts indicated, in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (2) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

In lieu thereof, the #residential bulk# regulations of Article II Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply, except that:

- (i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalent) shall be modified to prohibit parking spaces of any kind within a #front yard#;
- (ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
- (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) of Section 12-10, definition of #floor area#, pertaining to #floor area# exclusions for the lowest story of a residential #building#, shall not apply.

* * *

Modification of Bulk Regulations in Certain Districts

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, except for #developments# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the City Planning Commission may, upon application, authorize #developments# pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

- (a) the design of the #development# ensures adequate separation of #uses# and sufficient independent access to each #use#; and
- (b) the #floor area# designated for #community facility use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the conversion of such #community facility use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

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Chapter 5

Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-00

GENERAL PURPOSES AND DEFINITIONS

* * *

25-02

Applicability

* * *

25-028

Applicability of regulations to certain community facility uses in lower density growth management areas

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

(b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall not be subject to the following provisions:

- (1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Location of parking spaces for community facility uses) ;
- (2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities);
- (3) the open space provisions of Section 25-64 (Restrictions on Use of Open Space for parking); and
- (4) the screening provisions of Section 25-66 (Screening).

In lieu thereof, all such #zoning lots# shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas).

In addition, where the #uses# listed in paragraphs (a) and (b) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections 25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

* * *

25-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NONRESIDENTIAL USES

25-31

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

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

FOR COMMUNITY FACILITY USES:

* * *

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

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 400 - R3
1 per 500 - R4 R5
1 per 800 - R6 R7-1 R7B

* * *

#Schools#

Square feet of #floor area#:

None required - R3 R4 R5 R6 R7 R8 R9 R10
1 per 1,000 sq. ft. - R1 R2 R3 R4 R5 for child care services in #lower density growth management areas#
1 per 1,500 - R1 R2

* * *

* Requirements in the table are in addition to the area used for ambulance parking.

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

25-33

Waiver of Requirements for Spaces below Minimum Number

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

25-331

Exceptions to application of waiver provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below

Minimum Number) shall not apply to the following types of #uses#:

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

Ambulatory diagnostic or treatment health care facilities in R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital or nursing home as defined in the New York State Hospital Code, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

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25-60

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFFSTREET PARKING SPACES

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25-62

Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semidetached# or #zero lot

line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility uses#, each required parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

25-624

Special parking regulations for certain community facility uses in lower density growth management areas

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.
- (2) The maneuverability provisions of paragraphs (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.
- (3) The curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be maintained.
- (4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of

the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall abut a sidewalk with a minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway. Where the width of the #street# frontage of the #zoning lot# accessing such driveway is 75 feet or less, the minimum percentage of #front yard# required to be planted pursuant to Section 23-451 (Planting requirement) shall be reduced to 25 percent,

- (5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.
- (6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.
- (7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

25-625

Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #enlargements#, alterations and conversions on #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the special parking regulations of paragraphs (3), (4), and (5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), where a site plan provided by the applicant demonstrates to the Chairperson of the City Planning Commission that the manner in which an existing #building# is placed upon the site restricts the ability to comply with such requirements, and where the Chairperson certifies to the Department of Buildings to the maximum extent feasible, the

#enlargement#, alteration or conversion complies with such requirements.

* * *

Article III: Commercial District Regulations

* * *

Chapter 2 Use Regulations

* * *

32-11 Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

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

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. except that in C4-1 Districts that occupy at least four acres within a #block#, and in other C4-1 Districts for #zoning lots# that, on December 21, 2005, were greater than 20,000 square feet, #residences# shall be allowed only by special permit of the City Planning Commission, pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island). However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#, or
- (b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

* * *

32-40 SUPPLEMENTARY USE REGULATIONS

* * *

32-43 Ground Floor Use in Certain Locations

* * *

32-433 Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

C1 C2 C4

In all C1, C2 and C4 Districts in the Borough of Staten Island, #uses# on the ground floor of a #building# shall be limited to non-#residential uses#. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

Non-#residential uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section 32-433.

(a) Ground floor level #use# requirements

All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# and have a depth of at least 30 feet from the #street wall# of the #building#, except that:

- (1) #Residential# lobbies, and an associated vertical circulation core, as well as entrances to #accessory# parking spaces shall be permitted on the ground floor, provided such lobbies and entrances conform to the frontage requirements of paragraph (b) of this Section;
- (2) Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#; and
- (3) Where a #commercial district# is mapped along an entire #block# front, and a #zoning lot# includes #street# frontage along such #block# front, and also includes #street frontage along a #block# front that is not mapped as a #commercial district# in its entirety, non-#residential uses# shall only be required only within 30 feet of the #street wall# facing the #block# front mapped in its entirety as a #commercial district#.

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

(b) Ground floor frontage requirements

Non-#residential uses# shall extend along the entire width of the ground floor of the #building#, except as follows:

- (1) In C1 and C2 Districts mapped within R1, R2 and R3 Districts, and in C4 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#; and

(2) In C1 and C2 Districts mapped within R4, R5 and R6 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided that:

- (i) For #zoning lots# with a #street# frontage of less than 60 feet, such lobbies and entrances do not occupy more than 50 percent of the #street wall# width along such frontage, or 20 feet, whichever is less. In addition, an entrance to #accessory# parking spaces shall not exceed a width of 15 feet; and
- (ii) For #zoning lots# with a #street# frontage equal to or greater than 60 feet, such lobbies and entrances do not occupy more than 25 percent of the #aggregate width of street wall# of the #building#.

(c) Non-conforming buildings

#Buildings# containing #non-conforming residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section 32-433 provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40 (YARD REGULATIONS).

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-04

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 - Ambulatory diagnostic or treatment health care facilities)

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

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

Section 33-431 (In districts with bulk governed by surrounding Residence District)

Section 36-21 (General provisions)

Section 36-231 (In districts with high, medium or low parking requirements)

Section 36-27 (Waiver for Certain Small Zoning Lots)

Section 36-521 (Size of Spaces)

Section 36-581 Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive

Section 73-125 (Ambulatory diagnostic or treatment health care facilities)

Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

33-10 FLOOR AREA REGULATIONS

* * *

33-121 In districts with bulk governed by Residence District bulk regulations C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

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

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00

* * *

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

In addition, the following provisions shall apply:

- (a) In #buildings# used for both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #commercial buildings#.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# in a #building# used for both #commercial uses# and for #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-901 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section 74-902.

(e) The maximum #floor area ratio# for any #building# used partly for #commercial uses# and partly for nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations shall not exceed the amount permitted for a #commercial building# by the applicable district regulations. However, for the districts in which the allowable #floor area#, as set forth in paragraph (b) of Section 24-111, exceeds the amount permitted for a #commercial building#, the provisions of paragraph (b) of Section 24-111 shall be used to compute the maximum #floor area# permissible for the #building# unless modified pursuant to Section 74-902.

* * *

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

(a) In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)	Maximum Height of a Front Wall or other portion of a Building# within the #initial Setback Distance#	Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as vertical distance to horizontal distance) On #Narrow Street# On #Wide Street#	#Sky Expos	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	
Within R1, R2, R3, R4, R5 R5A or R5B Districts					
20	15	30 feet or two #stories#, whichever is less	30	1 to 1	1 to 1
Within R6 or R7 Districts					
20	15	60 feet or four #stories#, whichever is less	60	2.7 to 1	5.6 to 1

* * *

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial

use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

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, R7D, 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 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

* * *

Chapter 6 Accessory Off-Street Parking and Loading Regulations

* * *

36-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21 General Provisions C1 C2 C3 C4 C5 C6 C7 C8

* * *

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

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally-Oriented

Houses of Worship); or

- (d) for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for small zoning lots containing certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx).

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

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement

-

Districts

* * *

FOR COMMUNITY FACILITY USES

* * *

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

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

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

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

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

1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-4 C2-4 C4-4 C4-5D C8-3

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

1 per 400 square feet of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#- C1-1, C1-2, C2-1, and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough

of the Bronx

* * *

Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas#

Square feet of #floor area#:

1 per 1000 square feet when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses# - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx.

* * *

36-231

In districts with high, medium, or low parking requirements

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

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

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

* * *

36-27

Waiver for Certain Small Zoning Lots

C1-1 C1-2 C2-1 C2-2 C4-1 C4-2

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, and in C4-1 and C4-2 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a

#lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

36-30

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

* * *

36-33

Requirements Where Group Parking Facilities Are Provided

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for #residences developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in this Section.

* * *

36-34

Modification of Requirements for Small Zoning Lots

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

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

* * *

36-345

Waiver of requirements for small zoning lots in certain districts in the Borough of Staten Island

C1 C2

In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

* * *

36-52

Size and Location of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

36-521

Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #commercial# or #community facility uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, nonrequired parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

36-522

Location of parking spaces 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 C4-4D
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

* * *

36-56

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

* * *

36-58

Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

* * *

36-581

Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

C1 C2 C4

In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.
- (2) In addition to the screening requirements for open parking areas in Section 36-56 (Screening) any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:
 - (i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;
 - (ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;
 - (iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated

with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;

- (iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves as children’s play space for #buildings# containing child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), such covered parking area shall not be considered an “open parking area” for the purposes of Section 37-90 (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (2) of this Section 36-581.

* * *

Article VII: Administration

* * *

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-10

SPECIAL PERMIT USES

* * *

73-125

Ambulatory diagnostic or treatment health care facilities

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

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

73-126

Certain community facility uses in lower density growth management areas

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4, and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts).

In order to grant such special permit, the Board shall find that:

- (a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

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

* * *

74-49

Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, ~~on December 21, 2005, were greater than 20,000 square feet, had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date,~~ the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or, for #mixed buildings#, Article III, Chapter 5.

* * *

74-901

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable community facility #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of the #bulk# of the total #development# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding

#developments#;

- (c) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed #development# will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

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

* * *

Article X: Special Purpose Districts

* * *

Chapter 7 Special South Richmond Development District

* * *

107-40 SPECIAL USE, BULK AND PARKING REGULATIONS

* * *

107-412 Special bulk regulations for certain community facility uses in lower density growth management areas

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do

not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

* * *

107-42

Minimum Lot Area and Lot Width for Residences

* * *

107-421

Minimum lot area and lot width for zoning lots containing certain community facility uses

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 Districts the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet, Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot# width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care serves, or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

* * *

Article XI - Special Purpose Districts

* * *

Chapter 3 Special Ocean Parkway District

* * *

113-50 THE SUB-DISTRICT

* * *

113-503 Special bulk regulations

For #single-# and #two-family detached# and #semi-detached residences#, certain underlying district #bulk# regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55. The regulations applicable to a #predominantly built-up area# shall not apply in the subdistrict.

For #community facility buildings#, certain underlying district #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543

(Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), paragraph (a) of Section 24-013 (Exceptions to the bulk regulations of this Chapter), and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply in the subdistrict.

* * *

Chapter 9 Special Hillside Preservation District

* * *

119-02 General Provisions

* * *

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillside Preservation District# unless an authorization is granted by the City Planning Commission pursuant to Section 119-30: #commercial uses#, #community facility uses# within a #Residence District#, #group parking

facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillside Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park-related facilities, shall not be subject to the provisions of Sections 119-10 or 119-20 but shall require an authorization from the City Planning Commission, pursuant to Section 119-31 (Authorizations).

* * *

119-06

Special requirements for certain properties within Special Hillside Preservation District

The following sites, Block 24, Lot 1; Block 23, Lots 17, 42; Block 23, Lots 1, 4, 13; Block 115, Lots 61, 62, 63; and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section 11-15 (Environmental Requirements) governing (E) designations, provided that the (E) designations shall not be shown on the zoning maps. The CEQR Declarations for these sites shall be listed in the City Environmental Quality Review (CEQR) Requirements Declarations which is appended to the zoning maps. Section 11-15 (b) shall not apply to such CEQR Declarations.

* * *

119-21

Tier II Requirements for Development

119-211

Lot coverage, floor area and density regulations

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 Maximum Floor Area Ratio) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit 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.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND
RESIDENCE TYPE

#Residence District#*

#Average
Percent of
Slope#

	R1	R2	R3	R4	R5	1-2 Family	Other
10-14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15-19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20-24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II
PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
OR PORTION OF A ZONING LOT WITH A STEEP SLOPE,
BY ZONING DISTRICT AND RESIDENCE TYPE

#Residence District#*

R1	R2	R3	R4	R5	1-2 Family	Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillside Preservation District)

and is located in a #Commercial District#.

* * *

119-30 SPECIAL REVIEW PROVISIONS

* * *

119-31 Authorizations

* * *

119-312 Authorization of certain uses within the Special Hillside Preservation District

The City Planning Commission may grant authorizations for #commercial uses#, #community facility uses#, #group parking facilities# of 30 cars or more and for #enlargements# to any such #uses# and facilities.

Any #group parking facility# with 30 cars or more, and, in #residence districts#, any #community facility use# or #enlargement# thereof shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of ~~the~~ a site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not ~~disturb~~ adversely affect the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas; and
- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such #development# to and from such arterial.

The City Planning Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities# if such modifications preserve vegetation and natural topography.

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119-317
Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II zoning lot# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the #development#, #enlargement# or site alteration#.

* * *

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 January 18, 2011, on file in this office.

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