Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS

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107-40 - SPECIAL USE, BULK AND PARKING REGULATIONS

LAST AMENDED
9/11/1975

The underlying #use#, #bulk# and parking regulations shall apply. However, for #zoning lots# that are not #qualifying residential sites#, such provisions are modified by the provisions of this Section, inclusive.

107-41 - Type of Residence

LAST AMENDED
12/5/2024

#Semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74 (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section 107-42.

107-411 - Affordable independent residences for seniors in Area SH

LAST AMENDED
12/5/2024

In Area SH, as shown on the District Plan (Map 4 in Appendix A), any #development# or #enlargement# comprised of #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

(a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;

(b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and

(c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, as modified by this Chapter. The provisions applicable to #qualifying residential sites# in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 107-672 (In Area SH).

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

LAST AMENDED
6/6/2024

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, listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or

(b) child care services 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#.

107-42 - Minimum Lot Area and Lot Width for Residences

LAST AMENDED
12/5/2024

All #zoning lots# shall follow the regulations of Section 23-11 (Lot Area and Lot Width Regulations), except as modified in this Section.

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum # (in ft)**
#Single-# or #two-family# #detached#, or #zero lot line#, where permitted	R3X[1]	4,750	50
	R2 R3X	3,325	35
	R3A	2,850	30
#Semi-detached#	R3-1 R3-2	2,375	25

1 For #zoning lots# in Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter

BY SPECIAL PERMIT (PURSUANT TO SECTION 107-74)

Type of #Residence#	District	Minimum #Lot Area# (in sq. ft)	Minimum # (in ft)
#Semi-detached#	R2	2,375	25
#Attached#	R2 R3-1	1,700	18

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

LAST AMENDED
1/18/2011

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A 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, as defined in the New York State Hospital Code, or #long-term care facilities#; 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, 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 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 services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

107-43 - Maximum Height for Buildings or Structures

LAST AMENDED
12/5/2024

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-42, 24-52 or 33-43, no #building or other structure# shall exceed a height of 50 feet unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Regulations).

107-44 - Maximum Floor Area Ratio for Community Facility Uses

LAST AMENDED
10/17/2007

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

107-45 - Required Open Space for Residences

LAST AMENDED
2/2/2011

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

For #buildings# containing #residences# on #zoning lots# that include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth for the following districts:

(a) in R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#; or

(b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# and not within the #designated open space#.

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of permitted obstructions).

107-46 - Yard and Court Regulations

LAST AMENDED
6/29/1989

107-461 - Side yards

LAST AMENDED
12/5/2024

In R2 and R3 Districts, for #zoning lots# containing only #single-# or #two-family detached residences#, two #side yards#, each with a minimum width of five feet, and a total width of 15 feet, shall be provided.

107-462 - Side yards for permitted non-residential use

LAST AMENDED
12/5/2024

For #community facility# #buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility# #buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Section 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

107-463 - Modifications of special yard regulations for certain zoning lots

LAST AMENDED
12/5/2024

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

(a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.

(b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots# #abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.

(c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The Commission shall also find that:

(1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;

(2) there is no adverse effect with regard to adequate light and air to the #residences#;

(3) such modification results in the maximum preservation of trees;

(4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and

(5) a condition to the grant of any certification shall be that the requirements of Section 107-90 (SPECIAL ADMINISTRATIVE PROVISIONS FOR RECORDATION) have been satisfied.

107-464 - Court regulations

LAST AMENDED
12/5/2024

The #court# regulations as set forth in Section 23-35 shall apply except as modified by this Section.

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family# #detached# #residences#.

107-465 - Modifications of yard and court regulations

LAST AMENDED
12/5/2024

The #yard# and #court# regulations as set forth in Section 107-46 may be modified by authorization of the City Planning Commission in accordance with the provisions of Section 107-62 (Yard, Court and Parking Regulations).

107-47 - Special Parking Regulations

LAST AMENDED
9/11/1975

107-471 - Modification of waiver requirements for spaces below minimum number

LAST AMENDED
11/2/2023

For the purposes of this Chapter, the waiver provision set forth in Section 36-231 (In districts with high, medium or low parking requirements) shall not apply to any #development# in the Special District.

107-472 - Group parking facilities within plan review sites

LAST AMENDED
11/2/2023

For the purposes of this Chapter, no #accessory# #group parking facility# for non-#residential uses# shall be permitted anywhere on a #plan review site#, or any #zoning lot# that contained one or more acres on November 2, 2023, except as set forth in Sections 107-51 (Certification of Certain Plan Review Sites) or 107-68 (Modification of Group Parking Regulations).

107-473 - Location of required parking

LAST AMENDED
11/2/2023

For a #residential# #building# on a #zoning lot# containing an #area of no land alteration# or #designated open space#, the provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) that do not permit open off-street parking between the #street line# and the #street wall# or prolongation thereof of a #building# shall not apply.

107-48 - Special Landscaping and Buffering Provisions

LAST AMENDED
9/11/1975

107-481 - Planting provisions along Residence District boundaries

LAST AMENDED
12/5/2024

For any #commercial# or #manufacturing# #development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section 107-483 (Planting and screening for parking areas).

107-482 - Landscaped buffer for manufacturing and commercial development adjacent to residences

LAST AMENDED
12/5/2024

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial# #development#, the developer shall plant along that part of the #side# or #rear lot line#

adjacent to a #residential use#, a row of evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or trees selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor, and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

107-483 - Planting and screening for parking areas

LAST AMENDED
12/5/2024

#Zoning lots# that contain a #group parking facility# with 10 or more parking spaces that are not fully enclosed, shall be subject to paragraphs (a) and (b) of this Section and may be subject to paragraph (c) of this Section.

(a) Tree planting requirements for open parking

The provisions of Section 37-921 (Perimeter landscaping) shall apply to all facilities. In addition, one tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four open parking spaces and may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more open parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required

pursuant to Section 37-922 shall be superseded by the number of trees required pursuant to this Section.

Notwithstanding the above, for open parking areas where solar canopies will cover more than 75 percent of the parking spaces in an #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Section 37-923 (Alternative compliance for solar canopies), including associated applicability and modifications to the provisions of Sections 37-921 and 37-922, may be applied in lieu of the provisions of this Section.

(b) Screening requirements

For open parking areas or parking garages located on the ground floor and not fully enclosed, such non-enclosed portion shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Open parking areas shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width in accordance with Section 37-921 (Perimeter landscaping). Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

(1) unique geological conditions, such as excessive subsurface rock conditions or high water table;

(2) underground municipal infrastructure; or

(3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residence Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of paragraph (a) of Section 107-32. Furthermore, for #developments# and #enlargements# in #Commercial# or #Manufacturing Districts#, which provide trees in accordance with the provisions of this Section, the requirements of paragraph (a) of Section 107-32 shall not apply.

107-49 - Special Regulations for Area M

LAST AMENDED
8/17/1995

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

107-491 - Special use regulations for residential uses

LAST AMENDED
8/17/1995

(a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.

(b) #Residential# #extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached# #building# may contain non-#residential uses# in addition to not more than two #dwelling units#.

(c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.

(d) #Floor area# in a #building# originally designed as one or more #dwelling units# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.

(e) #Residential# #enlargements# not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that there is no disturbance of the soil.

(f) #Residential# #developments#, and #residential# #enlargements# where there is a disturbance of the soil, shall be subject to the provisions of Section 107-69 (Residential Uses in Area M).

107-492 - Special bulk regulations

LAST AMENDED
8/17/1995

The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio# in Area M (Map 4 in Appendix A), provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use# in Area M.